

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 COMMITTEE SUBSTITUTE

4 FOR

5 SENATE BILL 40

6 By: Pugh

7 COMMITTEE SUBSTITUTE

8 An Act relating to elections; amending 26 O.S. 2011,
9 Section 14-115.4, as last amended by Section 1,
10 Chapter 130, O.S.L. 2017 (26 O.S. Supp. 2020, Section
11 14-115.4), which relates to in-person absentee
12 voting; increasing number of days for in-person
13 absentee voting; 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 2020, 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 each weekday, Monday through Friday, that immediately precedes the
22 weekend immediately preceding any election and from 9 a.m. to 2 p.m.
23 on Saturday immediately preceding a state or federal election. As
24 part of the application for an in-person absentee ballot such
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 B. 1. The voter also shall provide proof of identity as
12 defined in Section 7-114 of this title. If the voter declines to or
13 is unable to produce proof of identity, the voter may sign a
14 statement under oath, in a form approved by the Secretary of the
15 State Election Board, swearing or affirming that the person is the
16 person identified on the precinct registry, and shall be allowed to
17 cast a provisional ballot as provided in Section 7-116.1 of this
18 title.

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

22 C. One or more absentee voting boards shall be on duty at the
23 in-person absentee polling place on the days and during the hours
24 set forth in subsection A of this section. If the secretary of a

1 county election board receives an application from a registered
2 voter requesting to vote by in-person absentee ballot the secretary
3 shall cause to be implemented the following procedures:

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

7 2. The voter must sign an in-person absentee voter record, and
8 the signature of the voter on such record must be certified by both
9 members of the absentee voting board, except that the secretary of
10 the county election board and one other member of the absentee
11 voting board may certify the signature of another member of the
12 absentee voting board;

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

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

22 5. When the in-person polling place is closed on each day of
23 in-person absentee voting the in-person absentee voting board shall,
24 without obtaining a printout of results, remove the electronic

1 results storage media from the voting device and seal ballots
2 counted that day in a transfer case which shall be secured by the
3 sheriff of the county in the same manner as provided in Section 8-
4 110 of this title. The electronic results storage media shall be
5 sealed in a container prescribed by the Secretary of the State
6 Election Board. The sheriff shall secure the sealed electronic
7 results storage media container and return it to the in-person
8 absentee voting board no later than 7:45 a.m. on the next day of in-
9 person absentee voting or to the secretary of the county election
10 board at the time of the county election board meeting to count
11 absentee ballots on election day; and

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

17 SECTION 2. This act shall become effective November 1, 2021.

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