

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 HOUSE BILL 2103

By: Turner

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6 AS INTRODUCED

7 An Act relating to elections; creating the Oklahoma  
8 Restoration of Voting Rights Act; modifying voting  
9 rights of convicted felons sentenced to  
10 incarceration; authorizing the court to notify  
11 certain persons of their loss of voting rights for a  
12 certain period of time; authorizing the Secretary of  
13 the State Election Board to develop certain programs  
14 to educate certain persons about the requirements of  
15 this act; authorizing the Secretary of the State  
16 Election Board to promulgate rules; amending 26 O.S.  
17 2011, Section 4-120, which relates to voter  
18 registration; modifying reasons for cancellation of  
19 voter registration; requiring the Department of  
20 Corrections to transmit certain lists to the State  
21 Election Board; stating information to be included on  
22 certain lists; requiring the Secretary of the State  
23 Election Board to notify county election boards of  
24 the cancellation of certain registrations; requiring  
the Secretary of the State Election Board to notify  
county election boards of the reinstatement of  
certain persons eligible and registered to vote;  
providing that certain persons not be civilly liable  
for certain actions; providing retroactive  
application to certain persons eligible to vote;  
granting certain authority to State Election Board  
and State Board of Corrections; repealing 26 O.S.  
2011, Section 4-120.4, which relates to cancellation  
of registration of convicted felons; providing for  
codification; providing for noncodification; and  
providing an effective date.

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

1 SECTION 1. NEW LAW A new section of law not to be  
2 codified in the Oklahoma Statutes reads as follows:

3 This act shall be known and may be cited as the "Oklahoma  
4 Restoration of Voting Rights Act".

5 SECTION 2. NEW LAW A new section of law to be codified  
6 in the Oklahoma Statutes as Section 4-101.1 of Title 26, unless  
7 there is created a duplication in numbering, reads as follows:

8 A. Before accepting a plea of guilty or nolo contendere to a  
9 felony, and before imposing sentence for such a felony after trial,  
10 the court shall notify the defendant that conviction will result in  
11 loss of the right to vote only if and for as long as the person is  
12 incarcerated and that voting rights are restored upon release.

13 B. The Secretary of the State Election Board shall ensure that  
14 persons who become eligible to vote upon their release from  
15 incarceration face no continued barriers to registration or voting  
16 resulting from their felony convictions.

17 C. The Secretary of the State Election Board shall develop and  
18 implement a program to educate attorneys, judges, election  
19 officials, corrections officials, including parole and probation  
20 officers, and members of the public about the requirements of this  
21 section and Section 4-101 of Title 26 of the Oklahoma Statutes  
22 ensuring that:

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1           1. Judges are informed of their obligation to notify criminal  
2 defendants of the potential loss and restoration of their voting  
3 rights, in accordance with subsection A of this section;

4           2. The Department of Corrections and, subject to their  
5 agreement, federal correctional institutions in Oklahoma, are  
6 prepared to assist people with registering to vote in anticipation  
7 of their release, including by forwarding their completed voter  
8 registration forms to the county election boards;

9           3. The language on voter registration forms makes clear that  
10 people are disqualified from voting while incarcerated on felony  
11 convictions and that they regain the right to vote when released  
12 from incarceration;

13           4. The Department of Corrections and, subject to their  
14 agreement, federal correctional institutions in Oklahoma are  
15 prepared to transmit to the Secretary of State the information  
16 specified in Section 4 of this act;

17           5. The staff of the State Election Board and the secretaries of  
18 county election boards are prepared both to purge and to restore  
19 names to the Oklahoma Election Management System in accordance with  
20 Section 4 of this act; and

21           6. Accurate and complete information about the voting rights of  
22 people who have been charged with or convicted of crimes, whether  
23 disfranchising or not, is made available through a single  
24 publication to government officials and the public.

1 D. The Secretary of the State Election Board shall promulgate  
2 rules as necessary to implement this section.

3 SECTION 3. AMENDATORY 26 O.S. 2011, Section 4-120, is  
4 amended to read as follows:

5 Section 4-120. The registration of any registered voter may be  
6 cancelled only for one of the following reasons:

7 1. Written notice from the voter; ~~death;~~

8 2. Death;

9 3. Incarceration upon conviction of a felony; ~~judicial~~

10 4. Judicial determination of mental incapacitation under Title  
11 30 of the Oklahoma Statutes; ~~registration~~

12 5. Registration in another county or state; ~~or failure~~

13 6. Failure to respond to a confirmation of address mailing; and  
14 ~~failure~~

15 7. Failure to vote as prescribed in Section ~~21~~ 4-120.2 of this  
16 ~~act~~ title.

17 SECTION 4. NEW LAW A new section of law to be codified  
18 in the Oklahoma Statutes as Section 4-120.11 of Title 26, unless  
19 there is created a duplication in numbering, reads as follows:

20 A. The Department of Corrections and, subject to their  
21 agreement, federal correctional institutions in Oklahoma shall, on  
22 or before the fifteenth day of each month, transmit to the Secretary  
23 of the State Election Board two lists. The first list shall contain  
24 the following information about persons age eighteen (18) or older

1 who, during the preceding period, have become ineligible to vote  
2 because of their conviction of a felony. The second list shall  
3 contain the following information about persons age eighteen (18) or  
4 older who, during the preceding period, have become eligible to vote  
5 because of their release from incarceration:

- 6 1. Name;
- 7 2. Date of birth;
- 8 3. Last-known address with county of residence;
- 9 4. Date of conviction; and
- 10 5. If known, the driver license number or the last four digits  
11 of the Social Security number.

12 B. The Secretary of the State Election Board shall cause the  
13 voter registrations of persons who are ineligible to vote because of  
14 their conviction of a felony to be canceled in the county of the  
15 person's residence, and shall notify the secretary of the  
16 appropriate county election board of the cancellation. The  
17 Secretary of the State Election Board shall likewise ensure that the  
18 names of persons who are eligible and registered to vote following  
19 their release from incarceration are added to the Oklahoma Election  
20 Management System in the same manner as all other names are added to  
21 that list, in accordance with Section 4-114 of Title 26 of the  
22 Oklahoma Statutes.

23 C. The Secretary of the State Election Board, secretaries of  
24 county election boards and their agents and employees shall not be

1 held civilly liable for any action taken based upon information  
2 received pursuant to the provisions of this section if a reasonable  
3 effort was made to make an accurate match of the information  
4 provided with voter registration records before taking any action  
5 relating to voter registration.

6 SECTION 5. NEW LAW A new section of law not to be  
7 codified in the Oklahoma Statutes reads as follows:

8 Upon the effective date of the Oklahoma Restoration of Voting  
9 Rights Act, the provisions of this act shall have retroactive  
10 application to all persons who are eligible to vote under its terms,  
11 regardless of whether they were convicted or released from  
12 incarceration prior to its effective date. The State Election Board  
13 and the State Board of Corrections shall be authorized to promulgate  
14 rules and take any other action they deem necessary to implement the  
15 provisions of this section.

16 SECTION 6. REPEALER 26 O.S. 2011, Section 4-120.4, is  
17 hereby repealed.

18 SECTION 7. This act shall become effective November 1, 2021.

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20 58-1-6463 LRB 12/16/20

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