

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE  
4 FOR ENGROSSED  
5 HOUSE BILL NO. 2663

By: Echols, Virgin, Dollens and  
Davis of the House

6 and

7 David of the Senate

8  
9 COMMITTEE SUBSTITUTE

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

13  
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:

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

1           **b.**    8 a.m. to 2 p.m. on the Saturday immediately preceding  
2                    ~~a state or federal election~~ General Election, Primary  
3                    Election, Runoff Primary Election or Presidential  
4                    Preferential Primary Election as described in Sections  
5                    1-101, 1-102, 1-103 and 20-101 of this title, and

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

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

14        ~~2.~~ 3. The secretary of the county election board in counties  
15 with twenty-five thousand (25,000) or more registered voters, or  
16 with an area in excess of one thousand five hundred (1,500) square  
17 miles, may designate more than one location as an in-person absentee  
18 polling place for an election, subject to the approval of and  
19 pursuant to the ~~rules and~~ procedures prescribed by the Secretary of  
20 the State Election Board.

21        B. 1. The voter also shall provide proof of identity as  
22 defined in Section 7-114 of this title. If the voter declines to or  
23 is unable to produce proof of identity, the voter may sign a  
24 statement under oath, in a form approved by the Secretary of the

1 State Election Board, swearing or affirming that the person is the  
2 person identified on the precinct registry, and shall be allowed to  
3 cast a provisional ballot as provided in Section 7-116.1 of this  
4 title.

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

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

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

17 2. The voter must sign an in-person absentee voter record, and  
18 the signature of the voter on such record must be certified by both  
19 members of the absentee voting board, except that the secretary of  
20 the county election board and one other member of the absentee  
21 voting board may certify the signature of another member of the  
22 absentee voting board;

23 3. The voter must mark the ballots of the voter in the manner  
24 provided by law in the presence of the absentee voting board, but in

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

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

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

22 6. If there is a malfunction in such a way that the electronic  
23 results storage media used for in-person absentee voting will not  
24 function, the sheriff is authorized to return the transfer cases

1 containing in-person absentee ballots to the county election board  
2 to be recounted as provided in Section 7-134.1 of this title.

3 SECTION 2. This act shall become effective January 1, 2022.  
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