

SENATE CHAMBER
STATE OF OKLAHOMA

DISPOSITION

☐ FLOOR AMENDMENT

No. _____

☐ COMMITTEE AMENDMENT

(Date)

Mr./Madame President:

I move to amend Senate Bill No. 315, by substituting the attached floor substitute for the title, enacting clause and entire body of the measure.

Submitted by:

Senator Holt

Holt-CD-FS-Req#1435
2/18/2016 4:57 PM

(Floor Amendments Only) Date and Time Filed: _____

☐ Untimely

☐ Amendment Cycle Extended

☐ Secondary Amendment

STATE OF OKLAHOMA

1st Session of the 55th Legislature (2015)

FLOOR SUBSTITUTE
FOR

SENATE BILL NO. 315

By: Holt of the Senate

and

Hall of the House

FLOOR SUBSTITUTE

[absentee ballots - requesting absentee ballots -
exception - validity of absentee ballot application -
effective date]

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

SECTION 1. AMENDATORY 26 O.S. 2011, Section 14-105, as
amended by Section 4, Chapter 200, O.S.L. 2013 (26 O.S. Supp. 2014,
Section 14-105), is amended to read as follows:

Section 14-105. A. Any registered voter may apply for an
absentee ballot in person at the county election board, by United
States mail, ~~by telegraph,~~ by facsimile device as defined in Section
1862 of Title 21 of the Oklahoma Statutes or by a means of
electronic communication designated by the Secretary of the State
Election Board. The Secretary of the State Election Board shall
prescribe a form to be used for the application, although any

1 application setting forth substantially the same facts shall be
2 valid.

3 B. Any registered voter may indicate on an application for
4 absentee ballots that the application is for ballots for a single
5 election date, for all elections in which the voter is eligible to
6 vote in a calendar year, or for all future elections in which the
7 voter is eligible to vote. Once approved by the secretary of the
8 county election board, such application shall be considered valid
9 and shall be fulfilled unless or until the voter cancels the
10 application or a ballot mailed to the address provided on the
11 application is returned undelivered to the county election board.
12 However, if a voter has applied for absentee ballots for all future
13 elections but does not return a voted absentee ballot for any
14 election in a twenty-four-month period after the application is
15 approved, the application shall be cancelled.

16 SECTION 2. AMENDATORY 26 O.S. 2011, Section 14-110.1, as
17 last amended by Section 5, Chapter 200, O.S.L. 2013 (26 O.S. Supp.
18 2014, Section 14-110.1), is amended to read as follows:

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

- 22 1. Physically incapacitated; or
- 23 2. Charged with the care of another person who is physically
24 incapacitated and who cannot be left unattended;

1 may apply for an absentee ballot. Such applications may be made by
2 United States mail, by facsimile device as defined by Section 1862
3 of Title 21 of the Oklahoma Statutes or by a means of electronic
4 communication designated by the Secretary of the State Election
5 Board or may be made in person at the office of the county election
6 board by an agent of the voter. Such an agent shall be a person of
7 the voter's choosing who is at least sixteen (16) years of age and
8 who is not employed by or related within the third degree of
9 consanguinity or affinity to any person whose name appears on the
10 ballot. No person may be the agent for more than one voter at any
11 election. The Secretary of the State Election Board shall prescribe
12 a form to be used for the application, although any application
13 setting forth substantially the same facts shall be valid.

14 B. Any voter eligible for an absentee ballot as described in
15 subsection A of this section may indicate on an application for
16 absentee ballots that the application is for ballots for a single
17 election date, for all elections in which the voter is eligible to
18 vote in a calendar year, or for all future elections in which the
19 voter is eligible to vote. Once approved by the secretary of the
20 county election board, such application shall be considered valid
21 and shall be fulfilled unless or until the voter cancels the
22 application or a ballot mailed to the address provided on the
23 application is returned undelivered to the county election board.
24 However, if a voter has applied for absentee ballots for all future

1 elections but does not return a voted absentee ballot for any
2 election in a twenty-four-month period after the application is
3 approved, the application shall be cancelled.

4 SECTION 3. AMENDATORY 26 O.S. 2011, Section 14-115, is
5 amended to read as follows:

6 Section 14-115. A. If the secretary of a county election board
7 receives a request from an incapacitated elector confined to a
8 nursing facility, as defined in Section 1-1902 of Title 63 of the
9 Oklahoma Statutes, or a veterans center established pursuant to
10 Title 72 of the Oklahoma Statutes within the county of the
11 jurisdiction of the secretary, the secretary shall cause to be
12 implemented the following procedures:

13 1. On the Thursday, Friday, Saturday or Monday preceding the
14 election, the absentee voting board shall deliver to each registered
15 voter who is confined to a nursing facility, as defined in Section
16 1-1902 of Title 63 of the Oklahoma Statutes, or a veterans center
17 established pursuant to Title 72 of the Oklahoma Statutes and who
18 requested ballots for an incapacitated voter said ballots and
19 materials as may be necessary to vote same.

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

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

3 3. The voter shall then seal said ballots in the plain opaque
4 envelope and shall seal said plain opaque envelope in the envelope
5 bearing an affidavit. The voter must complete said affidavit, and
6 the signature of the voter on same must be witnessed by both members
7 of the absentee voting board.

8 4. The envelope bearing an affidavit then must be sealed in the
9 return envelope, which shall be returned by the absentee voting
10 board to the secretary of the county election board on the same day
11 said affidavit was executed.

12 5. Ballots cast in said manner shall be counted in the same
13 manner as regular mail absentee ballots.

14 B. Any voter eligible for an absentee ballot as described in
15 subsection A of this section may indicate on an application for
16 absentee ballots that the application is for ballots for a single
17 election date, for all elections in which the voter is eligible to
18 vote in a calendar year, or for all future elections in which the
19 voter is eligible to vote. Once approved by the secretary of the
20 county election board, such application shall be considered valid
21 and shall be fulfilled as outlined in Section 14-114 or 14-115 of
22 this title unless or until the voter cancels the application or
23 moves to a different nursing home or veterans center. However, if a
24 voter has applied for absentee ballots for all future elections but

1 does not return a voted absentee ballot for any election in a
2 twenty-four-month period after the application is approved, the
3 application shall be cancelled.

4 SECTION 4. This act shall become effective November 1, 2015.

5
6 55-1-1435 CD 2/18/2016 4:57:44 PM
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24