

OKLAHOMA BILL TEXT

VERSION: Introduced

February 05, 2007

Johnson (Constance), Senator Johnson (Constance)

STATE OF OKLAHOMA

1st Session of the 51st Legislature ( 2007 )

SENATE BILL 625 By: Johnson (Constance)

AS INTRODUCED

An Act relating to elections; creating the Oklahoma Restoration of Voting Rights Act; amending 26 O.S. 2001, Sections 4-101, as amended by Section 3, Chapter 447, O.S.L. 2002, 4-109.2, and 4-120, (26 O.S. Supp. 2006, Section 4- 101), which relates to convicted felons, voting registration agencies, and cancellation of registration; 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 and adopt rules; adding voter registration agencies; providing certain assistance to certain 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; 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. 2001, Section 4-120.4, as amended by Section 7, Chapter 447, O.S.L. 2002 (26 O.S. Supp. 2006, Section 4-120.4), which relates to convicted felons cancellation of registration; providing for codification; providing for noncodification; and providing an effective date.

TEXT:

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

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

This act shall be known and may be cited as the Oklahoma Restoration of Voting

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Rights Act.

SECTION 2 . AMENDATORY 26 O.S. 2001, Section 4-101, as amended by Section 3, Chapter 447, O.S.L. 2002 (26 O.S. Supp. 2006, Section 4-101), is amended to read as follows:

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

1. Persons convicted of a felony **and sentenced to incarceration** shall be ineligible to register ~~for a period of time equal to the time prescribed in the judgment and sentence~~ **while incarcerated** .
2. Any person who has been adjudged to be an incapacitated person as such term is defined by Section 1\_111 of Title 30 of the Oklahoma Statutes, shall be ineligible to register to vote. When such incapacitated person has been adjudged to be no longer incapacitated such person shall be eligible to become a registered voter. The provisions of this paragraph shall not prohibit any person adjudged to be a partially incapacitated person as such term is defined by Section 1\_111 of Title 30 of the Oklahoma Statutes from being eligible to register to vote unless the order adjudging the person to be partially incapacitated restricts such persons from being eligible to register to vote.

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

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

1. Conviction will result in the loss of the right to vote only if and for as long as the person is incarcerated ; and
2. Voting rights will be restored upon discharge from incarceration .

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

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

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

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

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

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

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

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

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

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

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

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

B. Each designated voter registration agency shall, with each application for service or assistance ~~and~~ and with each recertification, renewal or change of address form relating to the service or assistance of voter registration ~~and~~ and

**with each release process leading to the discharge of a person from incarceration**  
:

1. Provide a voter registration application which may include all statements and declination form required under the National Voter Registration Act of 1993 - ;
2. Provide to each applicant who does not decline to register to vote the same degree of assistance with regard to the completion of the registration application form as is provided by the office **or correctional institution** with regard to the completion of its own forms, unless the applicant refuses such assistance - ;
3. Require each applicant either to complete a voter registration application or to sign a declination form ;

**4. Provide written notification to each person discharging from incarceration that , upon application, the person's voting rights will be restored .**

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

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

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

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

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

SECTION 5 . AMENDATORY **26 O.S. 2001, Section 4-120**, is amended to read as follows:

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

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

**2.** **Death** ;

**3.** **I ncarceration upon** conviction of a felony; ~~judicial~~

**4.** **Judicial** determination of mental incapacitation under Title 30 of the Oklahoma

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Statutes; ~~registration~~

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

**6. Failure** to respond to a confirmation of address mailing ; and

~~failure~~

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

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

A. The Department of Corrections and, subject to their agreement, federal correctional institutions in Oklahoma, shall, on or before the fifteenth day of each month, transmit to the Secretary of the State Election Board a list of persons who are eighteen (18) years or older who, during the preceding period, have become ineligible to vote due to incarceration upon conviction of a felony , and a list of persons who are eighteen (18) years of age or older who, during the preceding period, have become eligible to vote pursuant to their discharge from incarceration, containing the following information:

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

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

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

Upon the effective date of the Oklahoma Restoration of Voting Rights Act , the

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provisions of this act shall have retroactive application to all persons who are eligible to vote under its terms, regardless of whether they were convicted or discharged from incarceration prior to its effective date.

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

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

SECTION 9 . REPEALER [26 O.S. 2001, Section 4-120.4](#), as amended by Section 7, Chapter 447, O.S.L. 2002 ([26 O.S. Supp. 2006, Section 4-120.4](#)), is hereby repealed.

SECTION 10 . This act shall become effective November 1, 2007.

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