

An Act

ENROLLED HOUSE
BILL NO. 2663

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

and

David and Kirt of the
Senate

An Act relating to elections; amending 26 O.S. 2011, Sections 14-103, as amended by Section 2, Chapter 151, O.S.L. 2020 and 14-115.4, as last amended by Section 1, Chapter 130, O.S.L. 2017 (26 O.S. Supp. 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.

SUBJECT: Elections

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

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

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

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

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

- a. 8 a.m. to 6 p.m. on the Thursday and Friday immediately preceding any election and from 9 a.m. conducted by a county election board,
- b. 8 a.m. to 2 p.m. on the Saturday immediately preceding a state or federal election General Election, Primary Election, Runoff Primary Election or Presidential Preferential Primary Election as described in Sections 1-101, 1-102, 1-103 and 20-101 of this title, and
- c. 8 a.m. to 6 p.m. on the Wednesday immediately preceding a General Election as described in Section 1-101 of this title.

2. As part of the application for an in-person absentee ballot such 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 the regular polling place in the election for which the in-person absentee ballot is requested.

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

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

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

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

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

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

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

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

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

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

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

Passed the House of Representatives the 6th day of May, 2021.

Presiding Officer of the House
of Representatives

Passed the Senate the 22nd day of April, 2021.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____