

SENATE CHAMBER

STATE OF OKLAHOMA

DISPOSITION

FLOOR AMENDMENT

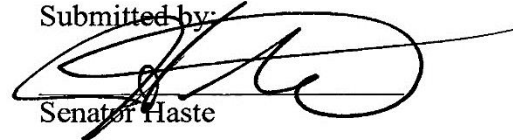
No. 1

COMMITTEE AMENDMENT

(Date)

I move to amend House Bill No. 3364, by substituting the attached floor substitute (Request # 3853) for the title, enacting clause and entire body of the measure.

Submitted by:

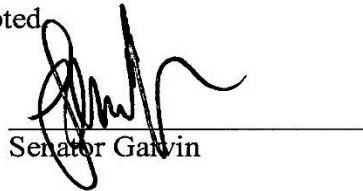


Senator Haste

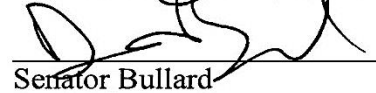
I hereby grant permission for the floor substitute to be adopted.



Senator Jech, Chair (required)



Senator Garvin



Senator Bullard

Senator Kirt

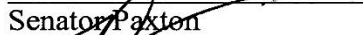


Senator Allen

Senator Leewright



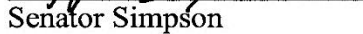
Senator Boren



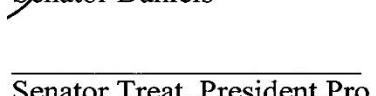
Senator Paxton



Senator Coleman



Senator Simpson



Senator Daniels

Senator Thompson

Senator Treat, President Pro Tempore

Senator McCortney, Majority Floor Leader

Note: Rules committee majority requires seven (7) members' signatures.

Haste-TEK-FS-HB3364
4/21/2022 2:38 PM

(Floor Amendments Only)

Date and Time Filed: _____

2:44 pm *jd*

Untimely

Amendment Cycle Extended

Secondary Amendment

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 FLOOR SUBSTITUTE
4 FOR ENGROSSED
5 HOUSE BILL NO. 3364

By: Roberts (Eric) and
Crosswhite Hader of the
House

6 and

7 Haste of the Senate

8
9
10 FLOOR SUBSTITUTE

11 [elections - absentee voting - effective date -
12 emergency]

13
14 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

15 SECTION 1. AMENDATORY 26 O.S. 2021, Section 14-105, is
16 amended to read as follows:

17 Section 14-105. A. Any registered voter may apply for an
18 absentee ballot in person at the county election board, by United
19 States mail, ~~by telegraph,~~ by facsimile device as defined in Section
20 1862 of Title 21 of the Oklahoma Statutes or by a means of
21 electronic communication designated by the Secretary of the State
22 Election Board. The Secretary of the State Election Board shall
23 prescribe a form to be used for the application, although any
24

1 application setting forth substantially the same facts shall be
2 valid.

3 B. 1. A registered voter applying for an absentee ballot by
4 means of electronic communication shall provide his or her name,
5 birth date, an identification number, and other information as may
6 be prescribed by the Secretary of the State Election Board. The
7 name, birth date, and identification number provided on the
8 application must match the name, birth date, and identification
9 number in the voter registration record in order to apply for an
10 absentee ballot pursuant to this subsection.

11 2. If the voter does not recall which identification number he
12 or she included in the voter registration record, the voter may
13 provide multiple identification numbers, at least one of which must
14 match the identification number in the voter registration record if
15 such record included an identification number. If the name, birth
16 date, or any identification number provided does not match the voter
17 registration record, the voter shall be informed of the failure to
18 match the voter registration record and shall be provided
19 information and instruction to contact the county election board.

20 3. If the voter registration record on file with the county
21 election board does not contain a birth date or identification
22 number, the voter shall not be eligible to apply for an absentee
23 ballot by means of electronic communication but may apply for an
24 absentee ballot pursuant to subsection C of this section.

1 4. Identifying information such as birth date and
2 identification number shall not be modified online in an existing
3 voter registration except as provided in Section 4-109.4 of this
4 title.

5 5. No later than January 1, 2023, a registered voter applying
6 for an absentee ballot pursuant to this subsection who meets the
7 criteria provided in Section 7-115.1 of this title shall be required
8 to confirm his or her address prior to submitting an application for
9 absentee ballot by means of electronic communication.

10 C. 1. A registered voter applying for an absentee ballot in
11 person, by United States mail, or by facsimile device shall provide
12 his or her name, birth date, an identification number, and other
13 information as may be prescribed by the Secretary of the State
14 Election Board. The name, birth date, and identification number
15 provided on the application must match the name, birth date, and
16 identification number in the voter registration record.

17 2. If the voter does not recall which identification number he
18 or she included in the voter registration record, the voter may
19 provide multiple identification numbers, at least one of which must
20 match the identification number in the voter registration record if
21 such record included an identification number. If the voter
22 registration record does not contain a birth date or an
23 identification number, the absentee ballot application shall be
24

1 accepted without a match of a birth date or an identification
2 number.

3 D. For purposes of this section, "identification number" means
4 a number submitted on the registration application pursuant to
5 paragraph 3 of subsection A of Section 4-112 of this title.

6 SECTION 2. AMENDATORY 26 O.S. 2021, Section 14-110.1, is
7 amended to read as follows:

8 Section 14-110.1. A registered voter who swears or affirms that
9 the voter is physically unable to vote in person at the precinct on
10 the day of the election because the voter is:

11 1. Physically incapacitated; or

12 2. Charged with the care of another person who is physically
13 incapacitated and who cannot be left unattended;

14 may apply for an absentee ballot. Such applications may be made by

15 United States mail, by facsimile device as defined by Section 1862

16 of Title 21 of the Oklahoma Statutes or by a means of electronic

17 communication designated by the Secretary of the State Election

18 Board or may be made in person at the office of the county election

19 board by an agent of the voter. Such an agent shall be a person of

20 the voter's choosing who is at least sixteen (16) years of age and

21 who is not employed by or related within the third degree of

22 consanguinity or affinity to any person whose name appears on the

23 ballot. No person may be the agent for more than one voter at any

24 election. The Secretary of the State Election Board shall prescribe

1 a form to be used for the application, although any application
2 setting forth substantially the same facts shall be valid.
3 Requirements for matching of name, birth date, and identification
4 number established pursuant to Section 14-105 of this title shall
5 apply to applications for absentee ballots under this section.

6 SECTION 3. AMENDATORY 26 O.S. 2021, Section 14-114, is
7 amended to read as follows:

8 Section 14-114. If the secretary of a county election board
9 receives such a request from an incapacitated elector confined to a
10 nursing facility, as defined in Section 1-1902 of Title 63 of the
11 Oklahoma Statutes, outside the county of jurisdiction of the
12 secretary, the secretary shall provide ballots and materials by mail
13 in the manner hereinbefore prescribed. Requirements for matching of
14 name, birth date, and identification number established pursuant to
15 Section 14-105 of this title shall apply to applications for
16 absentee ballots under this section.

17 SECTION 4. AMENDATORY 26 O.S. 2021, Section 14-115, is
18 amended to read as follows:

19 Section 14-115. A. If the secretary of a county election board
20 receives a request from an incapacitated elector confined to a
21 nursing facility, as defined in Section 1-1902 of Title 63 of the
22 Oklahoma Statutes, or a veterans center established pursuant to
23 Title 72 of the Oklahoma Statutes within the county of the
24 jurisdiction of the secretary, and such request satisfies the

1 requirements for matching of name, birth date, and identification
2 number established pursuant to Section 14-105 of this title, the
3 secretary shall cause to be implemented the following procedures:

4 1. On the Thursday, Friday, Saturday or Monday preceding the
5 election, the absentee voting board shall deliver to each registered
6 voter who is confined to a nursing facility, as defined in Section
7 1-1902 of Title 63 of the Oklahoma Statutes, or a veterans center
8 established pursuant to Title 72 of the Oklahoma Statutes and who
9 requested ballots for an incapacitated voter the ballots and
10 materials as may be necessary to vote same.

11 2. The voter must mark the ballots in the manner hereinbefore
12 provided in the presence of the absentee voting board, but in such a
13 manner as to make it impossible for any person other than the voter
14 to ascertain how the ballots are marked. Insofar as is possible,
15 the voting procedure shall be the same as if the voter were casting
16 a vote in person at a precinct.

17 3. The voter shall then seal the ballots in the plain opaque
18 envelope and shall seal the plain opaque envelope in the envelope
19 bearing an affidavit. The voter must complete the affidavit, and
20 the signature of the voter on same must be witnessed by both members
21 of the absentee voting board.

22 4. The envelope bearing an affidavit then must be sealed in the
23 return envelope, which shall be returned by the absentee voting
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1 board to the secretary of the county election board on the same day
2 the affidavit was executed.

3 5. Ballots cast in such manner shall be counted in the same
4 manner as regular mail absentee ballots.

5 B. The voter may request the assistance of the absentee voting
6 board members to mark a ballot, complete the affidavit or seal the
7 envelopes as described in this section.

8 C. 1. An administrator or employee of a nursing facility or
9 veterans center who attempts to coerce or influence the vote of a
10 person residing in or confined to that facility shall be deemed to
11 be in violation of Section 16-109 of this title.

12 2. An administrator or employee of a nursing facility or
13 veterans center who prevents or attempts to prevent a person
14 residing in or confined to that facility from voting pursuant to
15 this section shall be deemed to be in violation of Section 16-113 of
16 this title.

17 SECTION 5. AMENDATORY 26 O.S. 2021, Section 14-115.1, is
18 amended to read as follows:

19 Section 14-115.1. A registered voter who becomes incapacitated
20 after 5:00 p.m. on Tuesday preceding an election, is unable to vote
21 in person at the appropriate precinct on the day of the election may
22 make a written request for an absentee ballot. Requirements for
23 matching of name, birth date, and identification number established
24 pursuant to Section 14-105 of this title shall apply to a request

1 for absentee ballots under this section. The request shall be
2 signed by the voter or signed by a witness at the voter's direction
3 if the voter is unable to sign his or her name, and shall be
4 transmitted to the secretary of the county election board. The
5 person transmitting the request on behalf of the voter may be anyone
6 of the voter's choosing who is at least sixteen (16) years of age;
7 provided, the person is not employed by nor related within the third
8 degree of consanguinity or affinity to any person whose name appears
9 on the ballot. The person becomes the voter's agent for purposes of
10 voting by absentee ballot. The voter's request must be accompanied
11 by a sworn statement by a duly licensed physician. Expected or
12 likely confinement for childbirth on election day is sufficient
13 cause to entitle a voter to vote absentee pursuant to this section.
14 The statement must attest to the fact that the voter is in fact
15 unable to vote in person at the appropriate precinct on the day of
16 the election because of a physical incapacity and that the physical
17 incapacity originated after 5:00 p.m. on Tuesday preceding an
18 election. Upon receipt of the voter's request and accompanying
19 sworn statement, the secretary of the county election board shall
20 issue to the voter's agent the appropriate ballots and envelopes
21 required for voting by incapacitated voters. The ballots must be
22 returned by the agent to the secretary of the county election board
23 no later than 7:00 p.m. on the day of the election. No person may
24 be the agent for more than one voter at any election. Upon return

1 of the absentee ballots, the secretary of the county election board
2 shall cause the ballots to be processed in the same manner as is
3 prescribed for other absentee ballots.

4 SECTION 6. AMENDATORY 26 O.S. 2021, Section 14-115.6, is
5 amended to read as follows:

6 Section 14-115.6. A. A registered voter who, within ten (10)
7 days preceding an election, is deployed as a first responder or
8 emergency worker to assist with the rescue, recovery, or relief
9 efforts of a declared natural disaster or state of emergency, may
10 make a written request for an emergency absentee ballot in a form
11 prescribed by the Secretary of the State Election Board. The
12 request shall be signed by the voter and shall be provided by the
13 voter to the secretary of the county election board in the county
14 where the voter is registered. Requirements for matching of name,
15 birth date, and identification number established pursuant to
16 Section 14-105 of this title shall apply to a request for an
17 absentee ballot under this section.

18 B. Upon receipt of the voter's request, the secretary of the
19 county election board shall issue to the voter the appropriate
20 ballots and envelopes required for voting an emergency absentee
21 ballot. Provided, the voter shall present proof of identity as
22 required by Section 7-114 of this title.

23 C. The ballots must be returned in person by the voter, by
24 United States mail, or by other means of delivery approved by the

1 Secretary of the State Election Board, to the secretary of the
2 county election board no later than 7:00 p.m. on the day of the
3 election.

4 D. Upon return of the absentee ballots, the secretary of the
5 county election board shall cause the ballots to be processed in the
6 same manner as is prescribed for other absentee ballots.

7 E. The Secretary of the State Election Board shall promulgate
8 rules to implement the procedures described in this section.

9 SECTION 7. AMENDATORY 26 O.S. 2021, Section 14-142, is
10 amended to read as follows:

11 Section 14-142. A. A covered voter who is registered to vote
12 in this state may apply for a military-overseas ballot using either
13 the regular absentee ballot application in use in the voter's
14 jurisdiction under Section 14-101 et seq. of ~~Title 26 of the~~
15 ~~Oklahoma Statutes~~ this title or the federal postcard application or
16 the application's electronic equivalent. Requirements for matching
17 of name, birth date, and identification number established pursuant
18 to Section 14-105 of this title shall apply to applications for
19 absentee ballots under this section.

20 B. A covered voter who is not registered to vote in this state
21 may use a federal postcard application or the application's
22 electronic equivalent to apply simultaneously to register to vote
23 under Section ~~6~~ 14-141 of this ~~act~~ title and for a military-overseas
24 ballot.

1 C. The Secretary of the State Election Board shall ensure that
2 the electronic transmission system described in subsection C of
3 Section ~~4~~ 14-139 of this ~~act~~ title is capable of accepting the
4 submission of both a federal postcard application and any other
5 approved electronic military-overseas ballot application sent to the
6 appropriate election official. The voter may use the electronic
7 transmission system or any other approved method to apply for a
8 military-overseas ballot.

9 D. A covered voter may use the declaration accompanying a
10 federal write-in absentee ballot as an application for a military-
11 overseas ballot simultaneously with the submission of the federal
12 write-in absentee ballot, if the declaration is received by the
13 appropriate election official by the last day for other voters in
14 this state to apply for an absentee ballot for that election
15 pursuant to the provisions of Section 14-103 of ~~Title 26 of the~~
16 ~~Oklahoma Statutes~~ this title.

17 E. To receive the benefits of the Uniform Military and Overseas
18 Voters Act, a covered voter must inform the appropriate election
19 official that the voter is a covered voter. Methods of informing
20 the appropriate election official that a voter is a covered voter
21 include:

22 1. The use of a federal postcard application or federal write-
23 in absentee ballot;

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1 2. The use of an overseas address on an approved voter
2 registration application or ballot application; and

3 3. The inclusion on an approved voter registration application
4 or ballot application of other information sufficient to identify
5 the voter as a covered voter.

6 F. This act does not preclude a covered voter from voting under
7 the provisions of Section 14-101 et seq. of ~~Title 26 of the Oklahoma~~
8 ~~Statutes~~ this title.

9 SECTION 8. This act shall become effective July 1, 2022.

10 SECTION 9. It being immediately necessary for the preservation
11 of the public peace, health or safety, an emergency is hereby
12 declared to exist, by reason whereof this act shall take effect and
13 be in full force from and after its passage and approval.

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15 58-2-3853 TEK 4/25/2022 5:05:45 PM

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