

1 STATE OF OKLAHOMA

2 1st Session of the 56th Legislature (2017)

3 SENATE BILL 489

By: Holt

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5
6 AS INTRODUCED

7 An Act relating to voting procedures; amending 26
8 O.S. 2011, Sections 14-107, 14-108, as amended by
9 Section 2, Chapter 237, O.S.L. 2016, 14-115.4, as
10 amended by Section 7, Chapter 200, O.S.L. 2013, and
11 4-117, as amended by Section 1, Chapter 34, O.S.L.
12 2013 (26 O.S. Supp. 2016, Sections 14-108, 14-115.4
13 and 4-117), which relate to absentee voting;
14 modifying procedures and requirements for absentee
15 voting; allowing third party to perform certain
16 actions; limiting number of signatures which may be
17 witnessed by single person; providing exception;
18 changing references to in-person absentee voting to
19 early voting; repealing 26 O.S. 2011, Sections 14-
20 110.1, as amended by Section 5, Chapter 200, O.S.L.
21 2013, 14-111.1, 14-112.1 and 14-113.2 (26 O.S. Supp.
22 2016, Section 14-110.1), which relate to physically
23 incapacitated voters; and providing an effective
24 date.

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

19 SECTION 1. AMENDATORY 26 O.S. 2011, Section 14-107, is
20 amended to read as follows:

21 Section 14-107. Absentee ballots must be accompanied by:

22 1. A plain opaque envelope in which voted ballots must be
23 placed by the voter;

1 2. An envelope bearing an affidavit stating that the voter is
2 qualified to vote, that the voter has personally marked the ballots,
3 and has not exhibited the marked ballots to any other person, or if
4 physically incapacitated, has directed a person chosen by the voter
5 to mark the ballots in accordance with the provisions of Section 7-
6 123.3 of this title;

7 3. A return envelope addressed to the secretary of the county
8 election board; and

9 4. A notice that it is illegal for a Notary Public in this
10 state to charge a fee to notarize an official absentee ballot
11 affidavit.

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

15 Section 14-108. A. The voter shall be required to ~~mark~~:

16 1. Mark the ballot in ink or other manner, or if physically
17 incapacitated, direct a person chosen by the voter to mark the
18 ballot in accordance with the provisions of Section 7-123.3 of this
19 title, as prescribed by the Secretary of the State Election Board;
20 ~~seal~~

21 2. Seal the ballots in the plain opaque envelope; ~~fill~~

22 3. Fill out completely and sign the affidavit, ~~such~~ or direct a
23 person chosen by the voter to sign the affidavit or, if physically
24 incapacitated, have the signature witnessed by two (2) persons who

1 did not sign the affidavit. The voter may either include a
2 photocopy of a form of proof of identity as defined in Section 7-114
3 of this title, or have his or her signature to be notarized at no
4 charge by a notary public; seal

5 4. Seal the plain opaque envelope inside the envelope bearing
6 the affidavit and return both envelopes, sealed inside the return
7 envelope, by hand delivery, United States mail or ~~by~~ a private mail
8 service, provided such service has delivery documentation, to the
9 county election board.

10 B. No person who is a candidate for an office on the ballot or
11 who is the chair or treasurer of the campaign of a candidate for
12 office or who is related within the third degree of consanguinity or
13 affinity to a candidate on the ballot may witness any absentee
14 ballot affidavit. No person, except members of early voting boards,
15 shall witness the signatures of more than five affidavits of persons
16 who swear they are physically incapacitated.

17 ~~B.~~ C. The ballot shall not be notarized by any person whose
18 name appears on the ballot as a candidate or by any campaign
19 chairperson or campaign treasurer for a candidate whose name appears
20 on the ballot.

21 ~~C.~~ D. Any voter who hand delivers his or her ballot as provided
22 in subsection A of this section shall provide proof of identity to
23 the county election board and shall hand deliver the ballot no later
24 than the end of regular business hours on the day prior to the date

1 of the election. For purposes of this section, "proof of identity"
2 shall have the same meaning as used in subsection A of Section 7-114
3 of this title.

4 SECTION 3. AMENDATORY 26 O.S. 2011, Section 14-115.4, as
5 amended by Section 7, Chapter 200, O.S.L. 2013 (26 O.S. Supp. 2016,
6 Section 14-115.4), is amended to read as follows:

7 Section 14-115.4. A. 1. A registered voter may apply for an
8 ~~in-person absentee~~ early voting ballot at a location designated by
9 the secretary of the county election board from 8 a.m. to 6 p.m. on
10 Thursday and Friday immediately preceding any election and from 9
11 a.m. to 2 p.m. on Saturday immediately preceding a state or federal
12 election. As part of the application for an ~~in-person absentee~~
13 early voting ballot, such registered voter shall swear or affirm
14 that the voter has not voted a regular mail absentee ballot and that
15 the voter will not vote at the regular polling place in the election
16 for which the ~~in-person absentee~~ early voting ballot is requested.

17 2. The secretary of the county election board in counties with
18 one hundred thousand (100,000) or more registered voters may
19 designate more than one location as an ~~in-person absentee~~ early
20 voting polling place for an election, subject to the approval of and
21 pursuant to the rules and procedures prescribed by the Secretary of
22 the State Election Board.

23 B. 1. The voter also shall provide proof of identity as
24 defined in Section 7-114 of this title. If the voter declines to or

1 is unable to produce proof of identity, the voter may sign a
2 statement under oath, in a form approved by the Secretary of the
3 State Election Board, swearing or affirming that the person is the
4 person identified on the precinct registry, and shall be allowed to
5 cast a provisional ballot as provided in Section 7-116.1 of this
6 title.

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

10 C. One or more ~~absentee~~ early voting boards shall be on duty at
11 the ~~in-person-absentee~~ early voting polling place on the days and
12 during the hours set forth in subsection A of this section. If the
13 secretary of a county election board receives an application from a
14 registered voter requesting to vote by ~~in-person-absentee~~ early
15 voting ballot, the secretary shall cause to be implemented the
16 following procedures:

17 1. An ~~absentee~~ early voting board shall provide to each
18 registered voter who applies for an ~~in-person-absentee~~ early voting
19 ballot appropriate ballots and materials as may be necessary to
20 vote;

21 2. The voter must sign an ~~in-person-absentee~~ early voting voter
22 record, and the signature of the voter on such record must be
23 certified by both members of the ~~absentee~~ early voting board, except
24 that the secretary of the county election board and one other member

1 of the ~~absentee~~ early voting board may certify the signature of
2 another member of the ~~absentee~~ early voting board;

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

9 4. The voter shall then deposit the ballot in a voting device
10 designated for ~~in-person-absentee~~ early voting by the secretary of
11 the county election board;

12 5. When the ~~in-person~~ early voting polling place is closed on
13 each day of ~~in-person-absentee~~ early voting, the ~~in-person-absentee~~
14 early voting board shall, without obtaining a printout of results,
15 remove the electronic results storage media from the voting device
16 and seal ballots counted that day in a transfer case which shall be
17 secured by the sheriff of the county in the same manner as provided
18 in Section 8-110 of this title. The electronic results storage
19 media shall be sealed in a container prescribed by the Secretary of
20 the State Election Board. The sheriff shall secure the sealed
21 electronic results storage media container and return it to the ~~in-~~
22 ~~person-absentee~~ early voting board no later than 7:45 a.m. on the
23 next day of ~~in-person-absentee~~ early voting or to the secretary of
24 the county election board at the time of the county election board

1 meeting to count early voting and absentee ballots on election day;
2 and

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

9 SECTION 4. AMENDATORY 26 O.S. 2011, Section 4-117, as
10 amended by Section 1, Chapter 34, O.S.L. 2013 (26 O.S. Supp. 2016,
11 Section 4-117), is amended to read as follows:

12 Section 4-117. If a registered voter of a county has changed
13 name or residence within the same county, and has not executed a
14 transfer as hereinbefore provided, the voter shall be entitled to a
15 change upon executing an application on a form to be prescribed by
16 the Secretary of the State Election Board and presenting such form
17 along with the voter identification card or other proof of identity
18 as described in Section 7-114 of this title to the inspector of the
19 precinct in which the voter is registered or to a member of an ~~in-~~
20 ~~person absentee~~ early voting board of the county in which the voter
21 is registered on the day of the next ensuing election or of ~~in-~~
22 ~~person absentee~~ early voting. Upon doing so, such registered voter
23 shall be permitted to vote on the ballots of such precinct, and only
24 of such precinct, for the election being conducted on that day only.

1 The inspector or in-person absentee voting board member shall
2 deliver such form to the secretary of the county election board, who
3 shall change the registration in the manner prescribed by the
4 Secretary of the State Election Board.

5 SECTION 5. REPEALER 26 O.S. 2011, Sections 14-110.1, as
6 amended by Section 5, Chapter 200, O.S.L. 2013, 14-111.1, 14-112.1,
7 and 14-113.2 (26 O.S. Supp. 2016, Section 14-110.1), are hereby
8 repealed.

9 SECTION 6. This act shall become effective November 1, 2017.

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