

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

HOUSE BILL NO. 1734

By: Paulk

AS INTRODUCED

An Act relating to elections; amending 26 O.S. 1991, Section 4-120.2, as amended by Section 21, Chapter 260, O.S.L. 1994 (26 O.S. Supp. 1996, Section 4-120.2), which relates to inactive voters; requiring notation of address confirmation requirement on precinct registry; providing for cancellation of duplicate voter registrations; amending 26 O.S. 1991, Section 6-106, which relates to ballots; modifying procedure for placement of names of candidates of political parties and independent candidates on ballot; requiring address confirmation for inactive voters; amending 26 O.S. 1991, Section 7-116, as amended by Section 10, Chapter 290, O.S.L. 1995 (26 O.S. Supp. 1996, Section 7-116), which relates to voting procedure if name of voter is not on voter registry; requiring surrender of voter identification card; amending 26 O.S. 1991, Section 16-101, which relates to felony offenses; modifying felony penalty for violation of election laws; requiring certain election officials having evidence of voter registration or voting crimes to notify appropriate district attorney; requiring investigation and

report by district attorney; providing for codification; and providing an effective date.

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

SECTION 1. AMENDATORY 26 O.S. 1991, Section 4-120.2, as amended by Section 21, Chapter 260, O.S.L. 1994 (26 O.S. Supp. 1996, Section 4-120.2), is amended to read as follows:

Section 4-120.2 ~~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, their registrations shall be canceled and the information destroyed.~~

A. 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.

B. The secretary of each county election board shall cause to be printed the words "Address Confirmation Required" next to the voter's name on the precinct registry for all inactive voters in a precinct.

C. No later than June 1 of each odd-numbered year, the Secretary of the State Election Board shall identify duplicate voter registrations in the state and shall direct appropriate county election board secretaries to cancel the voter registration of all but the latest registration of duplicate voter registrations. Each county election board secretary shall maintain for twenty-four (24) months a list of the names and addresses of all canceled duplicate voter registrations. For the purposes of this subsection, duplicate voter registrations are those registrations which contain the following identical information on more than one registration:

1. First name, middle name or initial, last name and date of birth; or

2. Driver license or social security number.

SECTION 2. AMENDATORY 26 O.S. 1991, Section 6-106, is amended to read as follows:

Section 6-106. The official ballot card for the General Election shall be printed so that the nominees of the various political parties and nonpartisan candidates will appear in columns. For each ballot for which there are partisan candidates, the candidates of the ~~Democratic party~~ recognized parties shall be printed in the first position, ~~those of the Republican party in the second position and those of other parties as the State Election Board may direct, giving preference to the party which had the largest number of registered voters in the latest January 15 report, followed by candidates who filed as Independents~~ in lot order followed by candidates of unrecognized parties in lot order followed by independent candidates in lot order. Candidates of recognized and unrecognized parties shall be printed in the lot order of their respective party. Each political party shall have the right to select an emblem to be used in designating its candidates on the ballot; provided, however, that no party shall be allowed to use the coat of arms or seal of Oklahoma or of the United States, or the respective flags thereof. Until changed by resolution of a political party, in state convention, the emblem of the Democratic party shall be a rooster and that of the Republican party an eagle. Change in a party emblem shall be authorized by the Secretary of the State Election Board only after receipt of written notice of said change by said Secretary from the state central committee of a party. At the top of each ballot on which there are partisan candidates shall appear the name of each recognized party with the emblem of said party in lot order as prescribed by the Secretary of the State Election Board. ~~The name and emblem of the Democratic party shall be printed in the first position, the Republican party in the second position and the other parties as the State Election Board may direct, giving preference to the party which had the largest number of registered voters in the latest registration report.~~ Below said name and emblems shall be a line extending

across the entire ballot. The name of the office entitled to the first place in the column, preceded by the word "for," shall ~~next~~ appear in bold type, as "For Governor". Immediately after same shall be the names of the nominees for such office printed with the name of the nominee's party followed by candidates who file as Independents for such office printed with the word "Independent". The list shall be continued down each column, naming the officers in the order in which they are set out by the Constitution and statutes, until all the nominees are given space. The columns shall be set off with well defined lines.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-115.1 of Title 26, unless there is created a duplication in numbering, reads as follows:

Before being issued a ballot, an inactive voter shall be required by the judge to complete an address confirmation form prescribed by the Secretary of the State Election Board.

SECTION 4. AMENDATORY 26 O.S. 1991, Section 7-116, as amended by Section 10, Chapter 290, O.S.L. 1995 (26 O.S. Supp. 1996, Section 7-116), is amended to read as follows:

Section 7-116. A. If the precinct registry does not contain a voter's name, or if a precinct official should deny the voter the right to vote, said voter shall be allowed to vote only if the voter presents and surrenders a voter identification card showing the voter to be a registered voter of the precinct to the judge, completes a voter registration application for a residence address within the county and signs an affidavit swearing or affirming that the voter is currently registered and eligible to vote in said precinct and that the voter has not cast an absentee ballot for said election.

B. If a person alleges to an election official in the county of the person's residence on a day of regular or in-person absentee voting that the person applied to become a registered voter twenty-

five (25) days or more prior to the election, the person shall be allowed to vote a ballot for the precinct of the person's residence if:

1. The county election board secretary of the person's county of residence confirms that a valid application for the person is on file at the county election board office and the application became valid twenty-five (25) days or more prior to the election; and

2. The person signs an affidavit swearing or affirming that the person applied to become a registered voter of the precinct of the person's residence twenty-five (25) days or more prior to the election.

SECTION 5. AMENDATORY 26 O.S. 1991, Section 16-101, is amended to read as follows:

Section 16-101. Any person deemed guilty of a felony under provisions of this ~~act~~ title shall, upon conviction, be confined in the State Penitentiary for not more than ~~two (2)~~ five (5) years, or fined not more than ~~Five Thousand Dollars (\$5,000.00)~~ Ten Thousand Dollars (\$10,000.00), or both.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 16-123 of Title 26, unless there is created a duplication in numbering, reads as follows:

A. The Secretary of the State Election Board or any county election board who has documents that appear to be evidence of voter registration or voting crimes shall notify the district attorney for the county or counties involved.

B. When presented with documentation of possible voter registration or voting crimes by the Secretary of the State Election Board or any county election board a district attorney shall investigate and, within thirty (30) days and each thirty (30) days thereafter following receipt of such documentation, report in writing to the Secretary of the State Election Board or county

election board the status of the investigation until charges are filed or the district attorney declines to file charges.

SECTION 7. This act shall become effective November 1, 1997.

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