

STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

HOUSE BILL 3639

By: Munson

AS INTRODUCED

An Act relating to elections; creating the Oklahoma Restoration of Voting Rights Act; modifying voting rights of convicted felons sentenced to incarceration; authorizing the court to notify certain persons of their loss of voting rights for a certain period of time; authorizing the Secretary of the State Election Board to develop certain programs to educate certain persons about the requirements of this act; authorizing the Secretary of the State Election Board to promulgate rules; amending 26 O.S. 2011, Section 4-120, which relates to voter registration; 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 that certain persons not be civilly liable for certain actions; providing retroactive application to certain persons eligible to vote; granting certain authority to State Election Board and State Board of Corrections; repealing 26 O.S. 2011, Section 4-120.4, which relates to cancellation of registration of convicted felons; 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 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 to be codified
7 in the Oklahoma Statutes as Section 4-101.1 of Title 26, unless
8 there is created a duplication in numbering, reads as follows:

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

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

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

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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 release, 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 incarcerated on felony
11 convictions and that they regain the right to vote when released
12 from incarceration;

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 4 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 4 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 3. AMENDATORY 26 O.S. 2011, Section 4-120, is
4 amended to read as follows:

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

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

8 2. Death;

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

10 4. Judicial determination of mental incapacitation under Title
11 30 of the Oklahoma Statutes; ~~registration~~

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

13 6. Failure to respond to a confirmation of address mailing; and
14 failure

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

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

20 A. The Department of Corrections and, subject to their
21 agreement, federal correctional institutions in Oklahoma shall, on
22 or before the fifteenth day of each month, transmit to the Secretary
23 of the State Election Board two lists. The first list shall contain
24 the following information about persons age eighteen (18) or older

1 who, during the preceding period, have become ineligible to vote
2 because of their conviction of a felony. The second list shall
3 contain the following information about persons age eighteen (18) or
4 older who, during the preceding period, have become eligible to vote
5 because of their release from incarceration:

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

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

23 C. The Secretary of the State Election Board, secretaries of
24 county election boards and their agents and employees shall not be

1 held civilly liable for any action taken based upon information
2 received pursuant to the provisions of this section if a reasonable
3 effort was made to make an accurate match of the information
4 provided with voter registration records before taking any action
5 relating to voter registration.

6 SECTION 5. 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 released from
12 incarceration prior to its effective date. The State Election Board
13 and the State Board of Corrections shall be authorized to promulgate
14 rules and take any other action they deem necessary to implement the
15 provisions of this section.

16 SECTION 6. REPEALER 26 O.S. 2011, Section 4-120.4, is
17 hereby repealed.

18 SECTION 7. This act shall become effective November 1, 2020.
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