

1 STATE OF OKLAHOMA

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

3 SENATE BILL 4

By: Ford

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5  
6 AS INTRODUCED

7 An Act relating to elections; amending 26 O.S. 2001,  
8 Sections 7-114 and 14-115.4, as last amended by  
9 Section 8, Chapter 307, O.S.L. 2004 (26 O.S. Supp.  
10 2008, Section 14-115.4), which relate to voting  
11 procedures; requiring persons appearing to vote or  
12 applying for in-person absentee ballot to provide  
13 proof of identity; defining term; providing exception  
14 to certain requirements; providing procedure if  
15 person declines to or is unable to provide proof of  
16 identity; and providing 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. A. Each person ~~presenting himself~~ appearing to  
21 vote shall announce ~~his~~ that person's name to the judge of the  
22 precinct and shall provide proof of identity, whereupon the judge  
23 shall determine whether ~~said~~ the person's name is in the precinct  
24 registry. As used in this section, "proof of identity" shall mean a  
document that satisfies all of the following:

1       1. The document shows the name of the person to whom the  
2 document was issued, and the name substantially conforms to the name  
3 in the precinct registry;

4       2. The document shows a photograph of the person to whom the  
5 document was issued;

6       3. The document includes an expiration date, which is after the  
7 date of the election in which the person is appearing to vote; and

8       4. The document was issued by the United States, the State of  
9 Oklahoma or the government of a federally recognized Indian tribe or  
10 nation.

11       Provided, if the person presents a voter identification card  
12 issued by the appropriate county election board, such card may serve  
13 as proof of identity without meeting the requirements of paragraphs  
14 2 and 3 of this subsection.

15       B. 1. If a person declines to or is unable to produce proof of  
16 identity, the person may sign a statement under oath, in a form  
17 approved by the Secretary of the State Election Board, swearing or  
18 affirming that the person is the person identified on the precinct  
19 registry, and shall be allowed to vote as provided in this  
20 subsection.

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

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

5        SECTION 2.        AMENDATORY        26 O.S. 2001, Section 14-115.4, as  
6 last amended by Section 8, Chapter 307, O.S.L. 2004 (26 O.S. Supp.  
7 2008, Section 14-115.4), is amended to read as follows:

8        Section 14-115.4 A. A registered voter may apply for an in-  
9 person absentee ballot at a location designated by the secretary of  
10 the county election board from 8 a.m. to 6 p.m. on Friday and Monday  
11 immediately preceding any election and from 8 a.m. to 1 p.m. on  
12 Saturday immediately preceding a state or federal election. As part  
13 of the application for an in-person absentee ballot such registered  
14 voter shall swear or affirm that the voter has not voted a regular  
15 mail absentee ballot and that the voter will not vote at the regular  
16 polling place in the election for which the in-person absentee  
17 ballot is requested.

18        B.    1. The voter also shall provide proof of identity as  
19 defined in Section 7-114 of this title. If the voter declines to or  
20 is unable to produce proof of identity, the voter may sign a  
21 statement under oath, in a form approved by the Secretary of the  
22 State Election Board, swearing or affirming that the person is the  
23 person identified on the precinct registry, and shall be allowed to  
24 vote as provided in this subsection.

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

4        3. Any vote cast pursuant to this subsection shall be deposited  
5 in an envelope designated for such purpose and shall be stored and  
6 counted in accordance with procedures established by the Secretary  
7 of the State Election Board.

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

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

19        2. The voter must sign an in-person absentee voter record, and  
20 the signature of the voter on such record must be certified by both  
21 members of the absentee voting board, except that the secretary of  
22 the county election board and one other member of the absentee  
23 voting board may certify the signature of another member of the  
24 absentee voting board;

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

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

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

23          6. The vote data pack or packs used for in-person absentee  
24 voting shall be used by the county election board to count absentee

1 ballots on election day as provided in Section 14-125 of this title;  
2 and

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

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

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