An Act

ENROLLED SENATE
BILL NO. 210

By: Treat, Shaw, Stanislawski, Bergstrom, Jech, Murdock, Boggs and Bullard of the Senate

and

McCall, Steagall, West (Kevin), Crosswhite Hader, Davis, Ford, Roberts (Dustin), Pfeiffer, McDugle, Patzkowsky, Moore, Boles, Sneed, Roberts (Sean), West (Josh) and Cornwell of the House

An Act relating to election procedures; amending 12 O.S. 2011, Section 426, which relates to statements under penalty of perjury; clarifying exceptions to certain statement requirement; specifying certain type of procedure for executing absentee ballot affidavits for certain elections; providing certain alternative procedures for absentee voting; stating methods for voters requesting absentee ballots; providing method of absentee voting procedures for the absentee voting board entering nursing facilities and veterans centers under certain circumstances; stating criteria for person to claim physically incapacitated status; providing for codification; providing for noncodification; and declaring an emergency.

SUBJECT: Election procedures

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

SECTION 1. AMENDATORY 12 O.S. 2011, Section 426, is amended to read as follows:

Section 426. ~~Whenever~~ A. Except as provided by subsection B of this section, whenever, under any law of Oklahoma or under any rule, order, or requirement made pursuant to the law of Oklahoma, any matter is required or permitted to be supported, evidenced, established, or proved by the sworn statement, declaration, verification, certificate, oath, or affidavit, in writing of the person making the same ~~(other than a deposition, or any oath of office, or an oath required to be taken before a specified official other than a notary public)~~, the matter may with like force and effect be supported, evidenced, established, or proved by the unsworn statement in writing of the person made and signed under penalty of perjury setting forth the date and place of execution and that it is made under the laws of Oklahoma. The statement under penalty of perjury may be substantially in the following form:

"I state under penalty of perjury under the laws of Oklahoma that the foregoing is true and correct.

_____ _____

(Date and Place) (Signature)"

The signed statement under penalty of perjury shall constitute a legally binding assertion that the contents of the statement to which it refers are true. This section shall not affect any requirement for acknowledgment of an instrument affecting real property.

B. The provisions of subsection A of this section shall not apply to:

1. A deposition;

2. Any oath of office;

3. An oath required to be taken before a specified official other than a notary public; or

4. Any notarial act, oath or affidavit required by Title 26 of the Oklahoma Statutes.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 14-115.7 of Title 26, unless there is created a duplication in numbering, reads as follows:

For any election conducted by the State Election Board or a county election board, the only procedure for properly executing an absentee ballot affidavit shall be that which is required in a section of Title 26 of the Oklahoma Statutes that applies to that type of absentee ballot affidavit, or which otherwise has been specifically allowed for absentee ballot affidavits as provided by Section 3 of this act.

SECTION 3. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

The following alternative procedures for absentee voting shall be in place for elections to be held during calendar year 2020 and shall supersede such procedures that are provided by statute.

A. In the event a State of Emergency declared by the Governor related to the COVID-19 pandemic is in effect forty-five (45) days prior to a scheduled election, or is declared within forty-five (45) days of the election, then:

1. A voter who requests an absentee ballot pursuant to Section 14-105 of Title 26 of the Oklahoma Statutes may, in lieu of having his or her signature notarized by a notary public as required by Section 14-108 of Title 26 of the Oklahoma Statutes, sign the absentee ballot affidavit and attach a photocopy of a form of identification described in subsection A of Section 7-114 of Title 26 of the Oklahoma Statutes; or

2. A voter who requests an absentee ballot described pursuant to Section 14-110.1 or Section 14-114 of Title 26 of the Oklahoma Statutes may, in lieu of having his or her signature witnessed by two witnesses, sign the absentee ballot affidavit and include a photocopy of a form of identification described in subsection A of Section 7-114 of Title 26 of the Oklahoma Statutes.

B. In the event an absentee voting board is prohibited from entering a nursing facility or veterans center due to restrictions related to the COVID-19 pandemic or another localized outbreak of a communicable disease, and applications for an absentee ballot have been submitted by voters confined to that facility pursuant to Section 14-115 of Title 26 of the Oklahoma Statutes, then the secretary of the county election board shall be authorized to allow the absentee voting board to deliver the absentee ballots to a designated official at the nursing facility or veterans center. The designated nursing facility or veterans center official shall sign an oath acknowledging the duties and responsibilities and shall be authorized to carry out the duties otherwise assigned by law to the absentee voting board. The Secretary of the State Election Board is authorized to establish emergency procedures for this process pursuant to Section 22-101 of Title 26 of the Oklahoma Statutes.

C. A registered voter who meets any of the following criteria shall be eligible to claim a status as "physically incapacitated" for the purposes of requesting an absentee ballot described in Section 14-110.1 of Title 26 of the Oklahoma Statutes:

1. The voter has tested positive for COVID-19 and is receiving medical treatment or is subject to a quarantine ordered by the voter's personal physician or the county health department;

2. The voter has been tested for COVID-19 and is quarantined or self-isolating while awaiting results of the test;

3. The voter has symptoms of COVID-19, as defined by the Centers for Disease Control and Prevention (CDC), and has been advised by the voter's personal physician or the county health department to quarantine or self-isolate;

4. The voter is a member of a group considered at "higher risk of severe illness" due to age or underlying health conditions as defined by the CDC, and as such is subject to a "stay at home" or "safer at home" or similar order by the Governor or by an authorized municipal authority; or

5. The voter has received a written recommendation from the voter's personal physician that due to an underlying health

condition the voter should not leave his or her home due to the COVID-19 pandemic.

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 7th day of May, 2020.

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Presiding Officer of the Senate

Passed the House of Representatives the 6th day of May, 2020.

_____
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: _____