

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 SENATE BILL 1608

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5
6 AS INTRODUCED

7 An Act relating to elections; creating the Oklahoma
8 Restoration of Voting Rights Act; stating legislative
9 findings; amending 26 O.S. 2001, Sections 4-101, as
10 amended by Section 3, Chapter 447, O.S.L. 2002, 4-
11 109.2, and 4-120 (26 O.S. Supp. 2009, Section 4-101),
12 which relate to convicted felons, voting registration
13 agencies, and cancellation of registration; modifying
14 voting rights of convicted felons sentenced to
15 incarceration or suspended sentence; authorizing the
16 court to notify certain persons of their loss of
17 voting rights for a certain period of time;
18 authorizing the Secretary of the State Election Board
19 to develop certain programs to educate certain
20 persons about the requirements of this act;
21 authorizing the Secretary of the State Election Board
22 to promulgate rules; adding voter registration
23 agencies; providing certain assistance to certain
24 persons being discharged from incarceration;
modifying reasons for cancellation of voter
registration; requiring the Department of Corrections
to transmit certain lists to the State Election
Board; stating information to be included on certain
lists; requiring the Secretary of the State Election
Board to notify county election boards of the
cancellation of certain registrations; requiring the
Secretary of the State Election Board to notify
county election boards of the reinstatement of
certain persons eligible and registered to vote;
providing retroactive application to certain persons
eligible to vote; repealing 26 O.S. 2001, Section 4-
120.4, as amended by Section 7, Chapter 447, O.S.L.
2002 (26 O.S. Supp. 2009, Section 4-120.4), which
relates to cancellation of registration of convicted
felons; providing for codification; providing for
noncodification; and declaring an emergency.

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

2 SECTION 1. NEW LAW A new section of law not to be
3 codified in the Oklahoma Statutes reads as follows:

4 This act shall be known and may be cited as the "Oklahoma
5 Restoration of Voting Rights Act".

6 SECTION 2. NEW LAW A new section of law not to be
7 codified in the Oklahoma Statutes reads as follows:

8 The Legislature finds that:

9 A. 1. Voting is both a fundamental right and a civic duty.
10 Restoring the right to vote strengthens our democracy by increasing
11 voter participation and helps people who have completed their
12 incarceration to reintegrate into society;

13 2. Oklahoma denies the right to vote to people who have been
14 convicted of a felony for the length of time prescribed in their
15 criminal judgment and sentence, including probation and parole.
16 Because the period of disenfranchisement is determined at the time
17 of criminal judgment, people who are released early from
18 incarceration due to good behavior may still be disenfranchised
19 after they have fully completed their sentence; and

20 3. Under current Oklahoma felony disfranchisement law,
21 approximately fifty-two thousand (52,000) people have lost the right
22 to vote. The law has a disproportionate impact on minority
23 communities. For example, while only one in fifty non-African-
24 Americans in Oklahoma has been disenfranchised because of a felony

1 conviction, more than one in thirteen African-Americans has lost the
2 right to vote.

3 B. The purposes of the Oklahoma Restoration of Voting Rights
4 Act are to strengthen democratic institutions by increasing
5 participation in the voting process, to help people who have
6 completed their incarceration to become productive members of
7 society, and to streamline procedures for restoring their right to
8 vote.

9 SECTION 3. AMENDATORY 26 O.S. 2001, Section 4-101, as
10 amended by Section 3, Chapter 447, O.S.L. 2002 (26 O.S. Supp. 2009,
11 Section 4-101), is amended to read as follows:

12 Section 4-101. Every person who is a qualified elector as
13 defined by Section 1 of Article III of the Oklahoma Constitution
14 shall be entitled to become a registered voter in the precinct of
15 his or her residence, with the following exceptions:

16 1. Persons convicted of a felony and sentenced to incarceration
17 or suspended sentence shall be ineligible to register ~~for a period~~
18 ~~of time equal to the time prescribed in the judgment and~~ or vote
19 while under sentence; and

20 2. Any person who has been adjudged to be an incapacitated
21 person as such term is defined by Section 1-111 of Title 30 of the
22 Oklahoma Statutes, shall be ineligible to register to vote. When
23 such incapacitated person has been adjudged to be no longer
24 incapacitated such person shall be eligible to become a registered

1 voter. The provisions of this paragraph shall not prohibit any
2 person adjudged to be a partially incapacitated person as such term
3 is defined by Section 1-111 of Title 30 of the Oklahoma Statutes
4 from being eligible to register to vote unless the order adjudging
5 the person to be partially incapacitated restricts such persons from
6 being eligible to register to vote.

7 SECTION 4. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 4-101.1 of Title 26, unless
9 there is created a duplication in numbering, reads as follows:

10 A. Before accepting a plea of guilty or nolo contendere to a
11 felony, and before imposing sentence for such a felony after trial,
12 the court shall notify the defendant that conviction will result in
13 loss of the right to vote only if and for as long as the person is
14 under sentence and that voting rights are restored upon discharge.

15 B. The Secretary of the State Election Board shall ensure that
16 persons who become eligible to vote upon their discharge from
17 sentence face no continued barriers to registration or voting
18 resulting from their felony convictions.

19 C. The Secretary of the State Election Board shall develop and
20 implement a program to educate attorneys, judges, election
21 officials, corrections officials, including parole and probation
22 officers, and members of the public about the requirements of this
23 section and Section 4-101 of Title 26 of the Oklahoma Statutes
24 ensuring that:

1 1. Judges are informed of their obligation to notify criminal
2 defendants of the potential loss and restoration of their voting
3 rights, in accordance with subsection A of this section;

4 2. The Department of Corrections and, subject to their
5 agreement, federal correctional institutions in Oklahoma, are
6 prepared to assist people with registering to vote in anticipation
7 of their discharge, including by forwarding their completed voter
8 registration forms to the county election boards;

9 3. The language on voter registration forms makes clear that
10 people are disqualified from voting while under sentence on felony
11 convictions and that they regain the right to vote when sentences
12 are discharged;

13 4. The Department of Corrections and, subject to their
14 agreement, federal correctional institutions in Oklahoma, are
15 prepared to transmit to the Secretary of State the information
16 specified in Section 7 of this act;

17 5. The staff of the State Election Board and the secretaries of
18 county election boards are prepared both to purge and to restore
19 names to the Oklahoma Election Management System in accordance with
20 Section 7 of this act; and

21 6. Accurate and complete information about the voting rights of
22 people who have been charged with or convicted of crimes, whether
23 disfranchising or not, is made available through a single
24 publication to government officials and the public.

1 D. The Secretary of the State Election Board shall promulgate
2 rules as necessary to implement this section.

3 SECTION 5. AMENDATORY 26 O.S. 2001, Section 4-109.2, is
4 amended to read as follows:

5 Section 4-109.2 A. The Secretary of the State Election Board
6 shall designate offices in the state which provide public
7 assistance, offices in the state that provide state-funded programs
8 primarily engaged in providing services to persons with disabilities
9 as voter registration agencies. The Secretary shall identify
10 certain other agencies of state and local government and, with their
11 agreement, of federal and nongovernmental entities as optional voter
12 registration agencies where voter registration services prescribed
13 by the Secretary shall be available. Recruitment offices of the
14 Armed Forces of the United States and offices of the county election
15 boards shall be voter registration agencies. The Department of
16 Corrections and, subject to their agreement under 42 U.S.C., Section
17 1973g-5(a)(3)(B)(ii), the federal correctional institutions in
18 Oklahoma, shall be voter registration agencies.

19 B. Each designated voter registration agency shall, with each
20 application for service or assistance ~~and~~, with each
21 recertification, renewal or change of address form relating to the
22 service or assistance of voter registration, and with each release
23 process leading to a person's discharge:

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1 1. Provide a voter registration application which may include
2 all statements and declination form required under the National
3 Voter Registration Act of 1993-; i

4 2. Provide to each applicant who does not decline to register
5 to vote the same degree of assistance with regard to the completion
6 of the registration application form as is provided by the office or
7 correctional institution with regard to the completion of its own
8 forms, unless the applicant refuses such assistance-; i

9 3. Require each applicant either to complete a voter
10 registration application or to sign a declination form; and

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

13 C. No information relating to a declination to register to vote
14 in connection with an application made at an office designated a
15 voter registration agency may be used for any purpose other than
16 voter registration.

17 D. Declination forms signed by each applicant shall be retained
18 by designated voter registration agencies for twenty-four (24)
19 months from the date of the declination.

20 E. The identity of a voter registration agency through which a
21 particular voter registered may not be disclosed to the public.

22 F. Optional voter registration agencies where voter
23 registration services prescribed by the Secretary shall be
24 available, shall provide such services during regular business hours

1 of the agency during the time prescribed by law for making such
2 transactions.

3 G. Voter registration agencies which are not county election
4 boards shall transmit all completed voter registration applications
5 at the close of business each week to the State Election Board in
6 preaddressed, postage prepaid envelopes provided by the State
7 Election Board.

8 SECTION 6. AMENDATORY 26 O.S. 2001, Section 4-120, is
9 amended to read as follows:

10 Section 4-120. The registration of any registered voter may be
11 cancelled only for one of the following reasons:

12 1. Written notice from the voter; ~~death,~~

13 2. Death;

14 3. Incarceration or receipt of a suspended sentence upon
15 conviction of a felony; ~~judicial~~

16 4. Judicial determination of mental incapacitation under Title
17 30 of the Oklahoma Statutes; ~~registration~~

18 5. Registration in another county or state; ~~or failure~~

19 6. Failure to respond to a confirmation of address mailing; and
20 failure

21 7. Failure to vote as prescribed in Section ~~21~~ 4-120.2 of this
22 act ~~title~~.

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1 SECTION 7. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 4-120.11 of Title 26, unless
3 there is created a duplication in numbering, reads as follows:

4 A. The Department of Corrections and, subject to their
5 agreement, federal correctional institutions in Oklahoma, shall, on
6 or before the fifteenth day of each month, transmit to the Secretary
7 of the State Election Board two lists. The first list shall contain
8 the following information about persons age eighteen (18) or older
9 who, during the preceding period, have become ineligible to vote
10 because of their conviction of a felony. The second list shall
11 contain the following information about persons age eighteen (18) or
12 older who, during the preceding period, have become eligible to vote
13 because of their discharge:

- 14 1. Name;
- 15 2. Date of birth;
- 16 3. Last-known address with county of residence;
- 17 4. Date of conviction; and
- 18 5. If known, the driver license number or the last four digits
19 of the Social Security number.

20 B. The Secretary of the State Election Board shall cause the
21 voter registrations of persons who are ineligible to vote because of
22 their conviction of a felony to be canceled in the county of the
23 person's residence, and shall notify the secretary of the
24 appropriate county election board of the cancellation. The

1 Secretary of State shall likewise ensure that the names of persons
2 who are eligible and registered to vote following their discharge
3 are added to the Oklahoma Election Management System in the same
4 manner as all other names are added to that list, in accordance with
5 Section 4-114 of Title 26 of the Oklahoma Statutes.

6 SECTION 8. NEW LAW A new section of law not to be
7 codified in the Oklahoma Statutes reads as follows:

8 Upon the effective date of the Oklahoma Restoration of Voting
9 Rights Act, the provisions of this act shall have retroactive
10 application to all persons who are eligible to vote under its terms,
11 regardless of whether they were convicted or discharged from
12 incarceration prior to its effective date.

13 SECTION 9. REPEALER 26 O.S. 2001, Section 4-120.4, as
14 amended by Section 7, Chapter 447, O.S.L. 2002 (26 O.S. Supp. 2009,
15 Section 4-120.4), is hereby repealed.

16 SECTION 10. It being immediately necessary for the preservation
17 of the public peace, health and safety, an emergency is hereby
18 declared to exist, by reason whereof this act shall take effect and
19 be in full force from and after its passage and approval.

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