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February 28, 2018

SENATE BILL NO. 933

By: Shaw of the Senate

and

Jordan of the House

An Act relating to elections; amending 26 O.S. 2011, Sections 14-108, as amended by Section 2, Chapter 237, O.S.L. 2016, 14-113.2 and 14-115 (26 O.S. Supp. 2017, Section 14-108), which relate to absentee voting; requiring notaries public and witnesses to note date and time of certain signatures on absentee ballot affidavits; clarifying language; and declaring an emergency.

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

SECTION 1. AMENDATORY 26 O.S. 2011, Section 14-108, as amended by Section 2, Chapter 237, O.S.L. 2016 (26 O.S. Supp. 2017, Section 14-108), is amended to read as follows:

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

1. Mark the ballot in ink or other manner as prescribed by the
Secretary of the State Election Board; ~~seal~~

2. Seal the ballots in the plain opaque envelope; ~~fill out~~
completely

1 3. Complete and sign the affidavit, such signature to be
2 notarized at no charge by a notary public, who shall note the date
3 and time of the signature on the affidavit; ~~seal~~ and

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

9 B. No person who is a candidate for an office on the ballot or
10 who is the chair or treasurer of the campaign of a candidate for
11 office or who is related within the third degree of consanguinity or
12 affinity to a candidate on the ballot may witness any absentee
13 ballot affidavit.

14 ~~B.~~ C. The ballot shall not be notarized by any person whose
15 name appears on the ballot as a candidate or by any campaign
16 chairperson or campaign treasurer for a candidate whose name appears
17 on the ballot.

18 ~~C.~~ D. Any voter who hand delivers his or her ballot as provided
19 in subsection A of this section shall provide proof of identity to
20 the county election board and shall hand deliver the ballot no later
21 than the end of regular business hours on the day prior to the date
22 of the election. For purposes of this section, "proof of identity"
23 shall have the same meaning as used in subsection A of Section 7-114
24 of this title.

1 SECTION 2. AMENDATORY 26 O.S. 2011, Section 14-113.2, is
2 amended to read as follows:

3 Section 14-113.2. A. The voter shall ~~be~~:

4 1. Be responsible for marking the ballots or directing a person
5 chosen by the voter to mark the ballots in accordance with the
6 provisions of Section 7-123.3 of this title and as prescribed by the
7 Secretary of the State Election Board; ~~seal~~

8 2. Seal the ballots in the plain opaque envelope; ~~fill-out~~
9 ~~completely~~

10 3. Complete and sign the affidavit or direct a person chosen by
11 the voter to sign the affidavit, such signature to be witnessed by
12 two persons, who did not sign the affidavit, whose signature and
13 address shall appear on the affidavit. The witnesses shall note the
14 date and time of the signature on the affidavit; ~~seal~~ and

15 4. Seal the plain opaque envelope inside the envelope bearing
16 the affidavit and return both envelopes, sealed inside the return
17 envelope, by United States mail or by a private mail service,
18 provided such service has delivery documentation, to the county
19 election board.

20 B. No person, except members of absentee voting boards, shall
21 witness the signature of more than five affidavits of persons who
22 swear they are physically incapacitated and unable to vote in person
23 at their precinct on election day. No person who is a candidate for
24 an office on the ballot or who is related within the third degree of

1 consanguinity or affinity to a candidate on the ballot may witness
2 any absentee ballot affidavit.

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

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

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

19 2. The voter must mark the ballots in the manner hereinbefore
20 provided in the presence of the absentee voting board, but in such a
21 manner as to make it impossible for any person other than the voter
22 to ascertain how ~~said~~ the ballots are marked. Insofar as is
23 possible, the voting procedure shall be the same as if the voter
24 were casting a vote in person at a precinct ~~;~~ ;

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

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

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

13 SECTION 4. It being immediately necessary for the preservation
14 of the public peace, health or safety, an emergency is hereby
15 declared to exist, by reason whereof this act shall take effect and
16 be in full force from and after its passage and approval.

17 COMMITTEE REPORT BY: COMMITTEE ON RULES
18 February 28, 2018 - DO PASS
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