

STATE OF OKLAHOMA

2nd Session of the 55th Legislature (2016)

HOUSE BILL 2589

By: Perryman

AS INTRODUCED

An Act relating to elections; creating the Voter Convenience Act of 2016; amending 26 O.S. 2011, Section 14-115.4, as amended by Section 7, Chapter 200, O.S.L. 2013 (26 O.S. Supp. 2015, Section 14-115.4), which relates to in-person absentee voting; extending days for certain voting; authorizing county election board to designate multiple polling locations; providing for noncodification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

This act shall be known and may be cited as the "Voter Convenience Act of 2016".

SECTION 2. AMENDATORY 26 O.S. 2011, Section 14-115.4, as amended by Section 7, Chapter 200, O.S.L. 2013 (26 O.S. Supp. 2015, Section 14-115.4), is amended to read as follows:

Section 14-115.4 A. 1. A registered voter may apply for an in-person absentee ballot at a location designated by the secretary of the county election board from 8 a.m. to 6 p.m. on Thursday and

1 Friday immediately preceding any election ~~and from 9 a.m. to 2 p.m.~~
2 ~~on Saturday immediately preceding a~~ other than a state or federal
3 election. A registered voter may apply for an in-person absentee
4 ballot at a location designated by the secretary of the county
5 election board from 8 a.m. to 6 p.m. Monday through Friday and from
6 9 a.m. to 2 p.m. on Saturday within sixty (60) days immediately
7 preceding a state of federal election. As part of the application
8 for an in-person absentee ballot such registered voter shall swear
9 or affirm that the voter has not voted a regular mail absentee
10 ballot and that the voter will not vote at the regular polling place
11 in the election for which the in-person absentee ballot is
12 requested.

13 2. The secretary of the county election board ~~in counties with~~
14 ~~one hundred thousand (100,000) or more registered voters~~ may
15 designate more than one location as an in-person absentee polling
16 place for an election, including but not limited to shopping malls
17 and state and county fairs, subject to the approval of and pursuant
18 to the rules and procedures prescribed by the Secretary of the State
19 Election Board.

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

1 person identified on the precinct registry, and shall be allowed to
2 cast a provisional ballot as provided in Section 7-116.1 of this
3 title.

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

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

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

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

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

1 voter to ascertain how such ballots are marked. Insofar as is
2 possible, the voting procedure shall be the same as if the voter
3 were casting a vote in person at a precinct;

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

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

21 6. If there is a malfunction in such a way that the electronic
22 results storage media used for in-person absentee voting will not
23 function, the sheriff is authorized to return the transfer cases
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1 containing in-person absentee ballots to the county election board
2 to be recounted as provided in Section 7-134.1 of this title.

3 SECTION 3. This act shall become effective January 1, 2017.

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