

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 1398

By: Pruett

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5  
6 AS INTRODUCED

7 An Act relating to elections; amending 26 O.S. 2001,  
8 Section 14-115.4, as last amended by Section 8,  
9 Chapter 307, O.S.L. 2004 (26 O.S. Supp. 2008, Section  
10 14-115.4), which relates to absentee voting;  
11 modifying days for in-person absentee voting; and  
12 providing an effective date.

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

14 SECTION 1. AMENDATORY 26 O.S. 2001, Section 14-115.4, as  
15 last amended by Section 8, Chapter 307, O.S.L. 2004 (26 O.S. Supp.  
16 2008, Section 14-115.4), is amended to read as follows:

17 Section 14-115.4 A. A registered voter may apply for an in-  
18 person absentee ballot at a location designated by the secretary of  
19 the county election board from 8 a.m. to 6 p.m. on Tuesday through  
20 Friday and Monday immediately preceding any election and from 8 a.m.  
21 to 1 p.m. on Saturday immediately preceding a state or federal  
22 election. As part of the application for an in-person absentee  
23 ballot such registered voter shall swear or affirm that the voter  
24 has not voted a regular mail absentee ballot and that the voter will

1 not vote at the regular polling place in the election for which the  
2 in-person absentee ballot is requested.

3 B. One or more absentee voting boards shall be on duty from 8  
4 a.m. to 6 p.m. at the in-person absentee polling place on Tuesday  
5 through Friday and Monday immediately preceding any election and  
6 from 8 a.m. to 1 p.m. on Saturday immediately preceding a state or  
7 federal election. If the secretary of a county election board  
8 receives an application from a registered voter requesting to vote  
9 by in-person absentee ballot the secretary shall cause to be  
10 implemented the following procedures:

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

14 2. The voter must sign an in-person absentee voter record, and  
15 the signature of the voter on such record must be certified by both  
16 members of the absentee voting board, except that the secretary of  
17 the county election board and one other member of the absentee  
18 voting board may certify the signature of another member of the  
19 absentee voting board;

20 3. The voter must mark the ballots of the voter in the manner  
21 provided by law in the presence of the absentee voting board, but in  
22 such a manner as to make it impossible for any person other than the  
23 voter to ascertain how said ballots are marked. Insofar as is  
24

1 possible, the voting procedure shall be the same as if the voter  
2 were casting a vote in person at a precinct;

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

6 5. When the in-person polling place is closed on each day of  
7 in-person absentee voting the in-person absentee voting board shall,  
8 without obtaining a printout of results, remove the vote data pack  
9 from the voting device and seal ballots counted that day in a  
10 transfer case which shall be secured by the sheriff of the county in  
11 the same manner as provided in Section 8-110 of this title. The  
12 vote data pack shall be sealed in a container prescribed by the  
13 Secretary of the State Election Board. The sheriff shall secure the  
14 sealed vote data pack container and return it to the in-person  
15 absentee voting board no later than 7:45 a.m. on the next day of  
16 in-person absentee voting or to the secretary of the county election  
17 board at the time of the county election board meeting to count  
18 absentee ballots on election day;

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

23 7. If there is a malfunction in such a way that the vote data  
24 pack used for in-person absentee voting will not function, the

1 sheriff is authorized to return the transfer cases containing in-  
2 person absentee ballots to the county election board to be recounted  
3 as provided in Section 7-134.1 of this title.

4 SECTION 2. This act shall become effective November 1, 2009.

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6 52-1-5451 LRB 12/09/08  
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