

ENGROSSED SENATE
BILL NO. 364

BY: FISHER and COLE (Tom) of
the SENATE

and

HUDSON of the HOUSE

AN ACT RELATING TO ELECTIONS; AMENDING 26 O.S 1981,
SECTION 4-120.2, AS LAST AMENDED BY SECTION 8,
CHAPTER 331, O.S.L. 1990 (26 O.S. SUPP. 1990,
SECTION 4-120.2), WHICH RELATES TO INACTIVE VOTERS;
CREATING THE OKLAHOMA VOTER PROTECTION ACT;
PROVIDING SHORT TITLE; DEFINING TERMS; REQUIRING
CERTAIN VOTER REGISTRATION INFORMATION TO BE
SUBJECT TO THE OKLAHOMA OPEN RECORDS ACT;
AUTHORIZING ACCESS TO VOTER REGISTRATION
INFORMATION FOR CERTAIN ELECTION BOARD PERSONNEL;
STATING PERSONS AUTHORIZED TO REQUEST CERTAIN VOTER
REGISTRATION INFORMATION; AUTHORIZING SECRETARY OF
THE STATE ELECTION BOARD TO PROVIDE INFORMATION FOR
CERTAIN FEE; AUTHORIZING SECRETARY TO PRESCRIBE
RULES GOVERNING COMPUTER MEDIA REQUESTS; PROVIDING
EXCEPTIONS; STATING PURPOSES FOR USE OF VOTER
REGISTRATION INFORMATION; STATING PENALTY FOR
UNAUTHORIZED PERSONS GAINING ACCESS TO VOTER
REGISTRATION INFORMATION; STATING PENALTY FOR
UNLAWFUL USE OF VOTER REGISTRATION INFORMATION;
AUTHORIZING THE SECRETARY OF EACH COUNTY ELECTION
BOARD TO MAKE CERTAIN CORRECTIONS TO VOTER
REGISTRATION INFORMATION IN OKLAHOMA ELECTION

MANAGEMENT SYSTEM; PROHIBITING CORRECTIONS TO ORIGINAL REGISTRATION FORMS; PROVIDING EXCEPTIONS; MODIFYING CERTAIN REQUIREMENT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-141 of Title 26, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Oklahoma Voter Protection Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-142 of Title 26, unless there is created a duplication in numbering, reads as follows:

As used in the Oklahoma Voter Protection Act:

1. "Access" means to approach, gain entry to, instruct, communicate with, store data in, retrieve data from or otherwise use the logical, arithmetical, memory or other resources of a computer, computer system or computer network;

2. "Campaign" means all activities, including political party development, for or against the election of a candidate to a specific federal, state, county, municipal, school district, vocational-technical school district or other public elective office for a specific term and all activities for or against the passage or defeat of a state question or a question placed upon the ballot by any political subdivision of the State of Oklahoma;

3. "Communication with constituents" means written or oral communication between an elected official and those registered

voters who were or are eligible to vote to elect the elected official or his successor in the same office;

4. "Computer" means an electronic device which performs work using programmed instruction having one or more of the capabilities of storage, logic, arithmetic or communication. The term includes input, output, processing, storage, software and communication facilities which are connected or related to a device in a system or network;

5. "Computer media" means magnetic tapes or discs or any other medium on which computer data are stored for the Oklahoma Election Management System;

6. "Computer printout" means any data printed on paper by a computer used in the Oklahoma Election Management System;

7. "Computer program" means a set or series of instructions or statements and related data which when executed in actual or modified form directs or is intended to direct the functioning of a computer system in a manner designed to perform certain operations;

8. "Computer software" means one or more computer programs, procedures and associated documentation used in the operation of a computer system;

9. "Computer system" means a set of related, connected or unconnected, computer equipment devices including support devices, one or more of which contain computer programs, electronic instructions, input data, and output data, and performs functions including, but not limited to, logic, arithmetic, data storage and retrieval, communication, control and software. The term "computer system" shall not mean calculators which are not programmable and are not capable of being connected to or used to access other computers, computer networks, computer systems or support devices;

10. "Data" means a representation of information, knowledge, facts, concepts, computer software, computer programs or instructions. Data may be defined in any form, including

information on storage media, stored in the memory of the computer, in transit or on a display device;

11. "Oklahoma Election Management System" means the computers and computer data maintained and operated by the State Election Board and the county election boards; and

12. "Voter registration information" means all data concerning registered voters in the Oklahoma Election Management System.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-143 of Title 26, unless there is created a duplication in numbering, reads as follows:

All printed documents showing voter registration information that are required or permitted by law to be produced from the Oklahoma Election Management System shall be subject to the Oklahoma Open Records Act, Section 24A.1 et seq. of Title 51 of the Oklahoma Statutes.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-144 of Title 26, unless there is created a duplication in numbering, reads as follows:

Except as otherwise provided in this act, computer media storing voter registration information maintained in the Oklahoma Election Management System by a county election board shall not be made available to any person except authorized personnel of the State Election Board or the county election board or other individuals designated to assist them in the performance of their official duties. Access to voter registration information maintained in the Oklahoma Election Management System by a county election board or the State Election Board shall not be available to any person except authorized personnel of the State Election Board or the county election board or other individuals designated to assist them in the performance of their official duties.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-145 of Title 26, unless there is created a duplication in numbering, reads as follows:

A. Computer media storing voter registration information maintained in the Oklahoma Election Management System by the State Election Board shall be made available to the following persons:

1. Any person holding an elective office under the laws of the State of Oklahoma, each of whom shall be entitled to the computer media storing voter registration information for the registered voters who were or are eligible to vote to elect the elected official or his successor to the same office;

2. Any person who has filed a Designation of Agent report, as a candidate or as an agent for a candidate, with the Oklahoma Council on Campaign Compliance and Ethical Standards, Section 4203 et seq. of Title 74 of the Oklahoma Statutes or with the appropriate authority regarding an office other than a state office, within the previous twenty-four (24) months, each of whom shall be entitled to the computer media storing voter registration information for the registered voters who were or are eligible to vote to elect a candidate to the office for which the Designation of Agent Report or Declaration of Candidacy is filed;

3. The state chairman of any political party recognized under the laws of the State of Oklahoma, each of whom shall be entitled to the computer media storing voter registration information for the registered voters in the entire state;

4. The chairman of any political action committee registered with the Oklahoma Council on Campaign Compliance and Ethical Standards for or against the passage or defeat of a state question, each of whom shall be entitled to the computer media storing voter registration information for the registered voters in the entire state;

5. The chairman of any political action committee registered with the Oklahoma Council on Campaign Compliance and Ethical Standards for the exclusive purpose of a campaign for or against the passage or defeat of a question placed on the ballot by a political subdivision of the State of Oklahoma, each of whom shall be entitled to the computer media storing voter registration information for the registered voters in the political subdivision in which the question will appear on the ballot; and

6. Any faculty or staff member of any Oklahoma institution accredited by the Oklahoma State Regents for Higher Education.

B. Computer media shall be provided to the above-mentioned authorized persons for a fee which shall include reasonable costs, as determined by the Secretary of the State Election Board who shall provide the list of fees, upon request, to any person requesting such computer media. The Secretary of the State Election Board shall prescribe rules governing the provisions of computer media to authorized persons, provided, however, requests for computer media shall not be provided to said persons more than four times during any calendar year nor less than twenty (20) days preceding a statewide election or any other election as designated by the Secretary. The Secretary may prescribe rules requiring that requests for the computer media be made in a reasonable length of time in advance of delivery. Rules prescribed by the Secretary shall be made available, upon request, to any person requesting computer media.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-146 of Title 26, unless there is created a duplication in numbering, reads as follows:

Computer media provided to any person by the State Election Board as authorized by this act, or voter registration information obtained by means of computer printouts shall be used to communicate

orally or in writing with registered voters exclusively for the following purposes:

1. Campaigns;
2. Communications with constituents; and
3. Academic research by any faculty or staff member of any Oklahoma institution accredited by the Oklahoma State Regents for Higher Education.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-147 of Title 26, unless there is created a duplication in numbering, reads as follows:

Any unauthorized persons gaining access to voter registration information or other data maintained in the Oklahoma Election Management System, or any unauthorized person who directs or knowingly permits another person to gain access on his behalf, shall be guilty of a felony, punishable by imprisonment for not more than two (2) years or by fine of not more than Fifty Thousand Dollars (\$50,000.00), or both.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-148 of Title 26, unless there is created a duplication in numbering, reads as follows:

Any person violating Section 6 of this act, or any person who directs or knowingly permits another person to violate Section 6 of this act on his behalf, shall be guilty of a misdemeanor, punishable by imprisonment for not more than thirty (30) days or by a fine of not more than One Thousand Dollars (\$1,000.00), or both. Violation of Section 6 of this act shall constitute a misdemeanor for each voter registration information used unlawfully.

SECTION 9. AMENDATORY 26 O.S. 1981, Section 4-120.2, as last amended by Section 8, Chapter 331, O.S.L. 1990 (26 O.S. Supp. 1990, Section 4-120.2), is amended to read as follows:

Section 4-120.2 No later than June 1, 1985, and every four (4) years thereafter, registered voters who have not voted in an

election wherein a precinct registry is used, ~~in person,~~ during the preceding four (4) years shall be designated in the Oklahoma Election Management System as inactive voters. An inactive voter may renew active status by voting in an election wherein a precinct registry is used, in person, during four (4) calendar years following his designation as an inactive voter. If said voters fail to vote during a period of eight (8) consecutive calendar years, then the registration information of said voter shall be removed from the central registry and the Oklahoma Election Management System and destroyed. No voter registration shall be canceled for failure to vote except as herein provided.

SECTION 10. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4-115.1 of Title 26, unless there is created a duplication in numbering, reads as follows:

The secretary of each county election board is authorized to correct clerical or administrative errors in the Oklahoma Election Management System and to conform voter registration information to recognized standards, as determined by the Secretary of the State Election Board, for promotion of uniformity and consistency in address designations. No corrections shall be made to the original registration form signed by the voter except as provided by law or rule of the State Election Board.

SECTION 11. Sections 1 through 9 of this act shall become effective July 1, 1991.

SECTION 12. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the Senate the 25th day of February, 1991.

President of the Senate

Passed the House of Representatives the ____ day of
_____, 1991.

Speaker of the House of
Representatives