

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 SENATE BILL 78

By: Shaw

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5  
6 AS INTRODUCED

7 An Act relating to elections; amending 26 O.S. 2011,  
8 Sections 14-108, as amended by Section 2, Chapter  
9 237, O.S.L. 2016, 14-113.2 and 14-115 (26 O.S. Supp.  
10 2018, Section 14-108), which relate to absentee  
11 voting; requiring notaries public and witnesses to  
12 note date and time of certain signatures on absentee  
13 ballot affidavits; clarifying language; and declaring  
14 an emergency.

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

16 SECTION 1. AMENDATORY 26 O.S. 2011, Section 14-108, as  
17 amended by Section 2, Chapter 237, O.S.L. 2016 (26 O.S. Supp. 2018,  
18 Section 14-108), is amended to read as follows:

19 Section 14-108. A. The voter shall be required to ~~mark~~:

20 1. Mark the ballot in ink or other manner as prescribed by the  
21 Secretary of the State Election Board; ~~seal~~

22 2. Seal the ballots in the plain opaque envelope; ~~fill-out~~  
23 ~~completely~~

24 3. Complete and sign the affidavit, such signature to be  
25 notarized at no charge by a notary public, who shall note the date  
26 and time of the signature on the affidavit; ~~seal~~ and

1        4. Seal the plain opaque envelope inside the envelope bearing  
2 the affidavit and return both envelopes, sealed inside the return  
3 envelope, by hand delivery, United States mail or by a private mail  
4 service, provided such service has delivery documentation, to the  
5 county election board.

6        B. No person who is a candidate for an office on the ballot or  
7 who is the chair or treasurer of the campaign of a candidate for  
8 office or who is related within the third degree of consanguinity or  
9 affinity to a candidate on the ballot may witness any absentee  
10 ballot affidavit.

11        ~~B.~~ C. The ballot shall not be notarized by any person whose  
12 name appears on the ballot as a candidate or by any campaign  
13 chairperson or campaign treasurer for a candidate whose name appears  
14 on the ballot.

15        ~~C.~~ D. Any voter who hand delivers his or her ballot as provided  
16 in subsection A of this section shall provide proof of identity to  
17 the county election board and shall hand deliver the ballot no later  
18 than the end of regular business hours on the day prior to the date  
19 of the election. For purposes of this section, "proof of identity"  
20 shall have the same meaning as used in subsection A of Section 7-114  
21 of this title.

22        SECTION 2.        AMENDATORY        26 O.S. 2011, Section 14-113.2, is  
23 amended to read as follows:

24        Section 14-113.2. A. The voter shall ~~be~~be:

1        1. Be responsible for marking the ballots or directing a person  
2 chosen by the voter to mark the ballots in accordance with the  
3 provisions of Section 7-123.3 of this title and as prescribed by the  
4 Secretary of the State Election Board; ~~seal~~

5        2. Seal the ballots in the plain opaque envelope; ~~fill-out~~  
6 ~~completely~~

7        3. Complete and sign the affidavit or direct a person chosen by  
8 the voter to sign the affidavit, such signature to be witnessed by  
9 two persons, who did not sign the affidavit, whose signature and  
10 address shall appear on the affidavit. The witnesses shall note the  
11 date and time of the signature on the affidavit; seal and

12        4. Seal the plain opaque envelope inside the envelope bearing  
13 the affidavit and return both envelopes, sealed inside the return  
14 envelope, by United States mail or by a private mail service,  
15 provided such service has delivery documentation, to the county  
16 election board.

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.

1 SECTION 3. AMENDATORY 26 O.S. 2011, Section 14-115, is

2 amended to read as follows:

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

10 1. On the Thursday, Friday, Saturday or Monday preceding the  
11 election, the absentee voting board shall deliver to each registered  
12 voter who is confined to a nursing facility, as defined in Section  
13 1-1902 of Title 63 of the Oklahoma Statutes, or a veterans center  
14 established pursuant to Title 72 of the Oklahoma Statutes and who  
15 requested ballots for an incapacitated voter ~~said~~ the ballots and  
16 materials as may be necessary to vote ~~same~~.;

17 2. The voter must mark the ballots in the manner hereinbefore  
18 provided in the presence of the absentee voting board, but in such a  
19 manner as to make it impossible for any person other than the voter  
20 to ascertain how ~~said~~ the ballots are marked. Insofar as is  
21 possible, the voting procedure shall be the same as if the voter  
22 were casting a vote in person at a precinct-;

23 3. The voter shall then seal ~~said~~ the ballots in the plain  
24 opaque envelope and shall seal ~~said~~ the plain opaque envelope in the

1 envelope bearing an affidavit. The voter must complete ~~said~~ the  
2 affidavit, and the signature of the voter on same must be witnessed  
3 by both members of the absentee voting board. The witnesses shall  
4 note the date and time of the signature on the affidavit;

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

9 5. Ballots cast in ~~said~~ this manner shall be counted in the  
10 same manner as regular mail absentee ballots.

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

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