

1 **SENATE FLOOR VERSION**

2 February 10, 2021

3 COMMITTEE SUBSTITUTE  
4 FOR

5 SENATE BILL NO. 714

6 By: Jech

7  
8 An Act relating to elections; amending 26 O.S. 2011,  
9 Sections 14-103, as amended by Section 2, Chapter  
10 151, O.S.L. 2020, 14-108, as amended by Section 2,  
11 Chapter 237, O.S.L. 2016, 14-113.2, 14-115, as  
12 amended by Section 9, Chapter 151, O.S.L. 2020, 14-  
13 115.1, as amended by Section 10, Chapter 151, O.S.L.  
14 2020 and Section 6, Chapter 200, O.S.L. 2013 (26 O.S.  
15 Supp. 2020, Sections 14-103, 14-108, 14-113.2, 14-  
16 115, 14-115.1 and 14-115.6), which relate to absentee  
17 ballots; modifying deadline for requests for absentee  
18 ballots; modifying procedures for return of absentee  
19 ballots; defining term; modifying requirements for  
20 marking and returning of absentee ballots for certain  
21 persons; modifying time for delivery of certain  
22 absentee ballots; establishing alternative procedures  
23 for delivery of absentee ballots under certain  
24 circumstances; requiring certain training program for  
acting absentee voting board; authorizing  
promulgation of certain rules by Secretary of State  
Election Board; modifying procedures for request and  
return of emergency incapacitated absentee ballots;  
requiring Secretary of State Election Board to  
prescribe certain forms; modifying requirements for  
emergency absentee ballots for certain deployments;  
establishing procedures for request for and return of  
accessible absentee ballot for blind or visually  
impaired voters; establishing procedures for return  
of spoiled absentee ballots and issuance of  
replacement ballots; authorizing the Secretary of the  
State Election Board to promulgate certain rules;  
updating statutory reference; providing for  
codification; providing an effective date; and  
declaring an emergency.

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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 14-108, as amended by Section 2, Chapter 237, O.S.L. 2016 (26 O.S. Supp. 2020, Section 14-108), is amended to read as follows:

Section 14-108. A. 1. The voter to whom the absentee ballot was issued shall be required to mark the absentee ballot in ink or other manner as prescribed by the Secretary of the State Election Board; seal the ballots in the plain opaque envelope; fill out completely and sign the affidavit, such signature to be notarized at no charge by a notary public; and seal the plain opaque envelope inside the envelope bearing the affidavit ~~and;~~

2. The voter to whom the absentee ballot was issued shall return both envelopes, sealed inside the return envelope, ~~by hand delivery,~~ one of the following methods:



1 provide proof of identity to the secretary of the county election  
2 board ~~and shall hand deliver the ballot no later than the end of~~  
3 ~~regular business hours on the day prior to the date of the election~~  
4 or the secretary's designee at the time of delivery.

5 2. An absentee ballot may be delivered in person during the  
6 regular business hours of the county election board on any day prior  
7 to the date of the election but may not be delivered on the day of  
8 the election.

9 3. For purposes of this ~~section,~~ subsection:

10 a. "proof of identity" shall have the same meaning as  
11 used means a photo identification document or voter  
12 identification card described in subsection A of  
13 Section 7-114 of this title, and

14 b. "regular business hours" means the time the office of  
15 the county election board is open for business to the  
16 general public on a given day.

17 SECTION 3. AMENDATORY 26 O.S. 2011, Section 14-113.2, is  
18 amended to read as follows:

19 Section 14-113.2 A. ~~The~~ 1. A voter who receives an absentee  
20 ballot pursuant to Section 14-110.1 of this title shall be  
21 responsible for marking the ~~ballots~~ ballot or directing a person  
22 chosen by the voter to mark the ~~ballots~~ ballot in accordance with  
23 the provisions of Section 7-123.3 of this title and as prescribed by  
24 the Secretary of the State Election Board.

1        2. The voter shall seal the ballots in the plain opaque  
2 envelope~~†~~.

3        3. The voter shall fill out completely and sign the affidavit  
4 or direct a person chosen by the voter to sign the affidavit, ~~such~~  
5 whose name and address of residence shall be printed on the  
6 affidavit.

7        4. The signature ~~to~~ of the voter shall be witnessed by two  
8 persons, who did not sign the affidavit on behalf of the voter,  
9 whose printed name, signature and address of residence shall appear  
10 on the affidavit~~†~~.

11        5. The voter shall seal the plain opaque envelope inside the  
12 envelope bearing the affidavit and return both envelopes, sealed  
13 inside the return envelope, ~~by United States mail or by a private~~  
14 ~~mail service, provided such service has delivery documentation, to~~  
15 ~~the county election board~~ in the same manner described in Section  
16 14-108 of this title.

17        B. No person, except members of absentee voting boards, shall  
18 witness the signature of more than five affidavits of persons who  
19 swear they are physically incapacitated and unable to vote in person  
20 at their precinct on election day. No person who is a candidate for  
21 an office on the ballot or who is related within the third degree of  
22 consanguinity or affinity to a candidate on the ballot may witness  
23 any absentee ballot affidavit.

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1 SECTION 4. AMENDATORY 26 O.S. 2011, Section 14-115, as  
2 amended by Section 9, Chapter 151, O.S.L. 2020 (26 O.S. Supp. 2020,  
3 Section 14-115), is amended to read as follows:

4 Section 14-115. A. If the secretary of a county election board  
5 receives a request from an incapacitated elector confined to a  
6 nursing facility, as defined in Section 1-1902 of Title 63 of the  
7 Oklahoma Statutes, or a veterans center established pursuant to  
8 Title 72 of the Oklahoma Statutes within the county of the  
9 jurisdiction of the secretary, the secretary shall cause to be  
10 implemented the following procedures:

11 1. ~~On the Thursday, Friday, Saturday or Monday preceding any~~  
12 day following the deadline to request an absentee ballot as provided  
13 in Section 14-103 of this title, but prior to the date of the  
14 election, the absentee voting board shall deliver to each registered  
15 voter who is confined to a nursing facility, as defined in Section  
16 1-1902 of Title 63 of the Oklahoma Statutes, or a veterans center  
17 established pursuant to Title 72 of the Oklahoma Statutes and who  
18 requested ballots for an incapacitated voter the ballots and  
19 materials as may be necessary to vote same. The date and time of  
20 such delivery shall be determined by the secretary of the county  
21 election board.

22 2. The voter must mark the ballots in the manner hereinbefore  
23 provided in the presence of the absentee voting board, but in such a  
24 manner as to make it impossible for any person other than the voter

1 to ascertain how the ballots are marked. Insofar as is possible,  
2 the voting procedure shall be the same as if the voter were casting  
3 a vote in person at a precinct.

4 3. The voter shall then seal the ballots in the plain opaque  
5 envelope and shall seal the plain opaque envelope in the envelope  
6 bearing an affidavit. The voter must complete the affidavit, and  
7 the signature of the voter on same must be witnessed by both members  
8 of the absentee voting board.

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

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

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

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

22 2. An administrator or employee of a nursing facility or  
23 veterans center who prevents or attempts to prevent a person  
24 residing in or confined to that facility from voting pursuant to

1 this section shall be deemed to be in violation of Section 16-113 of  
2 this title.

3 D. In the event an absentee voting board is prohibited from  
4 entering a nursing facility or veterans center due to federal or  
5 state regulations related to a pandemic, epidemic or outbreak of a  
6 communicable disease affecting the facility, and if applications for  
7 an absentee ballot have been submitted pursuant to this section by  
8 voters confined to the facility, the secretary of the county  
9 election board shall authorize the absentee voting board to deliver  
10 the absentee ballots to designated officials at the nursing facility  
11 or veterans center who shall serve as an acting absentee voting  
12 board. The members of the acting absentee voting board shall sign  
13 an oath acknowledging their duties and responsibilities and shall be  
14 authorized to carry out the duties otherwise assigned by law to the  
15 absentee voting board. The acting absentee voting board shall  
16 complete a training program prescribed by the Secretary of the State  
17 Election Board. The Secretary of the State Election Board may  
18 promulgate such rules and procedures as necessary to implement the  
19 requirements of this subsection, including election emergency  
20 procedures prescribed pursuant to the provisions Section 22-101 of  
21 this title.

22 SECTION 5. AMENDATORY 26 O.S. 2011, Section 14-115.1, as  
23 amended by Section 10, Chapter 151, O.S.L. 2020 (26 O.S. Supp. 2020,  
24 Section 14-115.1), is amended to read as follows:



1 Section 14-115.1. A. A registered voter who becomes physically  
2 incapacitated after ~~5:00 p.m. on Tuesday preceding an election,~~ the  
3 deadline to request an absentee ballot as provided in Section 14-103  
4 of this title and is unable to vote in person at the appropriate  
5 precinct on the day of the election may make a written request for  
6 an emergency incapacitated absentee ballot. ~~The~~

7 B. 1. A request for an emergency incapacitated absentee ballot  
8 shall be signed by the voter or signed by a witness at the voter's  
9 direction if the voter is unable to sign his or her name, and shall  
10 be transmitted to the secretary of the county election board.

11 2. The person transmitting the request on behalf of the voter  
12 may be anyone of the voter's choosing who is at least sixteen (16)  
13 years of age; provided, the person is not employed by nor related  
14 within the third degree of consanguinity or affinity to any person  
15 whose name appears on the ballot. The person becomes the voter's  
16 agent for purposes of voting by absentee ballot. The agent shall  
17 provide his or her legal name and address of residence to the  
18 secretary of the county election board.

19 3. The voter's request must be accompanied by a sworn statement  
20 by a duly licensed physician. ~~Expected or likely confinement for~~  
21 ~~childbirth on election day is sufficient cause to entitle a voter to~~  
22 ~~vote absentee pursuant to this section.~~ The physician's statement  
23 must attest to the fact that the voter is in fact unable to vote in  
24 person at the appropriate precinct on the day of the election

1 because of a physical incapacity and that the physical incapacity  
2 originated after 5:00 p.m. on Tuesday preceding an election the  
3 deadline to request an absentee ballot as provided in Section 14-103  
4 of this title. The Secretary of the State Election Board shall  
5 prescribe forms to be used for the physician's statement.

6 4. Upon receipt of the voter's request and accompanying sworn  
7 statement, the secretary of the county election board shall issue to  
8 the voter's agent the appropriate ballots and envelopes required for  
9 voting by incapacitated voters. The ballots must be returned by the  
10 agent to the secretary of the county election board no later than  
11 7:00 p.m. on the day of the election. No person may be the agent  
12 for more than one voter at any election. Upon return of the  
13 absentee ballots, the secretary of the county election board shall  
14 cause the ballots to be processed in the same manner as is  
15 prescribed for other absentee ballots.

16 C. The expected or likely confinement for childbirth on  
17 election day is sufficient cause to qualify as "physically  
18 incapacitated" for the purposes of this section.

19 SECTION 6. AMENDATORY Section 6, Chapter 200, O.S.L.  
20 2013 (26 O.S. Supp. 2020, Section 14-115.6), is amended to read as  
21 follows:

22 Section 14-115.6. A. A registered voter who, ~~within ten (10)~~  
23 ~~days preceding an election~~ after the deadline to request an absentee  
24 ballot as provided in Section 14-103 of this title, is deployed as a

1 first responder or emergency worker to assist with the rescue,  
2 recovery, or relief efforts of a declared natural disaster or state  
3 of emergency, may make a written request for an emergency absentee  
4 ballot in a form prescribed by the Secretary of the State Election  
5 Board. The request shall be signed by the voter and shall be  
6 provided by the voter to the secretary of the county election board  
7 in the county where the voter is registered. The request shall be  
8 accompanied by proof of the voter's deployment.

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

14 C. The ballots must be returned ~~in person~~ by the voter, ~~by~~  
15 ~~United States mail, or by other means of delivery approved by the~~  
16 ~~Secretary of the State Election Board, to~~ in the same manner as  
17 described in Section 14-108 of this title, and must be received by  
18 the secretary of the county election board no later than 7:00 p.m.  
19 on the day of the election.

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

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

1           SECTION 7.           NEW LAW           A new section of law to be codified  
2 in the Oklahoma Statutes as Section 115.12 of Title 14, unless there  
3 is created a duplication in numbering, reads as follows:

4           A.   1.   A registered voter who swears or affirms that the voter  
5 is physically unable to vote in person at the voter's precinct on  
6 the day of the election because the voter is blind or visually  
7 impaired may request that an accessible absentee ballot be delivered  
8 to the voter electronically in a manner prescribed by the Secretary  
9 of the State Election Board.

10           2.   An accessible absentee voting packet for blind or visually  
11 impaired voters, which shall include all necessary materials except  
12 the absentee ballot, shall be prescribed by the Secretary of the  
13 State Election Board. The accessible absentee voting packet may be  
14 delivered to the voter by United States mail or electronically.

15           B.   1.   The electronic delivery system shall provide the voter  
16 the opportunity to use the voter's personal computer to mark an  
17 accessible absentee ballot privately and independently and then  
18 print the marked ballot.

19           2.   The absentee ballot shall be accompanied by an absentee  
20 ballot affidavit, which shall be executed in the same manner as  
21 provided for affidavits in Section 14-113.2 of Title 26 of the  
22 Oklahoma Statutes.

23           3.   The voter shall return the absentee ballot and executed  
24 affidavit to the secretary of the county election board in the same

1 manner provided in Section 14-113.2 of Title 26 of the Oklahoma  
2 Statutes. Nothing in this section shall allow for an absentee  
3 ballot to be returned to the county election board electronically,  
4 and no absentee ballot returned electronically shall be eligible to  
5 be counted by a county election board.

6 C. A registered voter who is blind or visually impaired may  
7 choose to request the assistance of another person to complete any  
8 requirements of this section, as provided in Section 7-123.3 of  
9 Title 26 of the Oklahoma Statutes.

10 D. Upon return of an absentee ballot described in this section,  
11 the secretary of the county election board shall cause it to be  
12 processed in the same manner as prescribed by law for other absentee  
13 ballots.

14 E. Any person who is not blind or visually impaired according  
15 to state law, but who applies for an absentee ballot described in  
16 this section, shall be deemed guilty of a felony as provided in  
17 Section 16-102.2 of Title 26 of the Oklahoma Statutes.

18 F. The Secretary of the State Election Board may promulgate  
19 rules or procedures to implement the requirements of this section.

20 SECTION 8. NEW LAW A new section of law to be codified  
21 in the Oklahoma Statutes as Section 14-121.2 of Title 26, unless  
22 there is created a duplication in numbering, reads as follows:  
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1       A. If a voter spoils the absentee ballot, the voter may be  
2 issued a replacement absentee ballot by the secretary of the county  
3 election board.

4       B. 1. To receive a replacement absentee ballot the voter shall  
5 swear or affirm that the voter spoiled the absentee ballot and  
6 return the spoiled absentee ballot to the secretary of the county  
7 election board by United States mail or in person.

8       2. Upon receipt of a spoiled absentee ballot, the secretary of  
9 the county election board shall cause the ballot to be destroyed.

10       3. A spoiled absentee ballot returned by United States mail  
11 shall include an affidavit prescribed by the Secretary of the State  
12 Election Board in which the voter swears or affirms that he or she  
13 spoiled the original ballot, that the spoiled ballot is being  
14 returned to the secretary of the county election board and that the  
15 voter requests a replacement absentee ballot. The affidavit shall  
16 be personally signed by the voter and acknowledged before a notary  
17 public or witnesses in the same manner required for affidavits for  
18 the return of the type of absentee ballot originally requested.

19       4. A spoiled absentee ballot returned in person shall be  
20 returned by the voter who requested the absentee ballot. The voter  
21 shall provide proof of identity as described in subsection A of  
22 Section 7-114 of Title 26 of the Oklahoma Statutes to the secretary  
23 of the county election board or a designee. The voter shall execute  
24 an affidavit prescribed by the Secretary of the State Election Board

1 in which the voter swears or affirms that he or she spoiled the  
2 original ballot, that the spoiled absentee ballot has been returned  
3 to the secretary of the county election board and that the voter  
4 requests a replacement absentee ballot.

5 5. A replacement absentee ballot shall be transmitted by United  
6 States mail for a spoiled absentee ballot returned by the voter by  
7 United States mail. A replacement absentee ballot shall be provided  
8 in person for a spoiled absentee ballot returned by the voter in  
9 person.

10 C. The Secretary of the State Election Board may promulgate  
11 rules or procedures to implement the requirements of this section.

12 SECTION 9. Sections 1, 2, 3, 5, 6, 7 and 8 of this act shall  
13 become effective July 1, 2021.

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

18 COMMITTEE REPORT BY: COMMITTEE ON RULES  
19 February 10, 2021 - DO PASS AS AMENDED  
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