

## FLOOR AMENDMENT

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend SB714 \_\_\_\_\_  
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**

Adopted: \_\_\_\_\_

Amendment submitted by: Carl Newton

\_\_\_\_\_

\_\_\_\_\_  
Reading Clerk

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

FLOOR SUBSTITUTE  
FOR ENGROSSED

SENATE BILL NO. 714

By: Jech of the Senate

and

Newton and Pae of the House

FLOOR SUBSTITUTE

An Act relating to elections; amending 26 O.S. 2021, Sections 14-115, 14-115.1, and 14-115.6, which relate to absentee voting; modifying procedures for absentee ballots for certain electors; and declaring an emergency.

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

SECTION 1. AMENDATORY 26 O.S. 2021, Section 14-115, is amended to read as follows:

Section 14-115. A. 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        1. On ~~the Thursday, Friday, Saturday or Monday preceding~~ any  
2 day following the deadline to request an absentee ballot as provided  
3 in Section 14-103 of this title, but prior to the date of the  
4 election, the absentee voting board shall deliver to each registered  
5 voter who is confined to a nursing facility, as defined in Section  
6 1-1902 of Title 63 of the Oklahoma Statutes, or a veterans center  
7 established pursuant to Title 72 of the Oklahoma Statutes and who  
8 requested ballots for an incapacitated voter the ballots and  
9 materials as may be necessary to vote same.

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

16       3. The voter shall then seal the ballots in the plain opaque  
17 envelope and shall seal the plain opaque envelope in the envelope  
18 bearing an affidavit. The voter must complete the affidavit, and  
19 the signature of the voter on same must be witnessed by both members  
20 of the absentee voting board.

21       4. The envelope bearing an affidavit then must be sealed in the  
22 return envelope, which shall be returned by the absentee voting  
23 board to the secretary of the county election board on the same day  
24 the affidavit was executed.

1        5. Ballots cast in such manner shall be counted in the same  
2 manner as regular mail absentee ballots.

3        B. The voter may request the assistance of the absentee voting  
4 board members to mark a ballot, complete the affidavit or seal the  
5 envelopes as described in this section.

6        C. 1. An administrator or employee of a nursing facility or  
7 veterans center who attempts to coerce or influence the vote of a  
8 person residing in or confined to that facility shall be deemed to  
9 be in violation of Section 16-109 of this title.

10       2. An administrator or employee of a nursing facility or  
11 veterans center who prevents or attempts to prevent a person  
12 residing in or confined to that facility from voting pursuant to  
13 this section shall be deemed to be in violation of Section 16-113 of  
14 this title.

15       SECTION 2.        AMENDATORY        26 O.S. 2021, Section 14-115.1, is  
16 amended to read as follows:

17       Section 14-115.1 A. A registered voter who becomes physically  
18 incapacitated after ~~5:00 p.m. on Tuesday preceding an election, the~~  
19 deadline to request an absentee ballot as provided in Section 14-103  
20 of this title and is unable to vote in person at the appropriate  
21 precinct on the day of the election may make a written request for  
22 an absentee ballot.

23       B. 1. The request shall be signed by the voter or signed by a  
24 witness at the voter's direction if the voter is unable to sign his

1 or her name, and shall be transmitted to the secretary of the county  
2 election board.

3 2. The person transmitting the request on behalf of the voter  
4 may be anyone of the voter's choosing who is at least sixteen (16)  
5 years of age; provided, the person is not employed by nor related  
6 within the third degree of consanguinity or affinity to any person  
7 whose name appears on the ballot.

8 3. The person becomes the voter's agent for purposes of voting  
9 by absentee ballot. The voter's request must be accompanied by a  
10 sworn statement by a duly licensed physician. Expected or likely  
11 confinement for childbirth on election day is sufficient cause to  
12 entitle a voter to vote absentee pursuant to this section. The  
13 physician's statement must attest to the fact that the voter is in  
14 fact unable to vote in person at the appropriate precinct on the day  
15 of the election because of a physical incapacity and that the  
16 physical incapacity originated after ~~5:00 p.m. on Tuesday preceding~~  
17 ~~an election~~ the deadline to request an absentee ballot as provided  
18 in Section 14-103 of this title.

19 4. Upon receipt of the voter's request and accompanying sworn  
20 statement, the secretary of the county election board shall issue to  
21 the voter's agent the appropriate ballots and envelopes required for  
22 voting by incapacitated voters.

23 5. The ballots must be returned by the agent to the secretary  
24 of the county election board no later than 7:00 p.m. on the day of

1 the election. No person may be the agent for more than one voter at  
2 any election. Upon return of the absentee ballots, the secretary of  
3 the county election board shall cause the ballots to be processed in  
4 the same manner as is prescribed for other absentee ballots.

5 SECTION 3. AMENDATORY 26 O.S. 2021, Section 14-115.6, is  
6 amended to read as follows:

7 Section 14-115.6 A. A registered voter who, ~~within ten (10)~~  
8 ~~days preceding an election~~ after the deadline to request an absentee  
9 ballot as provided in Section 14-103 of this title, is deployed as a  
10 first responder or emergency worker to assist with the rescue,  
11 recovery, or relief efforts of a declared natural disaster or state  
12 of emergency, may make a written request for an emergency absentee  
13 ballot in a form prescribed by the Secretary of the State Election  
14 Board. The request shall be signed by the voter and shall be  
15 provided by the voter to the secretary of the county election board  
16 in the county where the voter is registered.

17 B. Upon receipt of the voter's request, the secretary of the  
18 county election board shall issue to the voter the appropriate  
19 ballots and envelopes required for voting an emergency absentee  
20 ballot. Provided, the voter shall present proof of identity as  
21 required by Section 7-114 of this title.

22 C. The ballots must be returned in person by the voter, by  
23 United States mail, or by other means of delivery approved by the  
24 Secretary of the State Election Board, to the secretary of the

1 county election board no later than 7:00 p.m. on the day of the  
2 election.

3 D. Upon return of the absentee ballots, the secretary of the  
4 county election board shall cause the ballots to be processed in the  
5 same manner as is prescribed for other absentee ballots.

6 E. The Secretary of the State Election Board shall promulgate  
7 rules to implement the procedures described in this section.

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

12

13 58-2-11187 LRB 03/29/22

14

15

16

17

18

19

20

21

22

23

24