

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

HOUSE BILL 4143

By: Turner

AS INTRODUCED

An Act relating to elections; creating Charlotte's Law; modifying voting rights of convicted felons sentenced to incarceration; authorizing the court to notify certain persons of their loss of voting rights for a certain period of time; authorizing the Secretary of the State Election Board to develop certain programs to educate certain persons about the requirements of this act; authorizing the Secretary of the State Election Board to promulgate rules; amending 26 O.S. 2021, Section 4-120, as last amended by Section 2, Chapter 357, O.S.L. 2023 (26 O.S. Supp. 2023, Section 4-120), which relates to voter registration; modifying reason for cancellation of voter registration; requiring the Department of Corrections to transmit certain lists to the State Election Board; stating information to be included on certain lists; requiring the Secretary of the State Election Board to notify county election boards of 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. 2021, Section 4-120.4, which relates to cancellation of registration of convicted felons; providing for noncodification; providing for codification; 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 "Charlotte's Law".

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

7 A. Before accepting a plea of guilty or nolo contendere to a  
8 felony, and before imposing sentence for such a felony after trial,  
9 the court shall notify the defendant that conviction will result in  
10 loss of the right to vote only if and for as long as the person is  
11 physically incarcerated and that voting rights are restored upon  
12 physical 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 for 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 the State Election Board  
16 the information 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 disfranchised or not, is made available through a single publication  
24 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. 2021, Section 4-120, as  
4 last amended by Section 2, Chapter 357, O.S.L. 2023 (26 O.S. Supp.  
5 2023, Section 4-120), is amended to read as follows:

6 Section 4-120. A. The registration of any registered voter  
7 shall be canceled only for one of the following reasons:

- 8 1. Written notice from the voter pursuant to Section 4-120.1 of  
9 this title;
- 10 2. Death;
- 11 3. ~~Conviction~~ Incarceration upon conviction of a felony;
- 12 4. Judicial determination of mental incapacitation under Title  
13 30 of the Oklahoma Statutes;
- 14 5. Registration in another county or state;
- 15 6. Failure to respond to a confirmation of address mailing and  
16 failure to vote as prescribed in Section 4-120.2 of this title;
- 17 7. The surrendering of the voter's Oklahoma driver license to  
18 Service Oklahoma upon being issued a driver license in another  
19 state; or
- 20 8. Being excused from jury duty for not being a citizen of the  
21 United States.

22 B. For purposes of this section, paragraphs 5 and 7 of  
23 subsection A of this section shall constitute confirmation from the  
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1 voter to cancel his or her voter registration due to a change of  
2 residence.

3 C. A list of voter registrations that were canceled during the  
4 previous twenty-four (24) months, and the reason for the  
5 cancellation, shall be made available to the public.

6 SECTION 4. NEW LAW A new section of law to be codified  
7 in the Oklahoma Statutes as Section 4-120.12 of Title 26, unless  
8 there is created a duplication in numbering, reads as follows:

9 A. The Department of Corrections and, subject to their  
10 agreement, federal correctional institutions in Oklahoma shall, on  
11 or before the fifteenth day of each month, transmit to the Secretary  
12 of the State Election Board two lists. The first list shall contain  
13 the following information about persons eighteen (18) years of age  
14 or older who, during the preceding period, have become ineligible to  
15 vote because of their incarceration upon conviction of a felony.  
16 The second list shall contain the following information about  
17 persons eighteen (18) years of age or older who, during the  
18 preceding period, have become eligible to vote because of their  
19 release from incarceration:

- 20 1. Name;
- 21 2. Date of birth;
- 22 3. Last-known address with county of residence;
- 23 4. Date of conviction;
- 24 5. Physical release date or registration date; and
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1           6. If known, the driver license number or the last four digits  
2 of the Social Security number.

3           B. The Secretary of the State Election Board shall cause the  
4 voter registrations of persons who are ineligible to vote because of  
5 their incarceration upon conviction of a felony to be canceled in  
6 the county of the person's residence, and shall notify the secretary  
7 of the appropriate county election board of the cancellation. The  
8 Secretary of the State Election Board shall likewise ensure that the  
9 names of persons who are eligible and registered to vote following  
10 their release from incarceration are added to the Oklahoma Election  
11 Management System in the same manner as all other names are added to  
12 that list, in accordance with Section 4-114 of Title 26 of the  
13 Oklahoma Statutes.

14           C. The Secretary of the State Election Board, secretaries of  
15 county election boards and their agents and employees shall not be  
16 held civilly liable for any action taken based upon information  
17 received pursuant to the provisions of this section if a reasonable  
18 effort was made to make an accurate match of the information  
19 provided with voter registration records before taking any action  
20 relating to voter registration.

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

23           Effective November 1, 2024, the provisions of this act shall  
24 have retroactive application to all persons who are eligible to vote  
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1 under its terms, regardless of whether they were convicted or  
2 released from incarceration prior to its effective date. The State  
3 Election Board and the State Board of Corrections shall be  
4 authorized to promulgate rules and take any other action they deem  
5 necessary to implement the provisions of this section.

6 SECTION 6. REPEALER 26 O.S. 2021, Section 4-120.4, is  
7 hereby repealed.

8 SECTION 7. This act shall become effective November 1, 2024.

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