

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 1382

By: McDaniel (Randy)

4  
5 AS INTRODUCED

6 An Act relating to elections; amending 26 O.S. 2001,  
7 Sections 7-114 and 14-115.4, as last amended by  
8 Section 8, Chapter 307, O.S.L. 2004 (26 O.S. Supp.  
9 2008, Section 14-115.4), which relate to voting;  
10 requiring presentment of proof of identity when  
11 voting; providing for proof of identity; allowing  
12 persons without proof of identity to vote and  
13 providing procedure therefor; providing that certain  
14 persons do not have to provide proof of identity;  
15 providing penalty for false statements; and providing  
16 an effective date.

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

18 SECTION 1. AMENDATORY 26 O.S. 2001, Section 7-114, is  
19 amended to read as follows:

20 Section 7-114. ~~Each~~ A. Except as provided in subsection C of  
21 this section, each person presenting himself arriving to vote shall  
22 announce his the person's name to the judge of the precinct and  
23 shall provide proof of identity to the judge, whereupon the judge  
24 shall determine whether said the person's name is in the precinct  
registry. A document containing a photograph of the voter, issued  
by the state, the federal government, a county, a municipality, or a

1 federally recognized Indian tribe may be used to show proof of  
2 identity.

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

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

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

16 C. A person voting in person at a precinct polling place that  
17 is located at a state-licensed care facility where the voter resides  
18 shall not be required to provide proof of identification before  
19 voting in an election.

20 SECTION 2. AMENDATORY 26 O.S. 2001, Section 14-115.4, as  
21 last amended by Section 8, Chapter 307, O.S.L. 2004 (26 O.S. Supp.  
22 2008, Section 14-115.4), is amended to read as follows:

23 Section 14-115.4 A. A registered voter may apply for an in-  
24 person absentee ballot at a location designated by the secretary of

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

15 B. One or more absentee voting boards shall be on duty from 8  
16 a.m. to 6 p.m. at the in-person absentee polling place on Friday and  
17 Monday immediately preceding any election and from 8 a.m. to 1 p.m.  
18 on Saturday immediately preceding a state or federal election. If  
19 the secretary of a county election board receives an application  
20 from a registered voter requesting to vote by in-person absentee  
21 ballot the secretary shall cause to be implemented the following  
22 procedures:  
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24

- 1           1. An absentee voting board shall provide to each registered  
2 voter who applies for an in-person absentee ballot appropriate  
3 ballots and materials as may be necessary to vote;
- 4           2. The voter must sign an in-person absentee voter record, and  
5 the signature of the voter on such record must be certified by both  
6 members of the absentee voting board, except that the secretary of  
7 the county election board and one other member of the absentee  
8 voting board may certify the signature of another member of the  
9 absentee voting board;
- 10          3. The voter must mark the ballots of the voter in the manner  
11 provided by law in the presence of the absentee voting board, but in  
12 such a manner as to make it impossible for any person other than the  
13 voter to ascertain how said ballots are marked. Insofar as is  
14 possible, the voting procedure shall be the same as if the voter  
15 were casting a vote in person at a precinct;
- 16          4. The voter shall then deposit the ballot in a voting device  
17 designated for in-person absentee voting by the secretary of the  
18 county election board;
- 19          5. When the in-person polling place is closed on each day of  
20 in-person absentee voting the in-person absentee voting board shall,  
21 without obtaining a printout of results, remove the vote data pack  
22 from the voting device and seal ballots counted that day in a  
23 transfer case which shall be secured by the sheriff of the county in  
24 the same manner as provided in Section 8-110 of this title. The

1 | vote data pack shall be sealed in a container prescribed by the  
2 | Secretary of the State Election Board. The sheriff shall secure the  
3 | sealed vote data pack container and return it to the in-person  
4 | absentee voting board no later than 7:45 a.m. on the next day of  
5 | in-person absentee voting or to the secretary of the county election  
6 | board at the time of the county election board meeting to count  
7 | absentee ballots on election day;

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

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

17 |         SECTION 3. This act shall become effective November 1, 2009.

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19 |         52-1-5970           LRB       01/08/09

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