

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 SENATE BILL 1042

By: Matthews

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5
6 AS INTRODUCED

7 An Act relating to elections; creating the Oklahoma
8 Restoration of Voting Rights Act; amending 26 O.S.
9 2011, Sections 4-101 and 4-120, which relate to voter
10 registration; modifying voting rights of convicted
11 felons sentenced to incarceration or suspended
12 sentence; authorizing the court to notify certain
13 persons of their loss of voting rights for a certain
14 period of time; authorizing the Secretary of the
15 State Election Board to develop certain programs to
16 educate certain persons about the requirements of
17 this act; authorizing the Secretary of the State
18 Election Board to promulgate rules; modifying reasons
19 for cancellation of voter registration; requiring the
20 Department of Corrections to transmit certain lists
21 to the State Election Board; stating information to
22 be included on certain lists; requiring the Secretary
23 of the State Election Board to notify county election
24 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;
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 declaring an emergency.

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

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

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

3 SECTION 2. AMENDATORY 26 O.S. 2011, Section 4-101, is
4 amended to read as follows:

5 Section 4-101. Every person who is a qualified elector as
6 defined by Section 1 of Article III of the Oklahoma Constitution
7 shall be entitled to become a registered voter in the precinct of
8 his or her residence, with the following exceptions:

9 1. Persons convicted of a felony and sentenced to incarceration
10 or suspended sentence shall be ineligible to register ~~for a period~~
11 ~~of time equal to the time prescribed in the judgment and~~ or vote
12 while under sentence; and

13 2. Any person who has been adjudged to be an incapacitated
14 person as such term is defined by Section 1-111 of Title 30 of the
15 Oklahoma Statutes, shall be ineligible to register to vote. When
16 such incapacitated person has been adjudged to be no longer
17 incapacitated such person shall be eligible to become a registered
18 voter. The provisions of this paragraph shall not prohibit any
19 person adjudged to be a partially incapacitated person as such term
20 is defined by Section 1-111 of Title 30 of the Oklahoma Statutes
21 from being eligible to register to vote unless the order adjudging
22 the person to be partially incapacitated restricts such persons from
23 being eligible to register to vote.

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1 SECTION 3. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 4-101.1 of Title 26, unless
3 there is created a duplication in numbering, reads as follows:

4 A. Before accepting a plea of guilty or nolo contendere to a
5 felony, and before imposing sentence for such a felony after trial,
6 the court shall notify the defendant that conviction will result in
7 loss of the right to vote only if and for as long as the person is
8 under sentence and that voting rights are restored upon discharge.

9 B. The Secretary of the State Election Board shall ensure that
10 persons who become eligible to vote upon their discharge from
11 sentence face no continued barriers to registration or voting
12 resulting from their felony convictions.

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

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

22 2. The Department of Corrections and, subject to their
23 agreement, federal correctional institutions in Oklahoma are
24 prepared to assist people with registering to vote in anticipation

1 of their discharge, including by forwarding their completed voter
2 registration forms to the county election boards;

3 3. The language on voter registration forms makes clear that
4 people are disqualified from voting while under sentence on felony
5 convictions and that they regain the right to vote when sentences
6 are discharged;

7 4. The Department of Corrections and, subject to their
8 agreement, federal correctional institutions in Oklahoma are
9 prepared to transmit to the Secretary of State the information
10 specified in Section 5 of this act;

11 5. The staff of the State Election Board and the secretaries of
12 county election boards are prepared both to purge and to restore
13 names to the Oklahoma Election Management System in accordance with
14 Section 5 of this act; and

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

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

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

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

- 1 1. Written notice from the voter; ~~death;~~
- 2 2. Death;
- 3 3. Incarceration or receipt of a suspended sentence upon
- 4 conviction of a felony; ~~judicial~~
- 5 4. Judicial determination of mental incapacitation under Title
- 6 30 of the Oklahoma Statutes; ~~registration~~
- 7 5. Registration in another county or state; ~~or failure~~
- 8 6. Failure to respond to a confirmation of address mailing; and
- 9 ~~failure~~
- 10 7. Failure to vote as prescribed in Section ~~21~~ 4-120.2 of this
- 11 ~~act~~ title.

12 SECTION 5. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 4-120.11 of Title 26, unless
14 there is created a duplication in numbering, reads as follows:

15 A. The Department of Corrections and, subject to their
16 agreement, federal correctional institutions in Oklahoma, shall, on
17 or before the fifteenth day of each month, transmit to the Secretary
18 of the State Election Board two lists. The first list shall contain
19 the following information about persons age eighteen (18) or older
20 who, during the preceding period, have become ineligible to vote
21 because of their conviction of a felony. The second list shall
22 contain the following information about persons age eighteen (18) or
23 older who, during the preceding period, have become eligible to vote
24 because of their discharge:

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

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

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

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

3 Upon the effective date of the Oklahoma Restoration of Voting
4 Rights Act, the provisions of this act shall have retroactive
5 application to all persons who are eligible to vote under its terms,
6 regardless of whether they were convicted or discharged from
7 incarceration prior to its effective date.

8 SECTION 7. REPEALER 26 O.S. 2011, Section 4-120.4, is
9 hereby repealed.

10 SECTION 8. It being immediately necessary for the preservation
11 of the public peace, health and safety, an emergency is hereby
12 declared to exist, by reason whereof this act shall take effect and
13 be in full force from and after its passage and approval.

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