STATE OF OKLAHOMA

1st Session of the 57th Legislature (2019)

SENATE BILL 282

By: Matthews

AS INTRODUCED

An Act relating to elections; creating the Oklahoma Restoration of Voting Rights Act; amending 26 O.S. 2011, Sections 4-101 and 4-120, which relate to voter registration; 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; modifying reasons 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. 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:

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

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

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

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

1. Persons convicted of a felony and sentenced to incarceration shall be ineligible to register for a period of time equal to the time prescribed in the judgment and sentence; and

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

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

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

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

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

1. Judges are informed of their obligation to notify criminal defendants of the potential loss and restoration of their voting rights, in accordance with subsection A of this section;
2. The Department of Corrections and, subject to their agreement, federal correctional institutions in Oklahoma, are prepared to assist people with registering to vote in anticipation of their release, including by forwarding their completed voter registration forms to the county election boards;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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