

STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

HOUSE BILL 3065

By: Toure

AS INTRODUCED

An Act relating to elections; creating the Oklahoma Restoration of Voting Rights Act; amending 26 O.S. 2001, Section 4-101, as amended by Section 3, Chapter 447, O.S.L. 2002 (26 O.S. Supp. 2005, Section 4-101), which relates to persons entitled to become registered voters; modifying period of ineligibility for convicted felons; providing requirements and procedures for ensuring that convicted persons are notified of the limitations on and duration of loss of voting rights; placing certain duties on the Secretary of the State Election Board; requiring development and implementation of certain program; providing for promulgation and adoption of certain rules; amending 26 O.S. 2001, Section 4-109.2, which relates to voter registration agencies; adding voter registration agencies; modifying duties of voter registration agencies; amending 26 O.S. 2001, Section 4-120, which relates to cancellation of voter registration; modifying reasons for cancellation of voter registration; providing procedure for cancellation of registration of persons incarcerated for a felony; providing scope of application; repealing 26 O.S. 2001, Section 4-120.4, as amended by Section 7, Chapter 447, O.S.L. 2002 (26 O.S. Supp. 2005, Section 4-120.4), which relates to cancellation of voter 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:

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. 2001, Section 4-101, as amended by Section 3, Chapter 447, O.S.L. 2002 (26 O.S. Supp. 2005, 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 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~~ while incarcerated.

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 discharge.

B. The Secretary of the State Election Board shall ensure that persons who become eligible to vote upon their discharge 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 6 of this act, 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 registration to vote in anticipation of their discharge from incarceration, including 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 they are discharged 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 6 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 6 of this act;

6. Probation and parole officers are informed of the change in the law and are prepared to notify probationers and parolees that their right to vote is restored; and

7. 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 and adopt rules to implement the provisions of this section.

SECTION 4. AMENDATORY 26 O.S. 2001, Section 4-109.2, is amended to read as follows:

Section 4-109.2 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. The Department of Corrections and, subject to their agreement under 42 U.S.C., Section 1973gg-5(a)(3)(B)(ii), the federal correctional institutions in this state 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, and with each release process leading to the discharge of a person from incarceration:

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 or correctional institution 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.

4. Notify in writing each person being discharged from incarceration that the person's voting rights will be restored.

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 5. AMENDATORY 26 O.S. 2001, 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; death; incarceration upon conviction of a felony; judicial determination of mental incapacitation under Title 30 of the Oklahoma Statutes; 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~~ 4-120.2 of this ~~act~~ title.

SECTION 6. 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 State 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) years or older who, during the preceding period, have become ineligible to vote because of their incarceration upon conviction of a felony. The second list shall contain the following information about persons age eighteen (18) years or older who, during the preceding period, have become eligible to vote because of their discharge from incarceration:

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

B. The Secretary of the State Election Board shall cause the voter registrations of persons who are ineligible to vote because of their incarceration upon conviction of a felony to be canceled in the county of residence of the person, and shall notify the secretary of the appropriate county election board of the cancellation. The Secretary of State shall likewise ensure that the names of persons who are eligible and registered to vote following their discharge 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.

SECTION 7. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

Upon the effective date of this act, this act shall have retroactive application to all persons who are eligible to vote under its terms, regardless of whether they were convicted or discharged from incarceration prior to its effective date.

SECTION 8. REPEALER 26 O.S. 2001, Section 4-120.4, as amended by Section 7, Chapter 447, O.S.L. 2002 (26 O.S. Supp. 2005, Section 4-120.4), is hereby repealed.

SECTION 9. 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.

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