

1 STATE OF OKLAHOMA

2 1st Session of the 54th Legislature (2013)

3 HOUSE BILL 1011

By: Brown

6 AS INTRODUCED

7 An Act relating to elections; amending 26 O.S. 2011,  
8 Section 14-115.4, which relates to absentee voting;  
9 modifying days for in-person absentee voting; and  
10 providing an effective date.

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

13 SECTION 1. AMENDATORY 26 O.S. 2011, Section 14-115.4, is  
14 amended to read as follows:

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

1       B. 1. The voter also shall provide proof of identity as  
2 defined in Section 7-114 of this title. If the voter declines to or  
3 is unable to produce proof of identity, the voter may sign a  
4 statement under oath, in a form approved by the Secretary of the  
5 State Election Board, swearing or affirming that the person is the  
6 person identified on the precinct registry, and shall be allowed to  
7 cast a provisional ballot as provided in Section 7-116.1 of this  
8 title.

9       2. False swearing or affirming under oath shall be punishable  
10 as a felony as provided in Section 16-103 of this title, and the  
11 penalty shall be distinctly set forth on the face of the statement.

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

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

23       2. The voter must sign an in-person absentee voter record, and  
24 the signature of the voter on such record must be certified by both

1 members of the absentee voting board, except that the secretary of  
2 the county election board and one other member of the absentee  
3 voting board may certify the signature of another member of the  
4 absentee voting board;

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

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

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

1 board at the time of the county election board meeting to count  
2 absentee ballots on election day;

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

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

12 SECTION 2. This act shall become effective November 1, 2013.

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14 54-1-6228 LRB 12/21/12  
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