

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 SENATE BILL 282

By: Matthews

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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; authorizing the
12 court to notify certain persons of their loss of
13 voting rights for a certain period of time;
14 authorizing the Secretary of the State Election Board
15 to develop certain programs to educate certain
16 persons about the requirements of this act;
17 authorizing the Secretary of the State Election Board
18 to promulgate rules; modifying reasons for
19 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;
25 requiring the Secretary of the State Election Board
26 to notify county election boards of the reinstatement
27 of certain persons eligible and registered to vote;
28 providing that certain persons not be civilly liable
29 for certain actions; providing retroactive
30 application to certain persons eligible to vote;
31 granting certain authority to State Election Board
32 and State Board of Corrections; repealing 26 O.S.
33 2011, Section 4-120.4, which relates to cancellation
34 of registration of convicted felons; providing for
35 codification; providing for noncodification; and
36 declaring an emergency.

37 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. AMENDATORY 26 O.S. 2011, Section 4-101, is
6 amended to read as follows:

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

11 1. Persons convicted of a felony and sentenced to incarceration
12 shall be ineligible to ~~register for a period of time equal to the~~
13 ~~time prescribed in the judgment and sentence.~~ become a registered
14 voter while incarcerated; and

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

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

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

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

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

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

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

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

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

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

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

22 D. The Secretary of the State Election Board shall promulgate
23 rules as necessary to implement this section.
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1 SECTION 4. AMENDATORY 26 O.S. 2011, Section 4-120, is
2 amended to read as follows:

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

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

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

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

1 contain the following information about persons age eighteen (18) or
2 older who, during the preceding period, have become eligible to vote
3 because of their release from incarceration:

4 1. Name;

5 2. Date of birth;

6 3. Last-known address with county of residence;

7 4. Date of conviction; and

8 5. If known, the driver license number or the last four digits
9 of the Social Security number.

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

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

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

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

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

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

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