

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 HOUSE BILL

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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