

FLOOR AMENDMENT

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend SB1779 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by
inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Amendment submitted by: Chris Kannady

Adopted: _____

Reading Clerk

1 "An Act relating to election procedures; amending 12
2 O.S. 2011, Section 426, which relates to statements
3 under penalty of perjury; clarifying exceptions to
4 certain statement requirement; specifying certain
5 type of procedure for executing absentee ballot
6 affidavits for certain elections; providing certain
7 alternative procedures for absentee voting; stating
8 methods for voters requesting absentee ballots;
9 providing method of absentee voting procedures for
10 the absentee voting board entering nursing facilities
11 and veterans centers under certain circumstances;
12 stating criteria for person to claim physically
13 incapacitated status; providing for codification;
14 providing for noncodification; and declaring an
15 emergency.

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SECTION 1. AMENDATORY 12 O.S. 2011, Section 426, is
amended to read as follows:

Section 426. Whenever, under any law of Oklahoma or under any
rule, order, or requirement made pursuant to the law of Oklahoma,
any matter is required or permitted to be supported, evidenced,
established, or proved by the sworn statement, declaration,
verification, certificate, oath, or affidavit, in writing of the
person making the same (other than a deposition, or any oath of
office, or an oath required to be taken before a specified official
other than a notary public, or any notarial act, oath or affidavit
required by Title 26 of the Oklahoma Statutes), the matter may with
like force and effect be supported, evidenced, established, or
proved by the unsworn statement in writing of the person made and
signed under penalty of perjury setting forth the date and place of

1 execution and that it is made under the laws of Oklahoma. The
2 statement under penalty of perjury may be substantially in the
3 following form:

4 "I state under penalty of perjury under the laws of Oklahoma
5 that the foregoing is true and correct.

6 _____
7 (Date and Place)

_____ (Signature) "

8 The signed statement under penalty of perjury shall constitute a
9 legally binding assertion that the contents of the statement to
10 which it refers are true. This section shall not affect any
11 requirement for acknowledgment of an instrument affecting real
12 property.

13 SECTION 2. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 14-115.7 of Title 26, unless
15 there is created a duplication in numbering, reads as follows:

16 For any election conducted by a county election board, the only
17 procedure for properly executing an absentee ballot affidavit shall
18 be that which is required in a section of Title 26 of the Oklahoma
19 Statutes that applies to that type of absentee ballot affidavit, or
20 which otherwise has been specifically allowed for absentee ballot
21 affidavits as provided by Section 3 of this act.

22 SECTION 3. NEW LAW A new section of law not to be
23 codified in the Oklahoma Statutes reads as follows:

1 The following alternative procedures for absentee voting shall
2 be in place for elections to be held during calendar year 2020 and
3 shall supersede such procedures that are provided by statute.

4 A. In the event a State of Emergency declared by the Governor
5 related to the COVID-19 pandemic is in effect forty-five (45) days
6 prior to a scheduled election, or is declared within forty-five (45)
7 days of the election, then:

8 1. A voter who requests an absentee ballot pursuant to Section
9 14-105 of Title 26 of the Oklahoma Statutes may, in lieu of having
10 his or her signature notarized by a notary public as required
11 Section 14-108 of Title 26 of the Oklahoma Statutes, sign the
12 absentee ballot affidavit and attach a photocopy of a form of
13 identification described in subsection A of Section 7-114 of Title
14 26 of the Oklahoma Statutes; or

15 2. A voter who requests an absentee ballot described pursuant
16 to Section 14-110.1 or Section 14-114 of Title 26 of the Oklahoma
17 Statutes may, in lieu of having his or her signature witnessed by
18 two witnesses, sign the absentee ballot affidavit and include a
19 photocopy of a form of identification described in subsection A of
20 Section 7-114 of Title 26 of the Oklahoma Statutes.

21 B. In the event an absentee voting board is prohibited from
22 entering a nursing facility or veterans center due to restrictions
23 related to the COVID-19 pandemic or another localized outbreak of a
24 communicable disease, and applications for an absentee ballot have

1 been submitted by voters confined to that that facility pursuant to
2 Section 14-115 of Title 26 of the Oklahoma Statutes, then the
3 Secretary of the County Election Board shall be authorized to allow
4 the absentee voting board to deliver the absentee ballots to a
5 designated official at the nursing facility or veterans center. The
6 designated nursing facility or veterans center official shall sign
7 an oath acknowledging the duties and responsibilities and shall be
8 authorized to carry out the duties otherwise assigned by law to the
9 absentee voting board. The Secretary of the State Election Board is
10 authorized to establish emergency procedures for this process
11 pursuant to Section 22-101 of Title 26 of the Oklahoma Statutes.

12 C. A registered voter who meets any of the following criteria
13 shall be eligible to claim a status as "physically incapacitated"
14 for the purposes of requesting an absentee ballot described in
15 Section 14-110.1 of Title 26 of the Oklahoma Statutes:

16 1. The voter has tested positive for COVID-19 and is receiving
17 medical treatment or is subject to a quarantine ordered by the
18 voter's personal physician or the county health department;

19 2. The voter has been tested for COVID-19 and is quarantined
20 or self-isolating while awaiting results of the test;

21 3. The voter has symptoms of COVID-19, as defined by the
22 Centers for Disease Control and Prevention (CDC), and has been
23 advised by the voter's personal physician or the county health
24 department to quarantine or self-isolate;

1 4. The voter is a member of a group considered at "higher risk
2 of severe illness" due to age or underlying health conditions as
3 defined by the CDC, and as such is subject to a "stay at home" or
4 "safer at home" or similar order by the Governor or by an authorized
5 municipal authority; or

6 5. The voter has received a written recommendation from the
7 voter's personal physician that due to an underlying health
8 condition the voter should not leave his or her home due to the
9 COVID-19 pandemic.

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

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15 57-2-11739 LRB 05/05/20
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