

1 ENGROSSED SENATE AMENDMENT
TO

2 ENGROSSED HOUSE
BILL NO. 2663

By: Echols of the House

and

David of the Senate

[elections - modifying days in which registered
voters may apply for in-person absentee ballot -
effective date]

12 AUTHOR: Add the following House Coauthors: Virgin, Dollens and
Davis

13 AUTHOR: Add the following Senate Coauthor: Kirt

15 AMENDMENT NO. 1. Page 1, strike the title, enacting clause and
entire bill and insert

16
17 "An Act relating to elections; amending 26 O.S. 2011,
18 Sections 14-103, as amended by Section 2, Chapter
19 151, O.S.L. 2020 and 14-115.4, as last amended by
20 Section 1, Chapter 130, O.S.L. 2017 (26 O.S. Supp.
21 2020, Sections 14-103 and 14-115.4), which relate to
absentee voting; modifying deadline for receipt of
absentee ballot requests; modifying days in which
registered voters may apply for in-person absentee
ballot; and providing an effective date.

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

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

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

7 SECTION 2. AMENDATORY 26 O.S. 2011, Section 14-115.4, as
8 last amended by Section 1, Chapter 130, O.S.L. 2017 (26 O.S. Supp.
9 2020, Section 14-115.4), is amended to read as follows:

10 Section 14-115.4. A. 1. A registered voter may apply for an
11 in-person absentee ballot at a location designated by the secretary
12 of the county election board from:

13 a. 8 a.m. to 6 p.m. on the Thursday and Friday
14 immediately preceding any election ~~and from 9 a.m.~~
15 conducted by a county election board,

16 b. 8 a.m. to 2 p.m. on the Saturday immediately preceding
17 ~~a state or federal election~~ General Election, Primary
18 Election, Runoff Primary Election or Presidential
19 Preferential Primary Election as described in Sections
20 1-101, 1-102, 1-103 and 20-101 of this title, and

21 c. 8 a.m. to 6 p.m. on the Wednesday immediately
22 preceding a General Election as described in Section
23 1-101 of this title.

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1 2. As part of the application for an in-person absentee ballot
2 such registered voter shall swear or affirm that the voter has not
3 voted a regular mail absentee ballot and that the voter will not
4 vote at the regular polling place in the election for which the in-
5 person absentee ballot is requested.

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

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

21 2. False swearing or affirming under oath shall be punishable
22 as a felony as provided in Section 16-103 of this title, and the
23 penalty shall be distinctly set forth on the face of the statement.
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1 C. One or more absentee voting boards shall be on duty at the
2 in-person absentee polling place on the days and during the hours
3 set forth in subsection A of this section. If the secretary of a
4 county election board receives an application from a registered
5 voter requesting to vote by in-person absentee ballot the secretary
6 shall cause to be implemented the following procedures:

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

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

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

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

1 5. When the in-person polling place is closed on each day of
2 in-person absentee voting the in-person absentee voting board shall,
3 without obtaining a printout of results, remove the electronic
4 results storage media from the voting device and seal ballots
5 counted that day in a transfer case which shall be secured by the
6 sheriff of the county in the same manner as provided in Section 8-
7 110 of this title. The electronic results storage media shall be
8 sealed in a container prescribed by the Secretary of the State
9 Election Board. The sheriff shall secure the sealed electronic
10 results storage media container and return it to the in-person
11 absentee voting board no later than 7:45 a.m. on the next day of in-
12 person absentee voting or to the secretary of the county election
13 board at the time of the county election board meeting to count
14 absentee ballots on election day; and

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

20 SECTION 3. This act shall become effective January 1, 2022.”
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1 Passed the Senate the 22nd day of April, 2021.

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3 _____
4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2021.

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8 _____
9 Presiding Officer of the House
10 of Representatives

1 ENGROSSED HOUSE
2 BILL NO. 2663

By: Echols of the House

and

David of the Senate

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6 [elections - modifying days in which registered
7 voters may apply for in-person absentee ballot -
8 effective date]
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10

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

12 SECTION 4. AMENDATORY 26 O.S. 2011, Section 14-115.4, as
13 last amended by Section 1, Chapter 130, O.S.L. 2017 (26 O.S. Supp.
14 2020, Section 14-115.4), is amended to read as follows:

15 Section 14-115.4 A. 1. A registered voter may apply for an
16 in-person absentee ballot at a location designated by the secretary
17 of the county election board from 8 a.m. to 6 p.m. on Wednesday,
18 Thursday and Friday immediately preceding any Presidential election,
19 8 a.m. to 6 p.m. on Thursday and Friday immediately preceding any
20 other election and from 9 a.m. to 2 p.m. on Saturday immediately
21 preceding a state or federal election. As part of the application
22 for an in-person absentee ballot such registered voter shall swear
23 or affirm that the voter has not voted a regular mail absentee
24 ballot and that the voter will not vote at the regular polling place

1 in the election for which the in-person absentee ballot is
2 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 5. This act shall become effective November 1, 2021.
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1 Passed the House of Representatives the 9th day of March, 2021.

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4 Presiding Officer of the House
of Representatives

5 Passed the Senate the ____ day of _____, 2021.

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9 Presiding Officer of the Senate