

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 HOUSE BILL 2212

By: Kiesel

4
5 AS INTRODUCED

6 An Act relating to elections; amending 26 O.S. 2001,
7 Section 4-120.4, as amended by Section 7, Chapter
8 447, O.S.L. 2002 (26 O.S. Supp. 2008, Section 4-
9 120.4), which relates to convicted felons; requiring
10 the Secretary of the State Election Board to ensure
11 that certain persons are able to register and vote;
12 requiring the Secretary of the State Election Board
13 to develop certain program; requiring the Secretary
14 of the State Election Board to promulgate and adopt
15 rules; and providing an effective date.

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

17 SECTION 1. AMENDATORY 26 O.S. 2001, Section 4-120.4, as
18 amended by Section 7, Chapter 447, O.S.L. 2002 (26 O.S. Supp. 2008,
19 Section 4-120.4), is amended to read as follows:

20 Section 4-120.4 A. The Secretary of the State Election Board
21 shall accept written notice from the United States Attorney of
22 persons convicted of felonies in a district court of the United
23 States. The Secretary of the State Election Board shall cause the
24 voter registrations of persons listed in the written notice to be
cancelled in the county of the person's residence and shall notify

1 the secretary of the appropriate county election board of the
2 cancellation.

3 B. The court clerk in each county shall prepare a list monthly
4 of all persons convicted in the county of a felony and shall
5 transmit the list to the secretary of the county election board.
6 The list shall include information necessary to identify a person on
7 the list as a registered voter prescribed by the Secretary of the
8 State Election Board. The secretary shall cancel the registration
9 of registered voters in the county included on the list. The
10 secretary of the county election board shall forward the names of
11 any persons on the list who are not residents of the county to the
12 Secretary of the State Election Board. The Secretary of the State
13 Election Board shall cause the voter registrations of persons from a
14 list who are forwarded to the Secretary to be cancelled in the
15 county of the person's residence.

16 C. The Secretary of the State Election Board shall ensure that
17 persons who become eligible to vote upon discharge from
18 incarceration face no continued barriers to registration or voting
19 as a result of a felony conviction.

20 D. The Secretary of the State Election Board shall develop and
21 implement a program to educate attorneys, judges, election
22 officials, corrections officials, including probation and parole
23 officers, and members of the public about the requirements of this
24 section, ensuring that:

1 1. Judges are informed of their obligation to notify criminal
2 defendants before imposing sentence of the requirements related to
3 their voting rights, in accordance with the provisions of subsection
4 A of this section;

5 2. The Department of Corrections and, subject to their
6 agreement, federal correctional institutions in Oklahoma, are
7 prepared to assist people with voter registration in anticipation of
8 their discharge from incarceration including, but not limited to,
9 forwarding completed voter registration forms for such persons to
10 county election boards;

11 3. The language on the voter registration forms shall clearly
12 state the eligibility requirements for an individual who has been
13 incarcerated for a felony conviction;

14 4. The staff of the State Election Board and the secretaries of
15 county election boards are prepared both to purge and to restore
16 names to the Oklahoma Election Management System;

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

20 6. Accurate and complete information about the voting rights of
21 people who have been charged with or convicted of a felony crime,
22 whether disenfranchising or not, is made available to government
23 officials and the public.

1 E. The Secretary of the State Election Board shall promulgate
2 and adopt rules to implement the provisions of this section.

3 F. The Secretary of the State Election Board, secretaries of
4 county election boards, and their agents and employees shall not be
5 held civilly liable for any action taken based upon information
6 concerning felony convictions received from a United States Attorney
7 or a county court clerk pursuant to subsections A and B of this
8 section if a reasonable effort was made to make an accurate match of
9 the information provided with voter registration records before
10 canceling any voter's registration.

11 SECTION 2. This act shall become effective November 1, 2009.

12

13 52-1-6244 LRB 01/12/09

14

15

16

17

18

19

20

21

22

23

24