

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 1501

By: Harrison

4  
5 AS INTRODUCED

6 An Act relating to elections; amending 26 O.S. 2001,  
7 Sections 14-105, 14-110.1, 14-114, as amended by  
8 Section 17, Chapter 447, O.S.L. 2002 and 14-117, as  
9 amended by Section 15, Chapter 485, O.S.L. 2003 (26  
10 O.S. Supp. 2008, Sections 14-114 and 14-117), which  
11 relate to absentee voting; modifying application  
12 procedure for absentee ballot for certain persons;  
13 providing that applications for absentee ballots be  
14 valid, subject to certain occurrences; and providing  
15 an effective date.

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

17 SECTION 1. AMENDATORY 26 O.S. 2001, Section 14-105, is  
18 amended to read as follows:

19 Section 14-105. Any registered voter may apply for an absentee  
20 ballot in person at the county election board, by United States  
21 mail, by telegraph or by facsimile device as defined in Section 1862  
22 of Title 21 of the Oklahoma Statutes. An application for an  
23 absentee ballot shall be considered valid until one of the following  
24 circumstances occurs:

1. The voter makes a written request to no longer receive  
absentee ballots;

1        2. The voter ceases to be registered; or

2        3. The voter does not return any absentee ballots to the county  
3 election board for at least two successive general elections.

4        The Secretary of the State Election Board shall prescribe a form  
5 to be used for said application, although any application setting  
6 forth substantially the same facts shall be valid.

7        SECTION 2.        AMENDATORY        26 O.S. 2001, Section 14-110.1, is  
8 amended to read as follows:

9        Section 14-110.1 A. A registered voter who swears or affirms  
10 that the voter is physically unable to vote in person at the  
11 precinct on the day of the election because the voter is:

12        1. Physically incapacitated; or

13        2. Charged with the care of another person who is physically  
14 incapacitated and who cannot be left unattended;  
15 may apply for an absentee ballot by United States mail, by telegraph  
16 or by facsimile device as defined by Section 1862 of Title 21 of the  
17 Oklahoma Statutes.

18        B. An application for an absentee ballot shall be considered  
19 valid until one of the following circumstances occurs:

20        1. The voter makes a written request to no longer receive  
21 absentee ballots;

22        2. The voter ceases to be registered; or

23        3. The voter does not return any absentee ballots to the county  
24 election board for at least two successive general elections.

1        C. The Secretary of the State Election Board shall prescribe a  
2 form to be used for said application, although any application  
3 setting forth substantially the same facts shall be valid.

4        SECTION 3.        AMENDATORY        26 O.S. 2001, Section 14-114, as  
5 amended by Section 17, Chapter 447, O.S.L. 2002 (26 O.S. Supp. 2008,  
6 Section 14-114), is amended to read as follows:

7        Section 14-114.    A. If the secretary of a county election board  
8 receives such a request from an incapacitated elector confined to a  
9 nursing facility, as defined in Section 1-1902 of Title 63 of the  
10 Oklahoma Statutes, outside the county of jurisdiction of the  
11 secretary, the secretary shall provide ballots and materials by mail  
12 in the manner hereinbefore prescribed.

13        B. A request shall be considered valid until one of the  
14 following circumstances occurs:

15        1. The voter makes a written request to no longer receive  
16 absentee ballots;

17        2. The voter ceases to be registered; or

18        3. The voter does not return any absentee ballots to the county  
19 election board for at least two successive general elections.

20        SECTION 4.        AMENDATORY        26 O.S. 2001, Section 14-117, as  
21 amended by Section 15, Chapter 485, O.S.L. 2003 (26 O.S. Supp. 2008,  
22 Section 14-117), is amended to read as follows:

23        Section 14-117.    A. Electors identified by Section 14-116 of  
24 this title may apply for absentee ballots as provided for in the

1 federal Uniformed and Overseas Citizens Absentee Voting Act of 1986,  
2 as amended, or by letter setting forth substantially the same facts.

3 B. An application for an absentee ballot shall be considered  
4 valid until one of the following circumstances occurs:

5 1. The voter makes a written request to no longer receive  
6 absentee ballots;

7 2. The voter ceases to be registered; or

8 3. The voter does not return any absentee ballots to the county  
9 election board for at least two successive general elections.

10 C. Said application shall be transmitted by United States mail  
11 or by facsimile device as defined in Section 1862 of Title 21 of the  
12 Oklahoma Statutes to the secretary of the county election board of  
13 the elector's residence.

14 SECTION 5. This act shall become effective November 1, 2009.

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