

STATE OF OKLAHOMA

1st Session of the 58th Legislature (2021)

HOUSE BILL 1945

By: Munson

AS INTRODUCED

An Act relating to elections; amending 26 O.S. 2011, Sections 14-105, as amended by Section 4, Chapter 200, O.S.L. 2013, 14-110.1, as last amended by Section 5, Chapter 200, O.S.L. 2013 and 14-115, as amended by Section 9, Chapter 151, O.S.L. 2020 (26 O.S. Supp. 2019, Sections 14-105, 14-110.1 and 14-115), which relate to absentee ballot applications; modifying methods of application; modifying procedures for application; providing for period of validity; providing for cancellation under certain circumstances; providing exception; providing for validity of absentee ballot application for certain period; and providing an effective date.

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

SECTION 1. AMENDATORY 26 O.S. 2011, Section 14-105, as amended by Section 4, Chapter 200, O.S.L. 2013 (26 O.S. Supp. 2020, Section 14-105), is amended to read as follows:

Section 14-105. A. Any registered voter may apply for an absentee ballot in person at the county election board, by United States mail, ~~by telegraph,~~ by facsimile device as defined in Section 1862 of Title 21 of the Oklahoma Statutes or by a means of electronic communication designated by the Secretary of the State

1 Election Board. The Secretary of the State Election Board shall
2 prescribe a form to be used for the application, although any
3 application setting forth substantially the same facts shall be
4 valid.

5 B. Any registered voter may indicate on an application for
6 absentee ballots that the application is for ballots for a single
7 election date, for all elections in which the voter is eligible to
8 vote in a calendar year or for all future elections in which the
9 voter is eligible to vote. Once approved by the secretary of the
10 county election board, such application shall be considered valid
11 and shall be fulfilled unless or until the voter cancels the
12 application, or a ballot mailed to the address provided on the
13 application is returned undelivered to the county election board.
14 However, if a voter has applied for absentee ballots for all future
15 elections, but does not return a completed absentee ballot for any
16 election in a twenty-four-month period after the application is
17 approved, the application shall be canceled.

18 SECTION 2. AMENDATORY 26 O.S. 2011, Section 14-110.1, as
19 last amended by Section 5, Chapter 200, O.S.L. 2013 (26 O.S. Supp.
20 2020, Section 14-110.1), is amended to read as follows:

21 Section 14-110.1 A. A registered voter who swears or affirms
22 that the voter is physically unable to vote in person at the
23 precinct on the day of the election because the voter is:

24 1. Physically incapacitated; or

1 2. Charged with the care of another person who is physically
2 incapacitated and who cannot be left unattended;
3 may apply for an absentee ballot. Such applications may be made by
4 United States mail, by facsimile device as defined by Section 1862
5 of Title 21 of the Oklahoma Statutes or by a means of electronic
6 communication designated by the Secretary of the State Election
7 Board or may be made in person at the office of the county election
8 board by an agent of the voter. Such an agent shall be a person of
9 the voter's choosing who is at least sixteen (16) years of age and
10 who is not employed by or related within the third degree of
11 consanguinity or affinity to any person whose name appears on the
12 ballot. No person may be the agent for more than one voter at any
13 election. The Secretary of the State Election Board shall prescribe
14 a form to be used for the application, although any application
15 setting forth substantially the same facts shall be valid.

16 B. Any voter eligible for an absentee ballot as described in
17 subsection A of this section may indicate on an application for
18 absentee ballots that the application is for ballots for a single
19 election date, for all elections in which the voter is eligible to
20 vote in a calendar year or for all future elections in which the
21 voter is eligible to vote. Once approved by the secretary of the
22 county election board, such application shall be considered valid
23 and shall be fulfilled unless or until the voter cancels the
24 application, or a ballot mailed to the address provided on the

1 application is returned undelivered to the county election board.
2 However, if a voter has applied for absentee ballots for all future
3 elections, but does not return a completed absentee ballot for any
4 election in a twenty-four-month period after the application is
5 approved, the application shall be canceled.

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

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

16 1. On the Thursday, Friday, Saturday or Monday preceding the
17 election, the absentee voting board shall deliver to each registered
18 voter who is confined to a nursing facility, as defined in Section
19 1-1902 of Title 63 of the Oklahoma Statutes, or a veterans center
20 established pursuant to Title 72 of the Oklahoma Statutes and who
21 requested ballots for an incapacitated voter the ballots and
22 materials as may be necessary to vote same.

23 2. The voter must mark the ballots in the manner hereinbefore
24 provided in the presence of the absentee voting board, but in such a

1 manner as to make it impossible for any person other than the voter
2 to ascertain how the ballots are marked. Insofar as is possible,
3 the voting procedure shall be the same as if the voter were casting
4 a vote in person at a precinct.

5 3. The voter shall then seal the ballots in the plain opaque
6 envelope and shall seal the plain opaque envelope in the envelope
7 bearing an affidavit. The voter must complete the affidavit, and
8 the signature of the voter on same must be witnessed by both members
9 of the absentee voting board.

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

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

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

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

23 2. An administrator or employee of a nursing facility or
24 veterans center who prevents or attempts to prevent a person

1 residing in or confined to that facility from voting pursuant to
2 this section shall be deemed to be in violation of Section 16-113 of
3 this title.

4 D. Any voter eligible for an absentee ballot as described in
5 subsection A of this section may indicate on an application for
6 absentee ballots that the application is for ballots for a single
7 election date, for all elections in which the voter is eligible to
8 vote in a calendar year or for all future elections in which the
9 voter is eligible to vote. Once approved by the secretary of the
10 county election board, such application shall be considered valid
11 and shall be fulfilled as outlined in this section or Section 14-114
12 of this title unless or until the voter cancels the application or
13 moves to a different nursing home or veterans center. However, if a
14 voter has applied for absentee ballots for all future elections, but
15 does not return a completed absentee ballot for any election in a
16 twenty-four-month period after the application is approved, the
17 application shall be canceled.

18 SECTION 4. This act shall become effective November 1, 2021.

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