

ENROLLED SENATE
BILL NO. 770

By: Cullison, Long (Ed),
Gustafson and Fair of the
Senate

and

Johnson (Glen), Steidley,
Toure, Hilliard, Crocker
and Cox of the House

An Act relating to elections; amending 26 O.S. 1991, Sections 2-107, as amended by Section 2, Chapter 247, O.S.L. 1992, 2-133, 3-104, 3-111, 3-114, 3-126, 4-103, 4-109, as amended by Section 5, Chapter 247, O.S.L. 1992, 4-112, 4-113, 4-116, 4-117, 4-118, 4-119, 4-120, as amended by Section 6, Chapter 247, O.S.L. 1992, 4-120.1, 4-120.2, 4-120.4, 4-120.7, as amended by Section 8, Chapter 247, O.S.L. 1992, 5-106, 12-101, 16-103.1 and 16-120 (26 O.S. Supp. 1993, Sections 2-107, 4-109, 4-120 and 4-120.7), which relate to election organization, general administration, voter registration, vacancies in Congress and penalties; modifying authority of State Election Board Secretary; naming State Election Board Secretary the chief state election official; providing authority for State Election Board Secretary to implement certain programs and that such programs be in compliance with the National Voter Registration Act of 1993; deleting voter registrars from requiring certain cost to be paid from certain fund; changing date of certain training program; requiring State Election Board Secretary to prescribe certain training and providing procedure thereto; requiring State Election Board Secretary to disseminate certain information and providing exception thereto; modifying time period to retain certain records; modifying time period of residency to become a registered voter; stating procedure to register or update a voter registration; requiring county election board secretaries to send notice of disposition of certain application; requiring State Election Board Secretary to designate locations where voter registration applications will be distributed; allowing county election board secretaries to designate additional locations where voter registration applications will be distributed with certain approval; placing emphasis on certain voter registration locations; requiring the State Election Board Secretary to designate certain state agencies and county offices as voter registration agencies; requiring the State Election Board

Secretary to identify certain state agencies as optional voter registration agencies under certain circumstances; requiring recruitment offices of the United States Armed Forces to be voter registration agencies; stating procedures for recertification, renewal and change of address for voter registration; prohibiting the disclosure of voter registration; requiring optional voter registration agencies to provide certain services during regular business hours; requiring voter registration agencies to transmit voter registration applications to the State Election Board at certain time at the expense of the State Election Board; requiring motor vehicle licensing agencies to ask qualified electors if they wish to register to vote under certain circumstances and providing procedure thereto; requiring Department of Public Safety or designated representative to retain voter declination forms for certain time period; requiring motor vehicle licensing agents to transmit certain voter registration applications to State Election Board at the expense of the State Election Board; providing for confidentiality of certain voter registration applications; requiring certain fee be paid to motor license agents; requiring the Oklahoma Tax Commission to notify the Secretary of the State Election Board of certain appointments; requiring the Department of Public Safety to notify the Secretary of the State Election Board of agents qualified to issue certain licenses; authorizing the State Election Board Secretary to develop certain experimental processes; modifying time to submit voter registration application and providing for certain disapproval; requiring county election board to mail certain notice within certain time limit; providing criteria for registration for voting purposes; requiring the State Election Board Secretary distribute certain application which requests certain information; requiring certain signature; requiring the State Election Board Secretary to prescribe certain procedure; providing for certain political party affiliation; prohibiting certain requirements; requiring county election board secretaries to transmit certain information; providing procedure for voter registration transfer; requiring registered voters to indicate certain prior registration information; modifying procedure to change political affiliation; authorizing county election board secretaries to reject certain applications; stating reasons for cancellation of voter registration; modifying procedure for removal of voter registration; requiring State Election Board Secretary to send address confirmations under certain conditions; providing procedure for changing status of certain voters; requiring county election board

secretaries to maintain certain lists; requiring State Election Board Secretary to accept certain written notice; requiring removal of voter registration under certain circumstances; modifying time period in which certain application shall be maintained; modifying grounds which constitute a felony; modifying grounds which constitute a misdemeanor; modifying procedure for filling certain vacancies in Congress; defining certain elections; repealing 26 O.S. 1991, Sections 4-105, as amended by Section 2, Chapter 191, O.S.L. 1993, 4-105.1, 4-106, as amended by Section 3, Chapter 191, O.S.L. 1993, 4-107, 4-108, as amended by Section 4, Chapter 191, O.S.L. 1993, 4-109.1, 4-110, 4-111 and Section 1, Chapter 191, O.S.L. 1993 (26 O.S. Supp. 1993, Sections 4-105, 4-106, 4-108 and 4-111.1), which relate to appointment of registrars and registration of students, termination of registrars filing declaration of candidacy, compensation of registrars, additional capacity of registrars, hours, voter registrar located in adjacent county, procedure for registration, and motor license agents; authorizing the State Election Board to promulgate certain emergency rules; providing for codification; providing effective dates; and declaring an emergency.

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

SECTION 1. AMENDATORY 26 O.S. 1991, Section 2-107, as amended by Section 2, Chapter 247, O.S.L. 1992 (26 O.S. Supp. 1993, Section 2-107), is amended to read as follows:

Section 2-107. The Secretary of the State Election Board shall be the administrative officer of the State Election Board and shall have general supervisory authority over ~~the several~~ county election boards and shall have the authority to provide administrative supervision to any county election board. The Secretary shall have the authority to employ and fix the salaries and duties of such personnel as may be necessary to perform the duties of the State Election Board. The Secretary may promulgate, repeal or modify such rules or regulations as he deems necessary to facilitate and assist in achieving and maintaining uniformity in the application, operation and interpretation of the state and federal election laws and a maximum degree of correctness, impartiality and efficiency in administration of the election laws; provided, however, that such rules or regulations, to be binding and effective, must have been officially adopted by the Secretary of the State Election Board; the procedure and adoption of such rules and regulations shall be subject to the provisions of the Administrative Procedures Act, Section 250.1 et seq. of Title 75 of the Oklahoma Statutes. The Secretary shall promote and encourage voter registration and voter participation in elections. The Secretary shall be the chief state election official responsible for coordination of state responsibilities under the National Voter Registration Act of 1993. The Secretary shall have the authority to implement programs for confirmation of voter registration and for removal of ineligible

voters in compliance with general Oklahoma election law and requirements of the National Voter Registration Act of 1993.

SECTION 2. AMENDATORY 26 O.S. 1991, Section 2-133, is amended to read as follows:

Section 2-133. A. The members of the State Election Board and all persons employed within the organizational framework of the State Election Board shall be entitled to free defense services by the Attorney General in any civil suit resulting from alleged acts or omissions which the Attorney General has determined to have occurred within the scope of or arising out of the official duties performed by these persons in behalf of the State Election Board and the state.

B. All members of county election boards and all persons employed or appointed within the organizational framework of county election boards, including ~~voter registrars and~~ members of precinct election boards, shall be entitled to free defense services by the district attorney in any civil suit resulting from alleged acts or omissions which the district attorney has determined to have occurred within the scope of or arising out of the official duties performed by these persons in behalf of the county election board, the county and the state.

C. The fact that the Attorney General or district attorney omits to provide such defense as provided within this act shall not be admissible in any such civil suit and any mention of such fact shall be deemed grounds for mistrial.

SECTION 3. AMENDATORY 26 O.S. 1991, Section 3-104, is amended to read as follows:

Section 3-104. The cost of rent for polling places, absentee ballot boxes, locks and keys, voting booths and United States flags shall be paid from county funds. The costs of notice and acknowledgement mailings as required in Sections 8 and 14 of this act shall be paid from county funds. The cost of central registries, maps and other materials required to be maintained by the county election board shall be paid from county funds. The cost of other supplies necessary for the conduct of state elections shall be paid from state funds. The purchase and maintenance of computer hardware, software, voting devices and related supplies used in the Oklahoma Election Management System shall be paid from state funds. The cost of confirmation mailings required in Section 21 of this act shall be paid from state funds.

SECTION 4. AMENDATORY 26 O.S. 1991, Section 3-111, is amended to read as follows:

Section 3-111. ~~Prior to the General Election in 1976, and every (2) years thereafter~~ In each even-numbered year, the Secretary of the State Election Board shall cause to be conducted a training program in each county for ~~voter registrars,~~ precinct inspectors, judges, and clerks ~~and counters.~~ Persons attending such training programs shall be allowed mileage reimbursement at the rate provided by the State Travel Reimbursement Act, Section 500.1 et seq. of Title 74 of the Oklahoma Statutes to be paid from county funds. The Secretary shall prescribe procedures for training of motor license agents, officials of voter registration agencies and others responsible for voter registration activities.

SECTION 5. AMENDATORY 26 O.S. 1991, Section 3-114, is amended to read as follows:

Section 3-114. It shall be the duty of the secretary of each county election board to disseminate information about voter registration, the dates and time of elections, locations of polling places, ~~names and addresses of voter registrars~~ and other data as he

deems necessary to inform the general public of same. Sample ballots shall be made available to the general public.

SECTION 6. AMENDATORY 26 O.S. 1991, Section 3-126, is amended to read as follows:

Section 3-126. Records required to be maintained by the State Election Board or any county election board in the performance of their duties shall be retained for a period of ~~twenty-two (22)~~ twenty-four (24) months, unless otherwise provided by law. However, the State Election Board and county election boards shall continuously maintain records of all official acts and certifications made by such boards.

SECTION 7. AMENDATORY 26 O.S. 1991, Section 4-103, is amended to read as follows:

Section 4-103. Any person who will become a qualified elector before the next ensuing election at which he could vote shall be entitled to become a registered voter of the precinct of his or her residence ~~during the last thirty (30)~~ not more than sixty (60) and not less than twenty-four (24) days preceding the close of registration prior to said election.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4-103.1 of Title 26, unless there is created a duplication in numbering, reads as follows:

A. A qualified elector may apply to register to vote or update a registration to vote by:

1. Delivering by mail or otherwise a completed voter registration application to the State Election Board or any county election board;

2. Completing a voter registration application in person with any official of an agency described in Section 10 of this act; or

3. Completing a voter registration application in person as part of an application for issuance, renewal or change of address for a driver's license or issuance of a state identification card issued pursuant to Section 6-105 of Title 47 of the Oklahoma Statutes with a designated representative of the Department of Public Safety.

B. The secretary of the county election board for the county of the applicant's residence shall send to each applicant by nonforwardable, first-class United States mail a notice of the disposition of the application. Notice mailing costs shall be paid by the county.

SECTION 9. AMENDATORY 26 O.S. 1991, Section 4-109, as amended by Section 5, Chapter 247, O.S.L. 1992 (26 O.S. Supp. 1993, Section 4-109), is amended to read as follows:

Section 4-109. ~~The secretary of the county election board shall assign the locations at which voter registrars may conduct registration transactions.~~ The Secretary of the State Election Board shall designate locations where voter registration applications will be available for distribution. The secretary of each county election board may, with approval of the Secretary of the State Election Board, designate additional locations where voter registration applications will be available for distribution. Preference shall be given to public libraries, public buildings and other locations where large numbers of potential voters may be located. Particular emphasis shall be placed on making voter registration applications available for organized voter registration programs.

SECTION 10. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4-109.2 of Title 26, unless there is created a duplication in numbering, reads as follows:

A. The Secretary of the State Election Board shall designate offices in the state which provide public assistance, offices in the state that provide state-funded programs primarily engaged in providing services to persons with disabilities as voter registration agencies. The Secretary shall identify certain other agencies of state and local government and, with their agreement, of federal and nongovernmental entities as optional voter registration agencies where voter registration services prescribed by the Secretary shall be available. Recruitment offices of the Armed Forces of the United States and offices of the county election boards shall be voter registration agencies.

B. Each designated voter registration agency shall, with each application for service or assistance and with each recertification, renewal or change of address form relating to the service or assistance of voter registration:

1. Provide a voter registration application which may include all statements and declination form required under the National Voter Registration Act of 1993.

2. Provide to each applicant who does not decline to register to vote the same degree of assistance with regard to the completion of the registration application form as is provided by the office with regard to the completion of its own forms, unless the applicant refuses such assistance.

3. Require each applicant either to complete a voter registration application or to sign a declination form.

C. No information relating to a declination to register to vote in connection with an application made at an office designated a voter registration agency may be used for any purpose other than voter registration.

D. Declination forms signed by each applicant shall be retained by designated voter registration agencies for twenty-four (24) months from the date of the declination.

E. The identity of a voter registration agency through which a particular voter registered may not be disclosed to the public.

F. Optional voter registration agencies where voter registration services prescribed by the Secretary shall be available, shall provide such services during regular business hours of the agency during the time prescribed by law for making such transactions.

G. Voter registration agencies which are not county election boards shall transmit all completed voter registration applications at the close of business each week to the State Election Board in preaddressed, postage prepaid envelopes provided by the State Election Board.

SECTION 11. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4-109.3 of Title 26, unless there is created a duplication in numbering, reads as follows:

A. When a qualified elector applies for issuance or renewal of an Oklahoma driver's license, or issuance of a state identification card issued pursuant to Section 6-105 of Title 47 of the Oklahoma Statutes, or for a change of address for driver's license purposes, the person shall be asked if he or she wishes to register to vote or to change his or her address for voting purposes. If the person wishes to register to vote or to change his or her address for voting purposes, the person shall be given a voter registration application which should be completed and signed by the applicant and returned to the official of the motor license agency. If the person declines, he or she shall be given a declination statement with the application form prescribed by the Secretary of the State Election Board which shall be retained by the motor license agency

or designated representative of the Department of Public Safety for twenty-four (24) months. All completed voter registration applications shall be transmitted by the motor license agent at the close of business each week to the State Election Board in preaddressed, postage prepaid envelopes provided by the State Election Board. If a person registers or declines to register to vote, the office at which the person submits the voter registration application or the fact that the person declined to register shall remain confidential and will be used only for voter registration purposes.

B. Motor license agents shall receive fifty cents (\$0.50) per valid voter registration application or application for change in voter registration taken by themselves and employees of the motor license agent's office taken at the agent's office, payable by the State Election Board.

C. The Oklahoma Tax Commission shall notify the Secretary of the State Election Board of motor license agent appointments. The Oklahoma Department of Public Safety shall notify the Secretary of the State Election Board of motor license agents qualified to issue driver's licenses.

D. The Secretary of the State Election Board is authorized to develop with appropriate officials of the Department of Public Safety an experimental process to electronically transmit voter registration information from one or more motor license agencies to one or more county election boards.

SECTION 12. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4-110.1 of Title 26, unless there is created a duplication in numbering, reads as follows:

A. Voter registration applications may be submitted at any time. However, completed applications received by the State Election Board, any county election board, any agency designated to accept voter registration applications or any motor license agent as part of a driver's license or identification card application twenty-four (24) days prior to an election; any mail application postmarked twenty-four (24) days or less prior to an election or any mail application received without a postmark nineteen (19) days or less prior to an election shall not be approved for that election if the applicant's residence is located within the geographical boundaries of the entity for which the election is being conducted.

B. No more than seven (7) days after any election, each county election board secretary for the county of the applicant's residence shall mail a notice of disposition as required in Section 8 of this act to all persons whose voter registration applications were received twenty-four (24) days or less prior to the election.

C. Registration for voting purposes occurs when a completed voter registration application is approved by the county election board secretary for the county or the applicant's residence and on the date that the information is entered into the Oklahoma Election Management System for the county of the applicant's residence.

D. Registration for candidate filing or party affiliation purposes occurs at the earliest time the completed voter registration application is received at the State Election Board, any county election board, any agency designated to accept voter registration applications or any Motor License Agent as part of a driver's license or identification card application provided that the application subsequently is approved by the secretary of the county election board for the county of the applicant's residence; or, in the case of mail applications, registration for candidate filing or party affiliation purposes shall occur at the time when the completed voter registration application is postmarked provided

that the application subsequently is approved by the secretary of the county election board for the county of the applicant's residence; or in the case of a mail application received without a postmark, registration for candidate filing or party affiliation purposes shall occur at the earliest time when the completed application is received by the State Election Board or any county election board provided that the application is subsequently approved by the secretary of the county election board for the county of the applicant's residence.

SECTION 13. AMENDATORY 26 O.S. 1991, Section 4-112, is amended to read as follows:

Section 4-112. The Secretary of the State Election Board shall devise and distribute a registration ~~form~~ application to be used for registering voters. ~~Said~~ Such registration ~~form~~ application shall contain the following information: Voter's full name and ~~sex~~, date of birth, ~~height, weight, color of eyes, color of hair,~~ county and place of residence and mailing address; the name of the political party recognized by the laws of the State of Oklahoma with which the voter is affiliated; an oath of the voter's eligibility to become a registered voter; and such other information as may be deemed necessary by the Secretary to identify ~~said~~ such voter and to ascertain his or her eligibility. A voter registration application shall be signed by the applicant in writing. The applicant shall personally subscribe his or her name to or make his or her mark on the application, and no agent, representative or employee of the applicant may sign or mark on the applicant's behalf. The signature or mark must be the original, handwritten signature, autograph or mark of the applicant. No facsimile, reproduction, typewritten or other substitute signature, autograph or mark will be valid. Notwithstanding any law to the contrary, the Secretary of the State Election Board shall prescribe procedures to authorize any person incapable of personally making his mark to complete a voter registration application with assistance of an official of any voter registration agency or motor license agency specified in Sections 10 and 11 of this act. Persons not affiliated with any political party recognized by the laws of the State of Oklahoma or who do not indicate a political party on their registration application shall be designated as Independents. The form may request but shall not require the applicant's Oklahoma driver's license number or social security number and a telephone number where the applicant can be contacted during normal business hours. Any person may apply in writing to the Secretary of the State Election Board for permission to print, copy or otherwise prepare and distribute the registration applications designed by the Secretary of the State Election Board. The Secretary may revoke any such permission at any time. All registration applications shall be distributed to the public at no charge. The Secretary also shall prescribe procedures to accept and use federal registration applications as required by the National Voter Registration Act of 1993.

SECTION 14. AMENDATORY 26 O.S. 1991, Section 4-113, is amended to read as follows:

Section 4-113. A. The Secretary of the State Election Board shall devise a voter identification card which shall be issued to every person who becomes a registered voter in Oklahoma. Said voter identification card shall contain such information as is necessary to determine a registered voter's eligibility.

B. When a person registers to vote or changes his or her registration in any manner to require a new voter identification card, the county election board secretary in the county of the voter's residence shall transmit the new voter identification card

as acknowledgment of the transaction which may be the notice required in Section 8 of this act.

SECTION 15. AMENDATORY 26 O.S. 1991, Section 4-116, is amended to read as follows:

Section 4-116. If a registered voter of a county changes his or her residence to another precinct within the same county, he or she shall be entitled to transfer his or her registration ~~upon executing a form in a manner~~ prescribed by the Secretary of the State Election Board ~~before a person authorized to register voters~~. The secretary of the county election board shall change the registration information of such registered voter in the Oklahoma Election Management System and shall issue a new voter identification card to the voter. Information given by the voter shall be under oath.

SECTION 16. AMENDATORY 26 O.S. 1991, Section 4-117, is amended to read as follows:

Section 4-117. If a registered voter of a county has changed his or her residence within the same county, and has not executed a transfer as hereinbefore provided, he or she shall be entitled to a transfer upon his or her executing an application on a form to be prescribed by the Secretary of the State Election Board and presenting ~~said~~ such form along with his or her voter identification card to the inspector of the precinct in which he is registered on the day of the next ensuing election. Upon doing so, ~~said~~ such registered voter shall be permitted to vote in ~~said~~ such precinct, and only in ~~said~~ such precinct, for the election being conducted on that day only. The inspector shall deliver ~~said transfer~~ such form to the secretary of the county election board, who shall transfer such registration ~~in accordance with the application in the manner prescribed by the Secretary of the State Election Board.~~

SECTION 17. AMENDATORY 26 O.S. 1991, Section 4-118, is amended to read as follows:

Section 4-118. Any registered voter who changes his or her residence to another county may apply for registration as an initial registrant in ~~the second~~ such other county. ~~Said~~ Such person shall ~~inform the person registering him of~~ indicate his or her prior registration information, including name, residence address and county and political affiliation, as appropriate, on the voter registration application. The secretary of the election board of the second county shall immediately notify the Secretary of the State Election Board of such transaction.

SECTION 18. AMENDATORY 26 O.S. 1991, Section 4-119, is amended to read as follows:

Section 4-119. Any registered voter may change his or her political affiliation by ~~appearing before a person authorized to register voters and~~ executing a form prescribed by the Secretary of the State Election Board at any time prescribed by law for registration transactions except during the period from 5:00 p.m. on July 1 through 5:00 p.m. on September 30 in any even-numbered year. Information given by the voter shall be under oath. The county election board secretary in the applicant's county of residence shall reject any such application for political affiliation change received by the State Election Board, any county election board, any agency designated to accept voter registration applications or any motor license agent as part of a driver's license or identification card application after 5:00 p.m. July 1 through 5:00 p.m. on September 30 in any even-numbered year or if a mail application is postmarked after 5:00 p.m. July 1 through 5:00 p.m. on September 30 in any even-numbered year or if a mail application is received without a postmark more than five (5) days after July 1 through 5:00 p.m. on September 30 in any even-numbered year.

SECTION 19. AMENDATORY 26 O.S. 1991, Section 4-120, as amended by Section 6, Chapter 247, O.S.L. 1992 (26 O.S. Supp. 1993, 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: Written notice from the voter; failure to vote; death; conviction of a felony; judicial determination of mental incapacitation under Title 30 of the Oklahoma Statutes; or registration in another county or state; or failure to respond to a confirmation of address mailing and failure to vote as prescribed in Section 21 of this act.

SECTION 20. AMENDATORY 26 O.S. 1991, Section 4-120.1, is amended to read as follows:

Section 4-120.1 A registered voter may have his or her name removed from the registries of a county by ~~appearing before a person authorized to register voters in said county and~~ executing a written notice for same to the Secretary of the State Election Board or any county election board.

SECTION 21. AMENDATORY 26 O.S. 1991, Section 4-120.2, is amended to read as follows:

Section 4-120.2 ~~No later than June 1, 1985, and every four (4) years thereafter, registered voters who have not voted in an election wherein a precinct registry is used during the preceding four (4) years shall be designated in the Oklahoma Election Management System as inactive voters. An inactive voter may renew active status by voting in an election wherein a precinct registry is used, in person, during four (4) calendar years following his designation as an inactive voter. If said voters fail to vote during a period of eight (8) consecutive calendar years, then the registration information of said voter~~ After November 15 but no later than December 30, 1994, all registration information on inactive voters shall be removed from the central registry and the Oklahoma Election Management System and, their registrations shall be canceled and the information destroyed. No voter registration shall be canceled for failure to vote except as herein provided. No later than June 1, 1997, and every two (2) years thereafter, any voter for whom a first-class mailing from the county election board was returned during the previous twenty-four (24) months, any voter identified by the Secretary of the State Election Board as a potential duplicate and any registered voter who did not vote in any election conducted by a county election board during the previous twenty-four (24) months and who has initiated no voter registration change during the previous twenty-four (24) months shall be sent an address confirmation mailing prescribed by the Secretary of the State Election Board and paid for by the state. Voters who do not respond to the confirmation mailing or whose mailing is returned as nonforwardable shall be designated as inactive sixty (60) days after the mailing. An inactive voter's status shall be changed to active under the following conditions:

1. With any registration change initiated by the voter; or
2. By voting in any election conducted by a county election

board.

An inactive voter who does not vote in any election conducted by a county election board during the period beginning on the date of the confirmation mailing and ending on the day after the date of the second successive general election for federal office shall be removed as a registered voter and all the information on that voter shall be destroyed. Each county election board secretary shall maintain a list of the names and addresses of all persons sent a confirmation mailing as described in this section and information on whether or not each such person has responded to the notice. Said

list shall be maintained for twenty-four (24) months following the date of the second successive federal general election after the date of the confirmation mailing.

SECTION 22. AMENDATORY 26 O.S. 1991, Section 4-120.4, is amended to read as follows:

Section 4-120.4 The Department of Corrections shall transmit each month a list of all persons convicted of felonies, which convictions have become final, and deliver said list to the Secretary of the State Election Board. The Secretary of the State Election Board shall accept written notice from the United States Attorney of persons convicted of felonies in a district court of the United States, which convictions have become final. The Secretary of the State Election Board shall transmit said list and notice to the secretary of each county election board who shall cancel the registrations of all registered voters included on said list and notice, and such persons shall be ineligible for registration for a period of time equal to the time prescribed in the judgment and sentence.

SECTION 23. AMENDATORY 26 O.S. 1991, Section 4-120.7, as amended by Section 8, Chapter 247, O.S.L. 1992 (26 O.S. Supp. 1993, Section 4-120.7), is amended to read as follows:

Section 4-120.7 The registration ~~form~~ application of registered voters whose registration has been canceled, upon written notice of the voter, death, conviction of a felony, judicial determination of mental incapacitation or registration in another county or state in the manner hereinbefore provided, shall be removed from the central registry and maintained separately for a period of ~~twenty-two (22)~~ twenty-four (24) months by the secretary of each county election board. Reason for cancellation and date of said cancellation shall be noted on said registration ~~form~~ application. After ~~twenty-two (22)~~ twenty-four (24) months, the registration ~~form~~ application shall be destroyed.

SECTION 24. AMENDATORY 26 O.S. 1991, Section 16-103.1, is amended to read as follows:

Section 16-103.1 Anyone ~~not authorized to register voters who represents himself as a voter registrar and~~ knowingly causes any qualified elector to be invalidly registered or anyone who knowingly causes any unqualified person to be registered shall be deemed guilty of a felony.

SECTION 25. AMENDATORY 26 O.S. 1991, Section 16-120, is amended to read as follows:

Section 16-120. Any person who causes to be printed, or who has in his possession ballots, or blank voter identification cards ~~or blank voter registration materials~~ not authorized by law shall be deemed guilty of a misdemeanor.

SECTION 26. AMENDATORY 26 O.S. 1991, Section 5-106, is amended to read as follows:

Section 5-106. Candidates may file for no more than one office at any election. For purposes of this section a Special Election and a Regular Election held on the same date shall be considered one election.

SECTION 27. AMENDATORY 26 O.S. 1991, Section 12-101, is amended to read as follows:

Section 12-101. ~~Whenever~~ A. Except as otherwise provided in this section, whenever a vacancy shall occur in the office of a member of the United States Senate or United States House of Representatives from Oklahoma, such vacancy shall be filled at a Special Election to be called by the Governor within thirty (30) days after such vacancy occurs. ~~Provided, no~~

B. No special election shall be called if the vacancy occurs after March 1 of any even-numbered year if the term of said office expires the following year. In such case, the candidate elected to said office at the regular General Election shall be appointed by the Governor to fill the unexpired term.

C. If in an even-numbered year an incumbent United States Senator with two (2) or more years remaining in the term for which the incumbent was elected shall file with the Oklahoma Secretary of State before July 1 a resignation in writing which states that the resignation will not become effective immediately, but rather will become effective on some date certain which date is after the General Election, but before the convening of the next term of Congress, the vacancy shall be filled by a special election which shall be held in that even-numbered year on the same dates as the regular Primary Election, Runoff Primary Election and General Election. The filing period for the special election shall be the regular filing period prescribed in Section 5-110 of this title. The person elected in the General Election of the special election shall take office on the date the resignation of the incumbent becomes effective and shall serve the remainder of the unexpired term.

SECTION 28. REPEALER 26 O.S. 1991, Sections 4-105, as amended by Section 2, Chapter 191, O.S.L. 1993, 4-105.1, 4-106, as amended by Section 3, Chapter 191, O.S.L. 1993, 4-107, 4-108, as amended by Section 4, Chapter 191, O.S.L. 1993, 4-109.1, 4-110, 4-111 and Section 1, Chapter 191, O.S.L. 1993 (26 O.S. Supp. 1993, Sections 4-105, 4-106, 4-108 and 4-111.1), are hereby repealed.

SECTION 29. The State Election Board is hereby authorized to promulgate emergency rules to implement this act prior to its taking effect provided that such rules shall take effect no earlier than January 1, 1995, with respect to Sections 1 through 19 and Sections 21 through 25 of this act and September 1, 1994, with respect to Section 20 of this act.

SECTION 30. Sections 21 and 29 of this act shall become effective September 1, 1994.

SECTION 31. Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 22, 23, 24, 25 and 28 of this act shall become effective January 1, 1995.

SECTION 32. It being immediately necessary for the preservation of the public peace, health and 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.

Passed the Senate the 20th day of May, 1994.

President of the Senate

Passed the House of Representatives the 20th day of May, 1994.

Speaker of the House of

Representatives