

STATE OF OKLAHOMA

2nd Session of the 56th Legislature (2018)

SENATE BILL 933

By: Shaw

AS INTRODUCED

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~~

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

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 hand delivery, United States mail or by a private mail
4 service, provided such service has delivery documentation, to the
5 county election board.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3. The voter shall then seal ~~said~~ the ballots in the plain opaque envelope and shall seal ~~said~~ the plain opaque envelope in the

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

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

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

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

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