

STATE OF OKLAHOMA

1st Session of the 58th Legislature (2021)

SENATE BILL 714

By: Jech

AS INTRODUCED

An Act relating to elections; amending 26 O.S. 2011, Sections 14-103, as amended by Section 2, Chapter 151, O.S.L. 2020, 14-108, as amended by Section 2, Chapter 237, O.S.L. 2016, 14-115, as amended by Section 9, Chapter 151, O.S.L. 2020, 14-115.1, as amended by Section 10, Chapter 151, O.S.L. 2020 and Section 6, Chapter 200, O.S.L. 2013 (26 O.S. Supp. 2020, Sections 14-103, 14-108, 14-115, 14-115.1 and 14-115.6), which relate to absentee ballots; modifying deadline for requests for absentee ballots; modifying procedures for return of absentee ballots; defining term; modifying time for delivery of certain absentee ballots; establishing alternative procedures for delivery of absentee ballots under certain circumstances; authorizing promulgation of certain rules by Secretary of State Election Board; modifying procedures for request and return of emergency incapacitated absentee ballots; requiring Secretary of State Election Board to prescribe certain forms; modifying requirements for emergency absentee ballots for certain deployments; updating statutory reference; and providing an effective date.

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

SECTION 1. AMENDATORY 26 O.S. 2011, Section 14-103, as amended by Section 2, Chapter 151, O.S.L. 2020 (26 O.S. Supp. 2020, Section 14-103), is amended to read as follows:

1 Section 14-103. ~~Absentee~~ Requests for absentee ballots must be
2 ~~requested~~ received by the appropriate election officials no later
3 than 5:00 p.m. on ~~Tuesday~~ the third Monday preceding an election.

4 SECTION 2. AMENDATORY 26 O.S. 2011, Section 14-108, as
5 amended by Section 2, Chapter 237, O.S.L. 2016 (26 O.S. Supp. 2020,
6 Section 14-108), is amended to read as follows:

7 Section 14-108. A. 1. The voter to whom the absentee ballot
8 was issued shall be required to mark the absentee ballot in ink or
9 other manner as prescribed by the Secretary of the State Election
10 Board; seal the ballots in the plain opaque envelope; fill out
11 completely and sign the affidavit, such signature to be notarized at
12 no charge by a notary public; and seal the plain opaque envelope
13 inside the envelope bearing the affidavit ~~and;~~

14 2. The voter to whom the absentee ballot was issued shall
15 return both envelopes, sealed inside the return envelope, ~~by hand~~
16 ~~delivery,~~ one of the following methods:

17 a. United States mail or ~~by~~ a private mail or delivery
18 service, provided such service has delivery
19 documentation, ~~to the county election board~~ or

20 b. in-person delivery as provided in subsection C of this
21 section; and

22 3. No person other than the voter to whom the absentee ballot
23 was issued may return or submit the absentee ballot to the county
24 election board; provided, however, the spouse of the voter may

1 return the voter's absentee ballot with the permission of the voter
2 by United States mail or private mail or delivery service as
3 described in subparagraph a of paragraph 2 of this subsection.

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

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

13 C. 1. Any voter ~~who may hand delivers~~ deliver his or her
14 absentee ballot sealed in the plain opaque envelope with the
15 notarized absentee ballot affidavit in person to the county election
16 board as provided in subsection A of this section and shall provide
17 proof of identity to the secretary of the county election board ~~and~~
18 ~~shall hand deliver the ballot no later than the end of regular~~
19 ~~business hours on the day prior to the date of the election or the~~
20 secretary's designee at the time of delivery.

21 2. An absentee ballot may be delivered in person during the
22 regular business hours of the county election board on any day prior
23 to the date of the election but may not be delivered on the day of
24 the election.

1 3. For purposes of this ~~section~~, subsection:

2 a. "proof of identity" ~~shall have the same meaning as~~
3 ~~used~~ means a photo identification document or voter
4 identification card described in subsection A of
5 Section 7-114 of this title, and

6 b. "regular business hours" means the time the office of
7 the county election board is open for business to the
8 general public on a given day.

9 SECTION 3. AMENDATORY 26 O.S. 2011, Section 14-115, as
10 amended by Section 9, Chapter 151, O.S.L. 2020 (26 O.S. Supp. 2020,
11 Section 14-115), is amended to read as follows:

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

19 1. On the Wednesday, Thursday, Friday, Saturday, Sunday or
20 Monday preceding the date of the election, the absentee voting board
21 shall deliver to each registered voter who is confined to a nursing
22 facility, as defined in Section 1-1902 of Title 63 of the Oklahoma
23 Statutes, or a veterans center established pursuant to Title 72 of
24 the Oklahoma Statutes and who requested ballots for an incapacitated

1 voter the ballots and materials as may be necessary to vote same.
2 The date and time of such delivery shall be determined by the
3 secretary of the county election board.

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

10 3. The voter shall then seal the ballots in the plain opaque
11 envelope and shall seal the plain opaque envelope in the envelope
12 bearing an affidavit. The voter must complete the affidavit, and
13 the signature of the voter on same must be witnessed by both members
14 of the absentee voting board.

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

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

21 B. The voter may request the assistance of the absentee voting
22 board members to mark a ballot, complete the affidavit or seal the
23 envelopes as described in this section.
24

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

5 2. An administrator or employee of a nursing facility or
6 veterans center who prevents or attempts to prevent a person
7 residing in or confined to that facility from voting pursuant to
8 this section shall be deemed to be in violation of Section 16-113 of
9 this title.

10 D. In the event an absentee voting board is prohibited from
11 entering a nursing facility or veterans center due to federal or
12 state regulations related to a pandemic, epidemic or outbreak of a
13 communicable disease affecting the facility, and if applications for
14 an absentee ballot have been submitted pursuant to this section by
15 voters confined to the facility, the secretary of the county
16 election board shall authorize the absentee voting board to deliver
17 the absentee ballots to designated officials at the nursing facility
18 or veterans center who shall serve as an acting absentee voting
19 board. The members of the acting absentee voting board shall sign
20 an oath acknowledging their duties and responsibilities and shall be
21 authorized to carry out the duties otherwise assigned by law to the
22 absentee voting board. The Secretary of the State Election Board
23 may promulgate such rules and procedures as necessary to implement
24 the requirements of this subsection, including election emergency

1 procedures prescribed pursuant to the provisions Section 22-101 of
2 this title.

3 SECTION 4. AMENDATORY 26 O.S. 2011, Section 14-115.1, as
4 amended by Section 10, Chapter 151, O.S.L. 2020 (26 O.S. Supp. 2020,
5 Section 14-115.1), is amended to read as follows:

6 Section 14-115.1. A. A registered voter who becomes physically
7 incapacitated after ~~5:00 p.m. on Tuesday preceding an election,~~ the
8 deadline to request an absentee ballot as provided in Section 14-103
9 of this title and is unable to vote in person at the appropriate
10 precinct on the day of the election may make a written request for
11 an emergency incapacitated absentee ballot. ~~The~~

12 B. 1. A request for an emergency incapacitated absentee ballot
13 shall be signed by the voter or signed by a witness at the voter's
14 direction if the voter is unable to sign his or her name, and shall
15 be transmitted to the secretary of the county election board.

16 2. The person transmitting the request on behalf of the voter
17 may be anyone of the voter's choosing who is at least sixteen (16)
18 years of age; provided, the person is not employed by nor related
19 within the third degree of consanguinity or affinity to any person
20 whose name appears on the ballot. The person becomes the voter's
21 agent for purposes of voting by absentee ballot. The agent shall
22 provide his or her legal name and address of residence to the
23 secretary of the county election board.

1 3. The voter's request must be accompanied by a sworn statement
2 by a duly licensed physician. ~~Expected or likely confinement for~~
3 ~~childbirth on election day is sufficient cause to entitle a voter to~~
4 ~~vote absentee pursuant to this section.~~ The physician's statement
5 must attest to the fact that the voter is in fact unable to vote in
6 person at the appropriate precinct on the day of the election
7 because of a physical incapacity and that the physical incapacity
8 originated after 5:00 p.m. on Tuesday preceding an election the
9 deadline to request an absentee ballot as provided in Section 14-103
10 of this title. The Secretary of the State Election Board shall
11 prescribe forms to be used for the physician's statement.

12 4. Upon receipt of the voter's request and accompanying sworn
13 statement, the secretary of the county election board shall issue to
14 the voter's agent the appropriate ballots and envelopes required for
15 voting by incapacitated voters. The ballots must be returned by the
16 agent to the secretary of the county election board no later than
17 7:00 p.m. on the day of the election. No person may be the agent
18 for more than one voter at any election. Upon return of the
19 absentee ballots, the secretary of the county election board shall
20 cause the ballots to be processed in the same manner as is
21 prescribed for other absentee ballots.

22 C. The expected or likely confinement for childbirth on
23 election day is sufficient cause to qualify as "physically
24 incapacitated" for the purposes of this section.

SECTION 5. AMENDATORY Section 6, Chapter 200, O.S.L.

2013 (26 O.S. Supp. 2020, Section 14-115.6), is amended to read as follows:

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

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

C. The ballots must be returned in person by the voter, ~~by United States mail, or by other means of delivery approved by the Secretary of the State Election Board, to~~ in the manner as described in Section 14-108 of this title, and must be received by the

1 secretary of the county election board no later than 7:00 p.m. on
2 the day of the 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 6. This act shall become effective November 1, 2021.

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