

STATE OF OKLAHOMA

1st Session of the 55th Legislature (2015)

SENATE BILL 316

By: Holt

AS INTRODUCED

An Act relating to voting procedures; amending 26 O.S. 2011, Sections 14-107, 14-108, 14-115.4, as amended by Section 7, Chapter 200, O.S.L. 2013, and 4-117, as amended by Section 1, Chapter 34, O.S.L. 2013 (26 O.S. Supp. 2014, Sections 14-115.4 and 4-117), which relate to absentee voting; allowing submission of proof of identity as alternative to notarization of absentee ballot; changing references to in-person absentee voting to early voting; repealing 26 O.S. 2011, Sections 14-110.1, as amended by Section 5, Chapter 200, O.S.L. 2013, 14-111.1, 14-112.1, and 14-113.2 (26 O.S. Supp. 2014, Section 14-110.1), which relate to physically incapacitated voters; and providing an effective date.

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

SECTION 1. AMENDATORY 26 O.S. 2011, Section 14-107, is amended to read as follows:

Section 14-107. Absentee ballots must be accompanied by:

1. A plain opaque envelope in which voted ballots must be placed by the voter;
2. An envelope bearing an affidavit stating that the voter is qualified to vote, that the voter has personally marked the ballots, and has not exhibited the marked ballots to any other person, or if

1 physically incapacitated, has directed a person chosen by the voter
2 to mark the ballots in accordance with the provisions of Section 7-
3 123.3 of this title;

4 3. A return envelope addressed to the secretary of the county
5 election board; and

6 4. A notice that it is illegal for a Notary Public in this
7 state to charge a fee to notarize an official absentee ballot
8 affidavit.

9 SECTION 2. AMENDATORY 26 O.S. 2011, Section 14-108, is
10 amended to read as follows:

11 Section 14-108. A. The voter shall be required to ~~mark:~~

12 1. Mark the ballot in ink or other manner, or if physically
13 incapacitated, direct a person chosen by the voter to mark the
14 ballot in accordance with the provisions of Section 7-123.3 of this
15 title, as prescribed by the Secretary of the State Election Board;
16 ~~seal~~

17 2. Seal the ballots in the plain opaque envelope; fill

18 3. Fill out completely and sign the affidavit, ~~such,~~ or direct
19 a person chosen by the voter to sign the affidavit or, if physically
20 incapacitated, have the signature witnessed by two persons who did
21 not sign the affidavit. The voter may either include a photocopy of
22 a form of proof of identity as defined in Section 7-114 of this
23 title, or have his or her signature ~~to be~~ notarized at no charge by
24 a notary public; ~~seal~~

1 4. Seal the plain opaque envelope inside the envelope bearing
2 the affidavit and return both envelopes, sealed inside the return
3 envelope, by United States mail ~~or~~, by a private mail service,
4 provided such service has delivery documentation, to the county
5 election board.

6 B. An absentee ballot may be returned in person to the county
7 election board, in which case the ballot shall not be required to be
8 notarized if the voter presents proof of identity as defined in
9 Section 7-114 of this title.

10 C. No person who is a candidate for an office on the ballot or
11 who is the chair or treasurer of the campaign of a candidate for
12 office or who is related within the third degree of consanguinity or
13 affinity to a candidate on the ballot may witness any absentee
14 ballot affidavit. No person, except members of early voting boards,
15 shall witness the signatures of more than five affidavits of persons
16 who swear they are physically incapacitated.

17 ~~B.~~ D. The ballot shall not be notarized by any person whose
18 name appears on the ballot as a candidate or by any campaign
19 chairperson or campaign treasurer for a candidate whose name appears
20 on the ballot.

21 SECTION 3. AMENDATORY 26 O.S. 2011, Section 14-115.4, as
22 amended by Section 7, Chapter 200, O.S.L. 2013 (26 O.S. Supp. 2014,
23 Section 14-115.4), is amended to read as follows:
24

1 Section 14-115.4. A. 1. A registered voter may apply for an
2 ~~in-person absentee~~ early voting ballot at a location designated by
3 the secretary of the county election board from 8 a.m. to 6 p.m. on
4 Thursday and Friday immediately preceding any election and from 9
5 a.m. to 2 p.m. on Saturday immediately preceding a state or federal
6 election. As part of the application for an ~~in-person absentee~~
7 early voting ballot, such registered voter shall swear or affirm
8 that the voter has not voted a regular mail absentee ballot and that
9 the voter will not vote at the regular polling place in the election
10 for which the ~~in-person absentee~~ early voting ballot is requested.

11 2. The secretary of the county election board in counties with
12 one hundred thousand (100,000) or more registered voters may
13 designate more than one location as an ~~in-person absentee~~ early
14 voting polling place for an election, subject to the approval of and
15 pursuant to the rules and procedures prescribed by the Secretary of
16 the State Election Board.

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

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

4 C. One or more ~~absentee~~ early voting boards shall be on duty at
5 the ~~in-person-absentee~~ early voting polling place on the days and
6 during the hours set forth in subsection A of this section. If the
7 secretary of a county election board receives an application from a
8 registered voter requesting to vote by ~~in-person-absentee~~ early
9 voting ballot, the secretary shall cause to be implemented the
10 following procedures:

11 1. An ~~absentee~~ early voting board shall provide to each
12 registered voter who applies for an ~~in-person-absentee~~ early voting
13 ballot appropriate ballots and materials as may be necessary to
14 vote;

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

21 3. The voter must mark the ballots of the voter in the manner
22 provided by law in the presence of the ~~absentee~~ early voting board,
23 but in such a manner as to make it impossible for any person other
24 than the voter to ascertain how such ballots are marked. Insofar as

1 is possible, the voting procedure shall be the same as if the voter
2 were casting a vote in person at a precinct;

3 4. The voter shall then deposit the ballot in a voting device
4 designated for ~~in-person absentee~~ early voting by the secretary of
5 the county election board;

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

21 6. If there is a malfunction in such a way that the electronic
22 results storage media used for ~~in-person absentee~~ early voting will
23 not function, the sheriff is authorized to return the transfer cases
24 containing ~~in-person absentee~~ early voting ballots to the county

1 election board to be recounted as provided in Section 7-134.1 of
2 this title.

3 SECTION 4. AMENDATORY 26 O.S. 2011, Section 4-117, as
4 amended by Section 1, Chapter 34, O.S.L. 2013 (26 O.S. Supp. 2014,
5 Section 4-117), is amended to read as follows:

6 Section 4-117. If a registered voter of a county has changed
7 name or residence within the same county, and has not executed a
8 transfer as hereinbefore provided, the voter shall be entitled to a
9 change upon executing an application on a form to be prescribed by
10 the Secretary of the State Election Board and presenting such form
11 along with the voter identification card or other proof of identity
12 as described in Section 7-114 of this title to the inspector of the
13 precinct in which the voter is registered or to a member of an ~~in-~~
14 ~~person-absentee~~ early voting board of the county in which the voter
15 is registered on the day of the next ensuing election or of ~~in-~~
16 ~~person-absentee~~ early voting. Upon doing so, such registered voter
17 shall be permitted to vote on the ballots of such precinct, and only
18 of such precinct, for the election being conducted on that day only.
19 The inspector or in-person absentee voting board member shall
20 deliver such form to the secretary of the county election board, who
21 shall change the registration in the manner prescribed by the
22 Secretary of the State Election Board.

23 SECTION 5. REPEALER 26 O.S. 2011, Sections 14-110.1, as
24 amended by Section 5, Chapter 200, O.S.L. 2013, 14-111.1, 14-112.1,

1 and 14-113.2 (26 O.S. Supp. 2014, Section 14-110.1), are hereby
2 repealed.

3 SECTION 6. This act shall become effective November 1, 2015.
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