

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

HOUSE BILL 3282

By: Humphrey

AS INTRODUCED

An Act relating to elections; creating the Joint Committee on Elections; providing for membership and quorum; providing for appointment of an Election Integrity Committee; providing for membership; providing for random audit system; requiring risk assessment of each county election board; providing criteria for risk assessment; creating the Election Integrity Fund; authorizing Secretary of the State Election Board to perform audits; providing for verification of audits; authorizing Secretary to promulgate rules; providing for codification; and providing an effective date.

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 23-101 of Title 26, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created the "Joint Committee on Elections", to be comprised of seven (7) members of the Oklahoma House of Representatives to be appointed by the Speaker of the House of Representatives and seven (7) members of the Oklahoma State Senate to be appointed by the President Pro Tempore of the Senate. The

1 appointment of each member shall continue during the member's term
2 of office or until a successor has been appointed to fill the
3 member's place when his or her term of office as a member of the
4 Legislature has expired. No party shall be represented by more than
5 four members from the House of Representatives or more than four
6 members from the Senate. A majority of the joint committee shall
7 constitute a quorum, but the concurrence of a majority of the
8 members shall be required for a determination of any matter within
9 the joint committee's duties.

10 B. The Joint Committee on Elections shall appoint an "Election
11 Integrity Committee". The committee shall be appointed for the
12 first time before October 1, 2022, and reappointed following each
13 General Election thereafter. There shall be no limits on the number
14 of terms a committee member may serve. The committee shall be
15 comprised of twenty (20) members. There shall be two members from
16 each congressional district, one representing each of the two major
17 political parties receiving the most votes in the most recent
18 gubernatorial election. The remaining four members shall be
19 appointed at-large, two representing each of the two major political
20 parties receiving the most votes in the most recent gubernatorial
21 election.

22 C. 1. Beginning January 1, 2023, the Election Integrity
23 Committee shall implement a random auditing system to audit the
24 election results of two precincts, as described in this subsection.

1 2. Each General Election day, the Joint Committee on Elections
2 shall randomly draw two precincts to audit. One precinct shall be
3 in the largest five precincts by number of votes received and one
4 precinct shall be in the smallest one hundred precincts by number of
5 votes received.

6 3. The random audits shall be conducted in an expeditious
7 manner with the results reported to the Oklahoma House of
8 Representatives and the Oklahoma State Senate within thirty (30)
9 days. The results of the random audits shall be available pursuant
10 to the Oklahoma Open Records Act.

11 4. At least two citizen volunteers shall be present during the
12 audit.

13 5. If any audit under this section shows clear and convincing
14 evidence of a discrepancy in vote count likely to affect the outcome
15 of any local, state, or federal election, a second audit shall be
16 conducted by two independent teams.

17 6. If the second audit confirms discrepancies, a statewide
18 election investigation shall be conducted at the order of the Joint
19 Committee on Elections, the Election Integrity Committee, or the
20 Secretary of the State Election Board. The recount shall be
21 conducted in the same manner as Section 8-110 of Title 26 of the
22 Oklahoma Statutes and the results provided to the general public and
23 candidates. Such recount shall be paid for using the Election
24 Integrity Fund authorized pursuant to subsection E of this section.

1 7. Any candidate may make use of an audit report to file an
2 election contest.

3 D. The Election Integrity Committee shall conduct a
4 comprehensive risk assessment of each county election board in the
5 state. The risk assessment may be conducted by an outside entity
6 and shall identify security risks, the magnitude of such risks, and
7 areas that require safeguards. The risk assessment shall include
8 the following:

9 1. Load testing and stress testing to ensure that the online
10 voter registration system has sufficient capacity to accommodate
11 foreseeable use, including during periods of high-volume website use
12 in the week before the voter registration deadline;

13 2. Screening computers and networks used to support the online
14 voter registration system for malware and other vulnerabilities;

15 3. Evaluating database infrastructure, including software and
16 operating systems, in order to fortify defenses against cyber
17 attacks; and

18 4. Identifying any anticipated threats to the security and
19 integrity of data collected, maintained, received, or transmitted by
20 the online voter registration system.

21 E. There is hereby created in the State Treasury a revolving
22 fund for the State Election Board to be designated the "Election
23 Integrity Fund". The fund shall be a continuing fund, not subject
24 to fiscal year limitations, and shall consist of monies collected

1 pursuant to this section. All monies accruing to the credit of the
2 fund are hereby appropriated and may be budgeted and expended by the
3 State Election Board for authorized purposes. Expenditures from the
4 fund shall be made upon warrants issued by the State Treasurer
5 against claims filed as prescribed by law with the Director of the
6 Office of Management and Enterprise Services for approval and
7 payment.

8 F. 1. The Secretary of the State Election Board shall have the
9 authority to audit the list of registered voters for any county
10 election board to ensure accuracy.

11 2. The Secretary shall provide at least five (5) business days'
12 notice to the county election board that he or she intends to
13 inspect the list of voter registration records. Such notice may be
14 sent electronically.

15 3. The audits conducted by the Secretary shall verify the
16 following:

- 17 a. that a registered voter is alive,
- 18 b. that a registered voter currently resides within the
19 jurisdiction of the county election board, and
- 20 c. that a registered voter is entitled to vote;

21 4. If names are found that do not meet the criteria under
22 paragraph 3 of this subsection, the Secretary shall instruct the
23 county election board to remove the names from the list of
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1 registered voters. The Secretary may conduct a second audit to
2 ensure the names were removed; and

3 5. The county election board shall comply with the Secretary
4 in conducting the audit and shall remove the names identified by the
5 State Election Board. If a county election board does not cooperate
6 with the audit, the Secretary may withhold funds from the county
7 election board.

8 G. 1. The Secretary shall have exclusive authority to
9 promulgate rules pertaining to the use of election equipment,
10 machines, programs, and systems involved with the tabulation and
11 counting of votes.

12 2. The Secretary shall require that vendors entering into
13 contracts with election authorities waive all objections to the
14 examination and testing of election equipment, machines, programs,
15 and systems by the office or its employees or agents. The State
16 Election Board may examine and test hardware or software and may
17 engage in penetration testing of such vendor-provided equipment.
18 The State Election Board shall not approve any equipment, machine,
19 program, or system that is capable of Internet connection by modem,
20 installed parts, or any other means, except that data transfer by
21 disk or other physical drive of any type shall be permissible.

22 3. The Secretary may forbid the use of election equipment,
23 machines, programs, or systems that violate this section or rules
24 promulgated thereunder. County election boards that fail to comply

1 with any requirements of this section or rules promulgated
2 thereunder shall be subject to an injunction by any court of proper
3 jurisdiction and to the payment of any court costs and attorney fees
4 to the State Election Board.

5 SECTION 2. This act shall become effective November 1, 2022.

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