

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 SENATE BILL 1307

By: Johnson (Constance)

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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 and purpose; amending 26 O.S. 2011, Sections
10 4-101, 4-109.2 and 4-120, which relate to convicted
11 felons, voting registration agencies, and
12 cancellation of registration; modifying voting rights
13 of convicted felons sentenced to incarceration;
14 authorizing the court to notify certain persons of
15 their loss of voting rights for a certain period of
16 time; authorizing the Secretary of the State Election
17 Board to develop certain programs to educate certain
18 persons about the requirements of this act;
19 authorizing the Secretary of the State Election Board
20 to promulgate and adopt rules; adding voter
21 registration agencies; providing certain assistance
22 to certain persons being discharged from
23 incarceration; modifying reasons for cancellation of
24 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; requiring the county election board
secretary and the city and county jail administrator
to notify certain persons of their voting rights;
repealing 26 O.S. 2011, Section 4-120.4, which
relates to convicted felons cancellation of
registration; providing for codification; providing
for noncodification; and providing an effective date.

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

6 B. The Legislature finds that:

7 1. Voting is both a fundamental right and a civic duty.

8 Restoring the right to vote strengthens our democracy by increasing
9 voter participation and helps people who have completed their
10 incarceration to reintegrate into society;

11 2. Prior to enactment of this act, Oklahoma denied the right to
12 vote to people who had been convicted of a felony for the length of
13 time prescribed in the judgment and sentence, including time on
14 probation or parole. Because the period of disenfranchisement is
15 determined at the time of sentencing, people who are released early
16 from incarceration may still be disenfranchised.

17 SECTION 2. AMENDATORY 26 O.S. 2011, Section 4-101, is
18 amended to read as follows:

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

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1 1. Persons convicted of a felony and sentenced to incarceration
2 shall be ineligible to register ~~for a period of time equal to the~~
3 ~~time prescribed in the judgment and sentence~~ while incarcerated.

4 2. Any person who has been adjudged to be an incapacitated
5 person as such term is defined by Section 1-111 of Title 30 of the
6 Oklahoma Statutes, shall be ineligible to register to vote. When
7 such incapacitated person has been adjudged to be no longer
8 incapacitated such person shall be eligible to become a registered
9 voter. The provisions of this paragraph shall not prohibit any
10 person adjudged to be a partially incapacitated person as such term
11 is defined by Section 1-111 of Title 30 of the Oklahoma Statutes
12 from being eligible to register to vote unless the order adjudging
13 the person to be partially incapacitated restricts such persons from
14 being eligible to register to vote.

15 SECTION 3. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 4-101.1 of Title 26, unless
17 there is created a duplication in numbering, reads as follows:

18 A. Before accepting a plea of guilty or nolo contendere to a
19 felony, and before imposing sentence for such a felony after trial,
20 the court shall notify a defendant that:

21 1. Conviction will result in the loss of the right to vote only
22 if and for as long as the person is incarcerated; and

23 2. Voting rights will be restored upon discharge from
24 incarceration.

1 B. The Secretary of the State Election Board shall ensure that
2 persons who become eligible to vote upon discharge from
3 incarceration face no continued barriers to registration or voting
4 as a result of a felony conviction.

5 C. The Secretary of the State Election Board shall develop and
6 implement a program to educate attorneys, judges, election
7 officials, corrections officials, including probation and parole
8 officers, and members of the public about the requirements of this
9 section and Section 6 of this act, ensuring that:

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

14 2. The Department of Corrections and, subject to their
15 agreement, federal correctional institutions in Oklahoma, are
16 prepared to assist people with voter registration in anticipation of
17 their discharge from incarceration including, but not limited to,
18 forwarding completed voter registration forms for such persons to
19 county election boards;

20 3. The language on the voter registration forms clearly states
21 that an individual who is incarcerated for a felony conviction is
22 disqualified from voting during the period of incarceration and that
23 such individual regains the right to vote upon being discharged from
24 incarceration;

1 4. The Department of Corrections and, subject to their
2 agreement, federal correctional institutions in Oklahoma, are
3 prepared to transmit to the Secretary of State the information
4 specified in Section 6 of this act;

5 5. The staff of the State Election Board and the secretaries of
6 county election boards are prepared both to purge and to restore
7 names to the Oklahoma Election Management System in accordance with
8 the provisions of Section 6 of this act;

9 6. Probation and parole officers are informed of the change in
10 the law and are prepared to notify probationers and parolees that
11 their right to vote is restored; and

12 7. Accurate and complete information about the voting rights of
13 people who have been charged with or convicted of a felony crime,
14 whether disenfranchising or not, is made available to government
15 officials and the public.

16 D. The Secretary of the State Election Board shall promulgate
17 and adopt rules to implement the provisions of this section.

18 SECTION 4. AMENDATORY 26 O.S. 2011, Section 4-109.2, is
19 amended to read as follows:

20 Section 4-109.2 A. The Secretary of the State Election Board
21 shall designate offices in the state which provide public
22 assistance, and offices in the state that provide state-funded
23 programs primarily engaged in providing services to persons with
24 disabilities as voter registration agencies. The Secretary shall

1 ~~identify~~ designate certain other agencies of state and local
2 government and, with their agreement, of federal and nongovernmental
3 entities as optional voter registration agencies where voter
4 registration services prescribed by the Secretary shall be
5 available. Recruitment offices of the Armed Forces of the United
6 States and offices of the county election boards shall be voter
7 registration agencies. The Department of Corrections and, subject
8 to their agreement under 42 U.S.C., Section 1973gg-5(a)(3)(B)(ii),
9 the federal correctional institutions in this state, shall be voter
10 registration agencies.

11 B. Each designated voter registration agency shall, with each
12 application for service or assistance ~~and,~~ with each
13 recertification, renewal or change of address form relating to the
14 service or assistance of voter registration, and with each release
15 process leading to the discharge of a person from incarceration:

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

19 2. Provide to each applicant who does not decline to register
20 to vote the same degree of assistance with regard to the completion
21 of the registration application form as is provided by the office or
22 correctional institution with regard to the completion of its own
23 forms, unless the applicant refuses such assistance-i

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1 3. Require each applicant either to complete a voter
2 registration application or to sign a declination form;

3 4. Provide written notification to each person being discharged
4 from incarceration that, upon application, the person's voting
5 rights will be restored.

6 C. No information relating to a declination to register to vote
7 in connection with an application made at an office designated a
8 voter registration agency may be used for any purpose other than
9 voter registration.

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

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

15 F. Optional voter registration agencies where voter
16 registration services prescribed by the Secretary shall be
17 available, shall provide such services during regular business hours
18 of the agency during the time prescribed by law for making such
19 transactions.

20 G. Voter registration agencies which are not county election
21 boards shall transmit all completed voter registration applications
22 at the close of business each week to the State Election Board in
23 preaddressed, postage prepaid envelopes provided by the State
24 Election Board.

1 SECTION 5. AMENDATORY 26 O.S. 2011, Section 4-120, is
2 amended to read as follows:

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

5 1. Written notice from the voter; ~~death;~~

6 2. Death;

7 3. Incarceration upon conviction of a felony; ~~judicial~~

8 4. Judicial determination of mental incapacitation under Title
9 30 of the Oklahoma Statutes; ~~registration~~

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

11 6. Failure to respond to a confirmation of address mailing; and
12 failure

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

15 SECTION 6. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 4-120.11 of Title 26, unless
17 there is created a duplication in numbering, reads as follows:

18 A. The Department of Corrections and, subject to their
19 agreement, federal correctional institutions in Oklahoma, shall, on
20 or before the fifteenth day of each month, transmit to the Secretary
21 of the State Election Board a list of persons who are eighteen (18)
22 years or older who, during the preceding period, have become
23 ineligible to vote due to incarceration upon conviction of a felony,
24 and a list of persons who are eighteen (18) years of age or older

1 who, during the preceding period, have become eligible to vote
2 pursuant to their discharge from incarceration, containing the
3 following information:

- 4 1. Name;
- 5 2. Date of birth;
- 6 3. Last-known address and county of residence;
- 7 4. Date of incarceration;
- 8 5. Date of discharge; and
- 9 6. If known, the driver license number or the last four digits
10 of the Social Security number.

11 B. The Secretary of the State Election Board shall cause the
12 voter registrations of persons who are ineligible to vote due to
13 incarceration upon conviction of a felony to be canceled in the
14 county of residence of the person, and shall notify the secretary of
15 the appropriate county election board of the cancellation. The
16 Secretary of the State Election Board shall likewise ensure that the
17 names of persons who register to vote following discharge from
18 incarceration are added to the Oklahoma Election Management System
19 in the same manner as all other names are added to that list, in
20 accordance with the provisions of Section 4-114 of Title 26 of the
21 Oklahoma Statutes.

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

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1 Upon the effective date of the Oklahoma Restoration of Voting
2 Rights Act, the provisions of this act shall have retroactive
3 application to all persons who are eligible to vote under its terms,
4 regardless of whether they were convicted or discharged from
5 incarceration prior to its effective date.

6 SECTION 8. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 4-101.2 of Title 26, unless
8 there is created a duplication in numbering, reads as follows:

9 A person who has been charged but not convicted of a felony
10 shall remain eligible to register and to vote. The county election
11 board secretary and the city and county jails administrator of the
12 facility where the person is detained shall notify such persons that
13 his or her voter registration has not been canceled and shall ensure
14 the ability of such individual to register and to vote in an
15 election.

16 SECTION 9. REPEALER 26 O.S. 2011, Section 4-120.4, is
17 hereby repealed.

18 SECTION 10. This act shall become effective January 1, 2013.

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