

SHORT TITLE: Elections; amending various sections of Title 26;
duplicate registration; ballot positions; felony penalties; evidence
procedures; reports; codification; effective date.

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

SENATE BILL NO. 219

By: Dickerson

AS INTRODUCED

An Act relating to elections; amending 26 O.S. 1991, Sections 4-120.2, as amended by Section 21, Chapter 260, O.S.L. 1994, 6-106, 7-116, as amended by Section 10, Chapter 290, O.S.L. 1995 and 16-101 (26 O.S. Supp. 1996, Sections 4-120.2 and 7-116), which relate to various election procedures and requirements; deleting obsolete language; regularizing certain punctuation; providing for certain address confirmation procedures; requiring certain annual identification of duplicate voters; providing for certain restoration of voter registration; requiring certain surrender of voter identification card; providing for cancellation of certain registrations; requiring maintenance of certain records; defining term; providing for order of entries on ballots; increasing penalties for certain felonies; establishing certain procedures relating to possible evidence of certain crimes; requiring certain reports; 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. 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 registration of all but the latest of the duplicate registrations. Each county election board secretary shall maintain for twenty-four (24) months a list of names and addresses of all cancelled duplicate registrations. For the purposes of this subsection, "duplicate registration" means a registration for an active voter whose first name, middle name or initial, last name, and date of birth are identical, or whose driver license or social security number are identical, to the information on another registration. The Secretary of the State Election Board shall restore the voter registration of any voter who swears or affirms being registered at only one residence and that the apparent duplication is not an actual duplication.

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~~ positions 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. ~~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~~ in lot order as prescribed by the Secretary of the State Election Board. 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~~ 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~~ 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 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 a secretary of any county election board who has documents that appear to be evidence of voter registration crimes or voting crimes shall notify the district attorney in whose jurisdiction the crimes appear to have been committed.

B. When presented with documentation of possible voter registration crimes or voting crimes by the Secretary of the State Election Board or by a secretary of a county election board, the district attorney shall investigate and, within thirty (30) days after receipt of said documentation, and each thirty (30) days thereafter until the district attorney files charges or declines to file charges, make a written report to the secretary who presented the documentation on the status of the investigation.

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

46-1-0311 WHT