

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 SENATE BILL 1682

By: Leftwich

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5  
6 AS INTRODUCED

7 An Act relating to elections; amending Section 8,  
8 Chapter 545, O.S.L. 2004 (26 O.S. Supp. 2009, Section  
9 7-116.1), which relates to provisional ballots;  
10 clarifying language; and providing an effective date.

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

12 SECTION 1. AMENDATORY Section 8, Chapter 545, O.S.L.  
13 2004 (26 O.S. Supp. 2009, Section 7-116.1), is amended to read as  
14 follows:

15 Section 7-116.1 A. Provisional ballots shall be available for  
16 all elections conducted by the county election board. Provisional  
17 ballots shall include all offices, candidates and questions and  
18 shall be identical to the regular ballots for each precinct. The  
19 Secretary of the State Election Board shall promulgate rules and  
20 shall prescribe materials necessary for the implementation of  
21 provisional ballots.

22 B. Persons who are not listed in the precinct registry, but who  
23 claim to be registered voters in the precinct and eligible to vote  
24 in the election, shall be entitled to vote a provisional ballot upon

1 execution of an affidavit prescribed by the Secretary of the State  
2 Election Board. Registered voters required to show identification  
3 before voting for the first time in a federal election, as described  
4 in Section 7 7-115.2 of ~~the act~~ this title, and who are unable to  
5 show one of the acceptable forms of identification described in ~~said~~  
6 that section, shall be entitled to cast a provisional ballot.

7 Persons identified in Section 14-121 of ~~Title 26 of the Oklahoma~~  
8 ~~Statutes~~ this title shall be entitled to vote a provisional ballot  
9 upon execution of an affidavit prescribed by the Secretary of the  
10 State Election Board. Persons who are listed in the precinct  
11 registry for a partisan primary election, but who dispute the  
12 political affiliation indicated by ~~said~~ the precinct registry, shall  
13 be entitled to vote a provisional ballot for a party other than the  
14 one indicated. However, such provisional ballot shall be counted  
15 only if evidence is found by the secretary of the county election  
16 board of the voter's valid voter registration in the party for which  
17 the provisional ballot was cast.

18 C. Provisional ballots shall be segregated from the regular  
19 ballots cast in the precinct in the manner prescribed by the  
20 Secretary of the State Election Board and shall not be inserted in  
21 the precinct voting device. Information provided by a person who  
22 votes a provisional ballot shall be investigated by the secretary of  
23 the county election board after the election. A provisional ballot  
24 shall be counted only if it is cast in the precinct of the voter's

1 residence and if evidence of the provisional voter's valid voter  
2 registration, or of the voter's identity, is found, except a  
3 provisional ballot cast by a voter identified in Section 14-121 of  
4 ~~Title 26 of the Oklahoma Statutes~~ this title shall be counted.

5 D. No information concerning provisional ballots, except the  
6 number of provisional ballots cast in the county, shall be made  
7 public by any election official prior to 1:00 p.m. on Friday  
8 following the election. The county sheriff shall secure sealed  
9 ballot transfer cases containing provisional ballots that have been  
10 counted after 1:00 p.m. on Friday following the election until 5:00  
11 p.m. on Tuesday next succeeding the election or, in the event a  
12 recount contest is filed, until such times as ~~said~~ the transfer  
13 cases are delivered to the district courtroom.

14 E. In the event that the secretary of any county election board  
15 is unable to complete the investigation and verification of  
16 provisional ballots by 1:00 p.m. on Friday following the election,  
17 the Secretary of the State Election Board shall be authorized to  
18 extend the period for the investigation and verification of  
19 provisional ballots. When such an extension is required by any  
20 county for a statewide election, the extension shall apply  
21 statewide. The Secretary shall promulgate rules establishing  
22 procedures for requesting and granting such extensions.

23 F. All materials used for procuring and casting a provisional  
24 ballot shall be retained by the secretary of the county election

1 board for a period of twenty-four (24) months after the day of the  
2 election.

3 SECTION 2. This act shall become effective November 1, 2010.  
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