



2020 OK 26

IN THE SUPREME COURT OF THE STATE OF OKLAHOMA

FILED  
SUPREME COURT  
STATE OF OKLAHOMA

THE LEAGUE OF WOMEN VOTERS OF )  
OKLAHOMA, ANGELA ZEA PATRICK, and )  
PEGGY JEANNE WINTON, )

MAY - 4 2020

JOHN D. HADDEN  
CLERK

Petitioners, )

No. 118,765

)FOR OFFICIAL PUBLICATION

v. )

PAUL ZIRIAX, Secretary of the Oklahoma )  
State Election Board, in his official capacity, )

Respondent. )

**Rowe, J., dissenting:**

¶1 I dissent from today's order directing the Secretary of the Oklahoma State Election Board to recognize affidavits made under the provisions of 12 O.S. § 426 in the context of absentee voting.

¶2 In 2010, Oklahoma voters overwhelmingly approved State Question 746, the Oklahoma Voter I.D. Act, which requires voters to provide a form of identification at the polls in order to vote. 26 O.S. § 7-114.

¶3 This Court upheld the Oklahoma Voter I.D. Act in *Gentges v. Oklahoma State Election Board*:

While the people have made it clear by constitutional command that they do not want the civil or military power of the state to interfere to prevent the free exercise of the right of suffrage, the people have made it equally clear by a coordinate constitutional command that they want the right of suffrage protected from fraud.

2014 OK 8, ¶21, 319 P.3d 674, 679.

¶4 Considering the history of voter fraud, the specifics of our absentee voter process, and recent legislative history, I agree with the Respondent that it would be absurd to now open the gates and provide for no verification for absentee ballots but still require in-person voters to provide a valid I.D. See *McIntosh v. Watkins*, 2019 OK 6, ¶4, 441 P.3d 1094, 1096 (“Statutory construction that would lead to an absurdity must be avoided and a rational construction should be given to a statute if the language fairly permits.”).

¶5 Accordingly, I respectfully dissent.