

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 HOUSE BILL 3894

By: Bell

6 AS INTRODUCED

7 An Act relating to elections; amending 26 O.S. 2011,
8 Section 14-115.4, as last amended by Section 1,
Chapter 130, O.S.L. 2017 (26 O.S. Supp. 2019, Section
9 14-115.4), which relates to in-person absentee
10 voting; authorizing certain county election boards to
designate certain in-person absentee polling places;
11 providing for procedure; limiting amount of polling
places; and providing an effective date.

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

15 SECTION 1. AMENDATORY 26 O.S. 2011, Section 14-115.4, as
16 last amended by Section 1, Chapter 130, O.S.L. 2017 (26 O.S. Supp.
17 2019, Section 14-115.4), is amended to read as follows:

18 Section 14-115.4 A. 1. A registered voter may apply for an
19 in-person absentee ballot at a location designated by the secretary
20 of the county election board from 8 a.m. to 6 p.m. on Thursday and
21 Friday immediately preceding any election and from 9 a.m. to 2 p.m.
22 on Saturday immediately preceding a state or federal election. As
23 part of the application for an in-person absentee ballot such
24 registered voter shall swear or affirm that the voter has not voted

1 a regular mail absentee ballot and that the voter will not vote at
2 the regular polling place in the election for which the in-person
3 absentee ballot is requested.

4 2. The secretary of the county election board in counties with
5 twenty-five thousand (25,000) or more registered voters, or with an
6 area in excess of one thousand five hundred (1,500) square miles,
7 may designate more than one location as an in-person absentee
8 polling place for an election, subject to the approval of and
9 pursuant to the rules and procedures prescribed by the Secretary of
10 the State Election Board.

11 3. The secretary of the county election board in counties with
12 twenty-five thousand (25,000) or more registered voters, or with an
13 area in excess of one thousand five hundred (1,500) square miles,
14 shall designate at least one location on the campus of any four-year
15 state institution of higher education located within the county as
16 an in-person absentee polling place for an election, pursuant to the
17 rules and procedures prescribed by the Secretary of the State
18 Election Board.

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

1 cast a provisional ballot as provided in Section 7-116.1 of this
2 title.

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

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

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

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

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

1 possible, the voting procedure shall be the same as if the voter
2 were casting a vote in person at a precinct;

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

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

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

SECTION 2. This act shall become effective November 1, 2020.

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