

1 THE STATE SENATE  
2 Monday, February 22, 2010

3 Senate Bill No. 1921

4 SENATE BILL NO. 1921 - By: Coffee of the Senate and Bengel of the  
5 House.

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

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

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

21 Section 16-101. Any person deemed guilty of a felony under  
22 provisions of this act shall, upon conviction, be confined in the  
23 State Penitentiary for not more than ~~two (2)~~ five (5) years, or  
24 fined not more than ~~Five Thousand Dollars (\$5,000.00)~~ Fifty Thousand  
25 Dollars (\$50,000.00), or both.

26 SECTION 2. AMENDATORY 26 O.S. 2001, Section 16-102, as  
27 last amended by Section 19, Chapter 5, O.S.L. 2004 (26 O.S. Supp.  
28 2009, Section 16-102), is amended to read as follows:

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

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

14 Any unauthorized person who knowingly removes a ballot from a  
15 polling place or who knowingly carries a ballot into a polling place  
16 shall be deemed guilty of a felony.

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

20 Any person who knowingly executes a false application for an  
21 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

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

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

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

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

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

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

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

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

21 Section 16-110. Any person deemed guilty of a misdemeanor under  
22 provisions of this act shall, upon conviction, be confined to the  
23 county jail for not more than one (1) year, or fined not more than

1 ~~One Thousand Dollars (\$1,000.00)~~ Ten Thousand Dollars (\$10,000.00)  
2 or both.

3 SECTION 9. REPEALER 26 O.S. 2001, Sections 16-118 and  
4 16-121, are hereby repealed.

5 SECTION 10. This act shall become effective January 1, 2011.

6 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 2-17-10 - DO PASS, As  
7 Coauthored.