

## FLOOR AMENDMENT

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend SB459 \_\_\_\_\_  
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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BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

Section 426. ~~Whenever~~ A. Except as provided by subsection B of  
this section, 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)~~, 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

1 penalty of perjury setting forth the date and place of execution and  
2 that it is made under the laws of Oklahoma. The statement under  
3 penalty of perjury may be substantially in the 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 B. The provisions of subsection A of this section shall not  
14 apply to:

15 1. A deposition;

16 2. Any oath of office;

17 3. An oath required to be taken before a specified official  
18 other than a notary public; or

19 4. Any notarial act, oath or affidavit required by Title 26 of  
20 the Oklahoma Statutes.

21 SECTION 2. NEW LAW A new section of law to be codified  
22 in the Oklahoma Statutes as Section 14-115.7 of Title 26, unless  
23 there is created a duplication in numbering, reads as follows:  
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1 For any election conducted by the State Election Board or a  
2 county election board, the only procedure for properly executing an  
3 absentee ballot affidavit shall be that which is required in a  
4 section of Title 26 of the Oklahoma Statutes that applies to that  
5 type of absentee ballot affidavit, or which otherwise has been  
6 specifically allowed for absentee ballot affidavits as provided by  
7 Section 3 of this act.

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

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

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

17 1. A voter who requests an absentee ballot pursuant to Section  
18 14-105 of Title 26 of the Oklahoma Statutes may, in lieu of having  
19 his or her signature notarized by a notary public as required  
20 Section 14-108 of Title 26 of the Oklahoma Statutes, sign the  
21 absentee ballot affidavit and attach a photocopy of a form of  
22 identification described in subsection A of Section 7-114 of Title  
23 26 of the Oklahoma Statutes; or  
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1           2. A voter who requests an absentee ballot described pursuant  
2 to Section 14-110.1 or Section 14-114 of Title 26 of the Oklahoma  
3 Statutes may, in lieu of having his or her signature witnessed by  
4 two witnesses, sign the absentee ballot affidavit and include a  
5 photocopy of a form of identification described in subsection A of  
6 Section 7-114 of Title 26 of the Oklahoma Statutes.

7           B. In the event an absentee voting board is prohibited from  
8 entering a nursing facility or veterans center due to restrictions  
9 related to the COVID-19 pandemic or another localized outbreak of a  
10 communicable disease, and applications for an absentee ballot have  
11 been submitted by voters confined to that that facility pursuant to  
12 Section 14-115 of Title 26 of the Oklahoma Statutes, then the  
13 Secretary of the County Election Board shall be authorized to allow  
14 the absentee voting board to deliver the absentee ballots to a  
15 designated official at the nursing facility or veterans center. The  
16 designated nursing facility or veterans center official shall sign  
17 an oath acknowledging the duties and responsibilities and shall be  
18 authorized to carry out the duties otherwise assigned by law to the  
19 absentee voting board. The Secretary of the State Election Board is  
20 authorized to establish emergency procedures for this process  
21 pursuant to Section 22-101 of Title 26 of the Oklahoma Statutes.

22           C. A registered voter who meets any of the following criteria  
23 shall be eligible to claim a status as "physically incapacitated"

1 for the purposes of requesting an absentee ballot described in  
2 Section 14-110.1 of Title 26 of the Oklahoma Statutes:

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

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

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

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

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

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

1            57-2-11739            LRB            05/05/20

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