

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 HOUSE BILL 1024

By: Reynolds

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5  
6 AS INTRODUCED

7 An Act relating to elections; creating the Truth in  
8 Elections Act; amending 26 O.S. 2001, Sections 7-114  
9 and 14-115.4, as last amended by Section 8, Chapter  
10 307, O.S.L. 2004 (26 O.S. Supp. 2008, Section 14-  
11 115.4), which relate to voting; requiring presentment  
12 of proof of identity when voting; providing for proof  
13 of identity; allowing persons without proof of  
14 identity to vote and providing procedure therefor;  
15 providing penalty for false statements; providing for  
16 noncodification; and providing an effective date.

17 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

18 SECTION 1. NEW LAW A new section of law not to be  
19 codified in the Oklahoma Statutes reads as follows:

20 This act shall be known and may be cited as the "Truth in  
21 Elections Act".

22 SECTION 2. AMENDATORY 26 O.S. 2001, Section 7-114, is  
23 amended to read as follows:

24 Section 7-114. A. Each person ~~presenting himself~~ arriving to  
vote shall announce ~~his~~ the person's name either by voice or in  
writing to the judge of the precinct and shall provide proof of  
identity to the judge, whereupon the judge shall determine whether

1 ~~said~~ the person's name is in the precinct registry. A document,  
2 containing a photograph of the voter, issued by the state, the  
3 federal government, a county, a municipality, or a federally  
4 recognized Indian tribe may be used to show proof of identity.

5 B. 1. If a person is unable to produce any of the items of  
6 identification provided for in subsection A of this section, the  
7 person may sign a statement, under oath, in a form approved by the  
8 Secretary of the State Election Board, swearing or affirming that  
9 the person is the person identified on the precinct registry and  
10 shall be allowed to vote.

11 2. False swearing or affirming under oath shall be punishable  
12 as a felony, and the penalty shall be distinctly set forth on the  
13 face of the statement.

14 3. Any vote cast pursuant to this subsection shall be deposited  
15 in an envelope designated for such purpose and shall be stored in  
16 accordance with procedures established by the Secretary of the State  
17 Election Board.

18 SECTION 3. AMENDATORY 26 O.S. 2001, Section 14-115.4, as  
19 last amended by Section 8, Chapter 307, O.S.L. 2004 (26 O.S. Supp.  
20 2008, Section 14-115.4), is amended to read as follows:

21 Section 14-115.4 A. A registered voter may apply for an in-  
22 person absentee ballot at a location designated by the secretary of  
23 the county election board from 8 a.m. to 6 p.m. on Friday and Monday  
24 immediately preceding any election and from 8 a.m. to 1 p.m. on

1 Saturday immediately preceding a state or federal election. As part  
2 of the application for an in-person absentee ballot such registered  
3 voter shall swear or affirm that the voter has not voted a regular  
4 mail absentee ballot and that the voter will not vote at the regular  
5 polling place in the election for which the in-person absentee  
6 ballot is requested. The voter also shall provide proof of  
7 identity, as provided in subsection A of Section 7-114 of this  
8 title. If the person is unable to produce proof of identity, the  
9 person shall be allowed to vote pursuant to subsection B of Section  
10 7-114 of this title. Any person falsely swearing or affirming such  
11 statement shall be subject to the penalty provided in subsection B  
12 of Section 7-114 of this title.

13 B. One or more absentee voting boards shall be on duty from 8  
14 a.m. to 6 p.m. at the in-person absentee polling place on Friday and  
15 Monday immediately preceding any election and from 8 a.m. to 1 p.m.  
16 on Saturday immediately preceding a state or federal election. If  
17 the secretary of a county election board receives an application  
18 from a registered voter requesting to vote by in-person absentee  
19 ballot the secretary shall cause to be implemented the following  
20 procedures:

21 1. An absentee voting board shall provide to each registered  
22 voter who applies for an in-person absentee ballot appropriate  
23 ballots and materials as may be necessary to vote;

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1           2. The voter must sign an in-person absentee voter record, and  
2 the signature of the voter on such record must be certified by both  
3 members of the absentee voting board, except that the secretary of  
4 the county election board and one other member of the absentee  
5 voting board may certify the signature of another member of the  
6 absentee voting board;

7           3. The voter must mark the ballots of the voter in the manner  
8 provided by law in the presence of the absentee voting board, but in  
9 such a manner as to make it impossible for any person other than the  
10 voter to ascertain how said ballots are marked. Insofar as is  
11 possible, the voting procedure shall be the same as if the voter  
12 were casting a vote in person at a precinct;

13           4. The voter shall then deposit the ballot in a voting device  
14 designated for in-person absentee voting by the secretary of the  
15 county election board;

16           5. When the in-person polling place is closed on each day of  
17 in-person absentee voting the in-person absentee voting board shall,  
18 without obtaining a printout of results, remove the vote data pack  
19 from the voting device and seal ballots counted that day in a  
20 transfer case which shall be secured by the sheriff of the county in  
21 the same manner as provided in Section 8-110 of this title. The  
22 vote data pack shall be sealed in a container prescribed by the  
23 Secretary of the State Election Board. The sheriff shall secure the  
24 sealed vote data pack container and return it to the in-person

1 absentee voting board no later than 7:45 a.m. on the next day of  
2 in-person absentee voting or to the secretary of the county election  
3 board at the time of the county election board meeting to count  
4 absentee ballots on election day;

5 6. The vote data pack or packs used for in-person absentee  
6 voting shall be used by the county election board to count absentee  
7 ballots on election day as provided in Section 14-125 of this title;  
8 and

9 7. If there is a malfunction in such a way that the vote data  
10 pack used for in-person absentee voting will not function, the  
11 sheriff is authorized to return the transfer cases containing in-  
12 person absentee ballots to the county election board to be recounted  
13 as provided in Section 7-134.1 of this title.

14 SECTION 4. This act shall become effective November 1, 2009.

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16 52-1-5209 LRB 12/08/08

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