

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 58th Legislature (2021)

4 HOUSE BILL 2663

By: Echols

7 AS INTRODUCED

8 An Act relating to elections; amending 26 O.S. 2011,
9 Section 14-115.4, as last amended by Section 1,
10 Chapter 130, O.S.L. 2017 (26 O.S. Supp. 2020, Section
11 14-115.4), which relates to in-person absentee
12 voting; modifying days in which registered voters may
13 apply for in-person absentee ballot; and providing an
14 effective date.

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 8 a.m. to 6 p.m. on Wednesday,
21 Thursday and Friday immediately preceding any Presidential election,
22 8 a.m. to 6 p.m. on Thursday and Friday immediately preceding any
23 other election and from 9 a.m. to 2 p.m. on Saturday immediately
24 preceding a state or federal election. As part of the application

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

6 2. The secretary of the county election board in counties with
7 twenty-five thousand (25,000) or more registered voters, or with an
8 area in excess of one thousand five hundred (1,500) square miles,
9 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.

24

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 2. This act shall become effective November 1, 2021.

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22 COMMITTEE REPORT BY: COMMITTEE ON ELECTIONS AND ETHICS, dated
23 02/16/2021 - DO PASS.

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