

1 ENGROSSED SENATE  
2 BILL NO. 1921

By: Coffee and Ford of the  
Senate

3 and

4 Benge of the House  
5

6  
7 An Act relating to elections; amending 26 O.S. 2001,  
8 Sections 16-101, 16-102, as last amended by Section  
9 19, Chapter 5, O.S.L. 2004, 16-103, as amended by  
10 Section 10, Chapter 307, O.S.L. 2004, 16-103.1, 16-  
11 105, as amended by Section 4, Chapter 403, O.S.L.  
12 2003 and 16-110 (26 O.S. Supp. 2009, Sections 16-102,  
13 16-103 and 16-105), which relate to offenses and  
14 penalties; modifying penalties for felony and  
15 misdemeanor offenses; defining certain acts as felony  
16 and misdemeanor offenses; repealing 26 O.S. 2001,  
17 Sections 16-118 and 16-121, which relate to  
18 misdemeanor offenses; providing for codification; and  
19 providing an effective date.

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

21 SECTION 1. AMENDATORY 26 O.S. 2001, Section 16-101, is  
22 amended to read as follows:

23 Section 16-101. Any person deemed guilty of a felony under  
24 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)~~ Fifty Thousand  
Dollars (\$50,000.00), or both.

1 SECTION 2. AMENDATORY 26 O.S. 2001, Section 16-102, as  
2 last amended by Section 19, Chapter 5, O.S.L. 2004 (26 O.S. Supp.  
3 2009, Section 16-102), is amended to read as follows:

4 Section 16-102. Any person who votes more than once at any  
5 election, who votes in a precinct after having transferred voter  
6 registration to a new precinct, or who, knowing that he or she is  
7 not eligible to vote at an election, willfully votes at said  
8 election shall be deemed guilty of a felony. Any voter covered by  
9 Section 14-116 of this title who willingly votes and submits an  
10 absentee ballot pursuant to Section 14-104.1 of this title later  
11 than the day of the election shall be deemed guilty of a felony.  
12 Any person who knowingly votes and submits an absentee ballot issued  
13 to another person shall be deemed guilty of a felony.

14 SECTION 3. NEW LAW A new section of law to be codified  
15 in the Oklahoma Statutes as Section 16-102.1 of Title 26, unless  
16 there is created a duplication in numbering, reads as follows:

17 Any unauthorized person who knowingly removes a ballot from a  
18 polling place or who knowingly carries a ballot into a polling place  
19 shall be deemed guilty of a felony.

20 SECTION 4. NEW LAW A new section of law to be codified  
21 in the Oklahoma Statutes as Section 16-102.2 of Title 26, unless  
22 there is created a duplication in numbering, reads as follows:

23 Any person who knowingly executes a false application for an  
24 absentee ballot shall be deemed guilty of a felony.

1 SECTION 5. AMENDATORY 26 O.S. 2001, Section 16-103, as  
2 amended by Section 10, Chapter 307, O.S.L. 2004 (26 O.S. Supp. 2009,  
3 Section 16-103), is amended to read as follows:

4 Section 16-103. Any person who knowingly swears or affirms a  
5 false affidavit in order to become eligible to vote, to obtain and  
6 vote a provisional ballot, ~~or~~ to obtain and vote an absentee ballot,  
7 or to cause the cancellation of a qualified elector's voter  
8 registration, shall be deemed guilty of a felony.

9 SECTION 6. AMENDATORY 26 O.S. 2001, Section 16-103.1, is  
10 amended to read as follows:

11 Section 16-103.1 ~~Anyone~~ Any person who knowingly causes any  
12 qualified elector to be invalidly registered or anyone who knowingly  
13 causes any unqualified person to be registered shall be deemed  
14 guilty of a felony. Any person who knowingly causes the collection  
15 or submission of voter registration forms containing false,  
16 fraudulent or fictitious information shall be deemed guilty of a  
17 felony.

18 SECTION 7. AMENDATORY 26 O.S. 2001, Section 16-105, as  
19 amended by Section 4, Chapter 403, O.S.L. 2003 (26 O.S. Supp. 2009,  
20 Section 16-105), is amended to read as follows:

21 Section 16-105. A. Any person who knowingly conspires to  
22 commit fraud or perpetrates fraud, or who steals supplies used to  
23 conduct an election, in order to change a voter's vote, or to change  
24 the composition of the official ballot or ballots, or to change the

1 counting of the ballots, or to change the certification of the  
2 results of an election, shall be deemed guilty of a felony.

3 B. At every precinct there shall be posted information,  
4 provided by the State Election Board, which states the penalties for  
5 voter fraud and states that, if voter fraud is suspected, complaints  
6 should be reported to the State Election Board.

7 C. The State Election Board shall, upon receiving the  
8 complaint:

9 1. Document such complaint and request the name and mailing  
10 address of the person making the complaint;

11 2. Send a letter to the person making the complaint, stating  
12 the penalties for voter fraud and the option of contacting the  
13 district attorney in the county where such fraud is suspected; and

14 3. Provide the district attorney's name and phone number.

15 D. All information relating to voter complaints shall remain  
16 confidential until after the complaint has resulted in a conviction  
17 or a plea of guilty or nolo contendere.

18 SECTION 8. AMENDATORY 26 O.S. 2001, Section 16-110, is  
19 amended to read as follows:

20 Section 16-110. Any person deemed guilty of a misdemeanor under  
21 provisions of this act shall, upon conviction, be confined to the  
22 county jail for not more than one (1) year, or fined not more than  
23 ~~One Thousand Dollars (\$1,000.00)~~ Ten Thousand Dollars (\$10,000.00)  
24 or both.

