

STATE OF OKLAHOMA

1st Session of the 50th Legislature (2005)

SENATE BILL 662

By: Eason McIntyre

AS INTRODUCED

An Act relating to elections; amending 26 O.S. 2001, Sections 4-101, as amended by Section 3, Chapter 447, O.S.L. 2003, 4-120 and 4-120.4, as amended by Section 7, Chapter 447, O.S.L. 2002 (26 O.S. Supp. 2004, Sections 4-101 and 4-120.4), which relate to convicted felons; modifying voting rights of felons; and providing an effective date.

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

SECTION 1. AMENDATORY 26 O.S. 2001, Section 4-101, as amended by Section 3, Chapter 447, O.S.L. 2003 (26 O.S. Supp. 2004, 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 shall be ineligible to register for a period of time equal to the time prescribed in the judgment and sentence. Provided, however, while on probation or parole, a person may petition the State Election Board for voter registration.

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 2. 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~~ written notice from the voter; death; 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 of this act~~ 4-120.2 of this title. Provided, however, while on probation or parole, a person may petition the State Election Board for voter registration.

SECTION 3. AMENDATORY 26 O.S. 2001, Section 4-120.4, as amended by Section 7, Chapter 447, O.S.L. 2002 (26 O.S. Supp. 2004, Section 4-120.4), is amended to read as follows:

Section 4-120.4 A. 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. The Secretary of the State Election Board shall cause the voter registrations of persons listed in the written notice to be cancelled in the county of the person's residence and shall notify the secretary of the appropriate county election board of the cancellation.

B. The court clerk in each county shall prepare a list monthly of all persons convicted in the county of a felony and shall transmit the list to the secretary of the county election board. The list shall include information necessary to identify a person on the list as a registered voter prescribed by the Secretary of the State Election Board. The secretary shall cancel the registration

of registered voters in the county included on the list. The secretary of the county election board shall forward the names of any persons on the list who are not residents of the county to the Secretary of the State Election Board. The Secretary of the State Election Board shall cause the voter registrations of persons from a list who are forwarded to the Secretary to be cancelled in the county of the person's residence.

C. Incarcerated felons shall be ineligible for registration for the duration of incarceration; however, while on probation or parole, a person may petition the State Election Board for voter registration.

D. 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 concerning felony convictions received from a United States Attorney or a county court clerk pursuant to subsections A and B of this section if a reasonable effort was made to make an accurate match of the information provided with voter registration records before canceling any voter's registration.

SECTION 4. This act shall become effective November 1, 2005.

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