An Act

ENROLLED SENATE
BILL NO. 1921

By: Coffee and Ford of the Senate

and

Benge, Duncan and Kern of the House

An Act relating to elections; amending 26 O.S. 2001, Sections 16-101, 16-102, as last amended by Section 19, Chapter 5, O.S.L. 2004, 16-103, as amended by Section 10, Chapter 307, O.S.L. 2004, 16-103.1, 16-105, as amended by Section 4, Chapter 403, O.S.L. 2003 and 16-110 (26 O.S. Supp. 2009, Sections 16-102, 16-103 and 16-105), which relate to offenses and penalties; modifying penalties for felony and misdemeanor offenses; defining certain acts as felony and misdemeanor offenses; repealing 26 O.S. 2001, Sections 16-118 and 16-121, which relate to misdemeanor offenses; providing for codification; and providing an effective date.

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

SECTION 1. AMENDATORY 26 O.S. 2001, Section 16-101, is amended to read as follows:

Section 16-101. Any person deemed guilty of a felony under provisions of this act shall, upon conviction, be confined in the State Penitentiary for not more than ~~two (2)~~ five (5) years, or fined not more than ~~Five Thousand Dollars ($5,000.00)~~ Fifty Thousand Dollars ($50,000.00), or both.

SECTION 2. AMENDATORY 26 O.S. 2001, Section 16-102, as last amended by Section 19, Chapter 5, O.S.L. 2004 (26 O.S. Supp. 2009, Section 16-102), is amended to read as follows:

Section 16-102. Any person who votes more than once at any election, who votes in a precinct after having transferred voter registration to a new precinct, or who, knowing that he or she is not eligible to vote at an election, willfully votes at said election shall be deemed guilty of a felony. Any voter covered by Section 14-116 of this title who willingly votes and submits an absentee ballot pursuant to Section 14-104.1 of this title later than the day of the election shall be deemed guilty of a felony. Any person who knowingly votes and submits an absentee ballot issued to another person shall be deemed guilty of a felony.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 16-102.1 of Title 26, unless there is created a duplication in numbering, reads as follows:

Any unauthorized person who knowingly removes a ballot from a polling place or who knowingly carries a ballot into a polling place shall be deemed guilty of a felony.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 16-102.2 of Title 26, unless there is created a duplication in numbering, reads as follows:

Any person who knowingly executes a false application for an absentee ballot shall be deemed guilty of a felony.

SECTION 5. AMENDATORY 26 O.S. 2001, Section 16-103, as amended by Section 10, Chapter 307, O.S.L. 2004 (26 O.S. Supp. 2009, Section 16-103), is amended to read as follows:

Section 16-103. Any person who knowingly swears or affirms a false affidavit in order to become eligible to vote, to obtain and vote a provisional ballot, ~~or~~ to obtain and vote an absentee ballot, or to cause the cancellation of a qualified elector's voter registration, shall be deemed guilty of a felony.

SECTION 6. AMENDATORY 26 O.S. 2001, Section 16-103.1, is amended to read as follows:

Section 16-103.1 ~~Anyone~~ Any person who knowingly causes any qualified elector to be invalidly registered or anyone who knowingly causes any unqualified person to be registered shall be deemed guilty of a felony. Any person who knowingly causes the collection or submission of voter registration forms containing false, fraudulent or fictitious information shall be deemed guilty of a felony.

SECTION 7. AMENDATORY 26 O.S. 2001, Section 16-105, as amended by Section 4, Chapter 403, O.S.L. 2003 (26 O.S. Supp. 2009, Section 16-105), is amended to read as follows:

Section 16-105. A. Any person who knowingly conspires to commit fraud or perpetrates fraud, or who steals supplies used to conduct an election, in order to change a voter's vote, or to change the composition of the official ballot or ballots, or to change the counting of the ballots, or to change the certification of the results of an election, shall be deemed guilty of a felony.

B. At every precinct there shall be posted information, provided by the State Election Board, which states the penalties for voter fraud and states that, if voter fraud is suspected, complaints should be reported to the State Election Board.

C. The State Election Board shall, upon receiving the complaint:

1. Document such complaint and request the name and mailing address of the person making the complaint;

2. Send a letter to the person making the complaint, stating the penalties for voter fraud and the option of contacting the district attorney in the county where such fraud is suspected; and

3. Provide the district attorney's name and phone number.

D. All information relating to voter complaints shall remain confidential until after the complaint has resulted in a conviction or a plea of guilty or nolo contendere.

SECTION 8. AMENDATORY 26 O.S. 2001, Section 16-110, is amended to read as follows:

Section 16-110. Any person deemed guilty of a misdemeanor under provisions of this act shall, upon conviction, be confined to the county jail for not more than one (1) year, or fined not more than ~~One Thousand Dollars ($1,000.00)~~ Ten Thousand Dollars ($10,000.00) or both.

SECTION 9. REPEALER 26 O.S. 2001, Sections 16-118 and 16-121, are hereby repealed.

SECTION 10. This act shall become effective January 1, 2011.

Passed the Senate the 9th day of March, 2010.

Presiding Officer of the Senate

Passed the House of Representatives the 19th day of April, 2010.

Presiding Officer of the House of Representatives

OFFICE OF THE GOVERNOR

Received by the Governor this 21st

day of April, 2010,

at 1:48 o'clock P M.

By: [illegible]

Approved by the Governor of the State of Oklahoma the 26th day of

April, 2010, at 3:25 o'clock P M.

[illegible]

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this

27th day of April, 2010

at 3:02 o'clock P M.

By: M. Susan Kelly