

An Act

ENROLLED SENATE
BILL NO. 714

By: Jech and Bergstrom of the
Senate

and

Newton and Pae of the House

An Act relating to elections; amending 26 O.S. 2021, Sections 14-115, 14-115.1, and 14-115.6, which relate to absentee voting; modifying procedures for absentee ballots for certain electors; and declaring an emergency.

SUBJECT: Absentee voting

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

SECTION 1. AMENDATORY 26 O.S. 2021, Section 14-115, is amended to read as follows:

Section 14-115. A. If the secretary of a county election board receives a request from an incapacitated elector confined to a nursing facility, as defined in Section 1-1902 of Title 63 of the Oklahoma Statutes, or a State Veterans Home established pursuant to Title 72 of the Oklahoma Statutes within the county of the jurisdiction of the secretary, the secretary shall cause to be implemented the following procedures:

1. On the Thursday, Friday, Saturday or Monday preceding any day following the deadline to request an absentee ballot as provided in Section 14-103 of this title, but prior to the date of the election, the absentee voting board shall deliver to each registered

voter who is confined to a nursing facility, as defined in Section 1-1902 of Title 63 of the Oklahoma Statutes, or a State Veterans Home established pursuant to Title 72 of the Oklahoma Statutes and who requested ballots for an incapacitated voter the ballots and materials as may be necessary to vote same.

2. The voter must mark the ballots in the manner hereinbefore provided 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 the 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.

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

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

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

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

C. 1. An administrator or employee of a nursing facility or State Veterans Home who attempts to coerce or influence the vote of a person residing in or confined to that facility shall be deemed to be in violation of Section 16-109 of this title.

2. An administrator or employee of a nursing facility or State Veterans Home who prevents or attempts to prevent a person residing in or confined to that facility from voting pursuant to this section shall be deemed to be in violation of Section 16-113 of this title.

SECTION 2. AMENDATORY 26 O.S. 2021, Section 14-115.1, is amended to read as follows:

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

B. 1. The request shall be signed by the voter or signed by a witness at the voter's direction if the voter is unable to sign his or her name, and shall be transmitted to the secretary of the county election board.

2. The person transmitting the request on behalf of the voter may be anyone of the voter's choosing who is at least sixteen (16) years of age; provided, the person is not employed by nor related within the third degree of consanguinity or affinity to any person whose name appears on the ballot.

3. The person becomes the voter's agent for purposes of voting by absentee ballot. The voter's request must be accompanied by a sworn statement by a duly licensed physician. Expected or likely confinement for childbirth on election day is sufficient cause to entitle a voter to vote absentee pursuant to this section. The physician's statement must attest to the fact that the voter is in fact unable to vote in person at the appropriate precinct on the day of the election because of a physical incapacity and that the physical incapacity originated after 5:00 p.m. on Tuesday preceding an election the deadline to request an absentee ballot as provided in Section 14-103 of this title.

4. Upon receipt of the voter's request and accompanying sworn statement, the secretary of the county election board shall issue to the voter's agent the appropriate ballots and envelopes required for voting by incapacitated voters.

5. The ballots must be returned by the agent to the secretary of the county election board no later than 7:00 p.m. on the day of the election. No person may be the agent for more than one voter at any election. Upon return of the absentee ballots, the secretary of

the county election board shall cause the ballots to be processed in the same manner as is prescribed for other absentee ballots.

SECTION 3. AMENDATORY 26 O.S. 2021, Section 14-115.6, is amended to read as follows:

Section 14-115.6. A. A registered voter who, ~~within ten (10) days preceding an election~~ after the deadline to request an absentee ballot as provided in Section 14-103 of this title, is deployed as a first responder or emergency worker to assist with the rescue, recovery, or relief efforts of a declared natural disaster or state of emergency, may make a written request for an emergency absentee ballot in a form prescribed by the Secretary of the State Election Board. The request shall be signed by the voter and shall be provided by the voter to the secretary of the county election board in the county where the voter is registered.

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

C. The ballots must be returned in person by the voter, by United States mail, or by other means of delivery approved by the Secretary of the State Election Board, to the secretary of the county election board no later than 7:00 p.m. on the day of the election.

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

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

SECTION 4. It being immediately necessary for the preservation of the public peace, health or safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the Senate the 16th day of May, 2022.

Presiding Officer of the Senate

Passed the House of Representatives the 6th day of April, 2022.

Presiding Officer of the House
of Representatives

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: _____