

1 **SENATE FLOOR VERSION**

2 February 10, 2021

3 COMMITTEE SUBSTITUTE  
4 FOR

5 SENATE BILL NO. 440

6 By: Pugh, Floyd and Boren

7 An Act relating to elections; amending 26 O.S. 2011,  
8 Section 14-115.4, as last amended by Section 1,  
9 Chapter 130, O.S.L. 2017 (26 O.S. Supp. 2020, Section  
10 14-115.4), which relates to in-person absentee  
11 voting; increasing number of days for in-person  
12 absentee voting; and providing an effective date.

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

14 SECTION 1. AMENDATORY 26 O.S. 2011, Section 14-115.4, as  
15 last amended by Section 1, Chapter 130, O.S.L. 2017 (26 O.S. Supp.  
16 2020, Section 14-115.4), is amended to read as follows:

17 Section 14-115.4. A. 1. A registered voter may apply for an  
18 in-person absentee ballot at a location designated by the secretary  
19 of the county election board from 8 a.m. to 6 p.m. on ~~Thursday and~~  
20 each weekday, Monday through Friday, that immediately precedes the  
21 weekend 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  
a regular mail absentee ballot and that the voter will not vote at

1 the regular polling place in the election for which the in-person  
2 absentee ballot is requested.

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

10 B. 1. The voter also shall provide proof of identity as  
11 defined in Section 7-114 of this title. If the voter declines to or  
12 is unable to produce proof of identity, the voter may sign a  
13 statement under oath, in a form approved by the Secretary of the  
14 State Election Board, swearing or affirming that the person is the  
15 person identified on the precinct registry, and shall be allowed to  
16 cast a provisional ballot as provided in Section 7-116.1 of this  
17 title.

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

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

1 voter requesting to vote by in-person absentee ballot the secretary  
2 shall cause to be implemented the following procedures:

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

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

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

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

21 5. When the in-person polling place is closed on each day of  
22 in-person absentee voting the in-person absentee voting board shall,  
23 without obtaining a printout of results, remove the electronic  
24 results storage media from the voting device and seal ballots

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

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

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

17 COMMITTEE REPORT BY: COMMITTEE ON RULES  
18 February 10, 2021 - DO PASS AS AMENDED  
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