

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 COMMITTEE SUBSTITUTE

4 FOR

5 SENATE BILL NO. 902

6 By: Dahm

7 COMMITTEE SUBSTITUTE

8 An Act relating to elections; amending 26 O.S. 2021,
9 Sections 4-121, as amended by Section 20, Chapter
10 282, O.S.L. 2022, and 7-103.2, as amended by Section
11 6, Chapter 293, O.S.L. 2022 (26 O.S. Supp. 2022,
12 Sections 4-121 and 7-103.2), which relate to
13 multistate voter list maintenance organizations;
14 modifying authority to join certain organizations;
15 prohibiting license data from non-citizens; requiring
16 certain certification from certain organizations;
17 prohibiting release of certain data; providing
18 exceptions; requiring withdrawal from organization
19 under certain circumstances; authorizing civil action
20 for certain violations; requiring annual publishing
21 of certain information; prohibiting charging of fee
22 for certain information available to the public; and
23 providing an effective date.

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

SECTION 1. AMENDATORY 26 O.S. 2021, Section 4-121, as
amended by Section 20, Chapter 282, O.S.L. 2022 (26 O.S. Supp. 2022,
Section 4-121), is amended to read as follows:

Section 4-121. A. The Secretary of the State Election Board
may join the State of Oklahoma as a member in one or more multistate
voter list maintenance organizations ~~including, but not limited to,~~

1 ~~the Electronic Registration Information Center (ERIC) or its~~
2 ~~successor.~~ The Secretary is authorized to expend funds as available
3 for membership fees, dues and other expenses related to such
4 membership. Prior to the State of Oklahoma joining a multistate
5 voter list maintenance organization, the organization shall certify
6 in writing to the Secretary of the State Election Board that
7 membership in the organization meets the requirements of this
8 section.

9 B. Upon membership in an organization as provided in subsection
10 A of this section, the Secretary of the State Election Board may
11 provide voter registration data to the organization and Service
12 Oklahoma may provide motor vehicle license data to the organization
13 if such data is required to be provided as a condition of
14 membership. The voter registration data and motor vehicle license
15 data described in this subsection may include a person's name,
16 address, date of birth, driver license or state identification
17 number, last four digits of a Social Security number or any other
18 data required by the organization. Service Oklahoma shall not
19 provide motor vehicle license data for persons who are identified as
20 not being citizens of the United States or whose citizenship status
21 is unknown. The transmission and storage of such data shall be done
22 in a secure manner.

23 C. 1. If a multistate voter list maintenance organization of
24 which this state is a member identifies Oklahoma residents who are

1 citizens of the United States eligible to vote but not yet
2 registered, the Secretary of the State Election Board may notify
3 such citizens about the procedure for obtaining a voter registration
4 application and becoming a registered voter in this state. The
5 notification shall not include a voter registration application.

6 2. The multistate voter list maintenance organization shall
7 certify that, to the best of its knowledge, all persons it
8 identifies as eligible to vote but not yet registered are citizens
9 of the United States.

10 3. The Secretary may delegate the contacting of such citizens
11 to the secretary of the appropriate county election board.

12 D. If a multistate voter list maintenance organization of which
13 this state is a member provides United States Postal Service
14 National Change of Address data regarding registered voters who have
15 changed their address of residence within the state, the Secretary
16 of the State Election Board may use the data pursuant to the
17 provisions of Section 4-118.1, 4-120.2 or 7-115.1 of Title 26 of the
18 Oklahoma Statutes or the federal National Voter Registration Act.

19 E. A multistate voter list maintenance organization of which
20 this state is a member shall not provide or release any voter
21 registration data or motor vehicle license data received from this
22 state to any other party. Provided, however, such organization may
23 provide relevant matching information to a member state regarding
24 duplicate registrations, deaths, or changes of residency involving

1 persons identified in the data provided by this state. Any verified
2 evidence that indicates that any voter registration data or motor
3 vehicle license data for this state is being used for purposes
4 unrelated to voter roll maintenance or is being used for or is being
5 released to any third party, except as provided in this subsection,
6 shall result in the immediate withdrawal of this state from the
7 multistate voter list maintenance organization. Verified evidence
8 may include Oklahoma Open Records Act documents reviewed during
9 investigation by the Legislature or the Secretary of the State
10 Election Board that indicate that such activity is occurring.

11 F. The Oklahoma Attorney General shall have the authority to
12 bring a civil action against the multistate voter list maintenance
13 organization in a district court of this state for damages caused by
14 a violation of subsection E of this section. If the Attorney
15 General declines to pursue action, the Secretary of the State
16 Election Board or the Legislature by a majority vote may initiate an
17 action to hire outside counsel to bring a civil action against the
18 multistate voter list maintenance organization in a district court
19 of this state for damages caused by a violation of subsection E of
20 this section.

21 G. The Secretary of the State Election Board shall cause to be
22 published annually on the website of the State Election Board the
23 following costs associated with membership in a multistate voter
24 list maintenance organization:

1 1. Annual membership dues, if any;

2 2. Mailings sent to persons identified in subsection C of this
3 section, if any;

4 3. Information technology utilized for the transfer or receipt
5 of data as described in this section; and

6 4. Any other costs directly attributable to the state's
7 membership in the organization.

8 H. The Secretary of the State Election Board shall cause to be
9 published annually on the website of the State Election Board the
10 following statistical information:

11 1. The number of voter registrations by county that are
12 canceled on the basis of information received from the multistate
13 voter list maintenance organization, and the reason for the
14 cancellation;

15 2. The number of registered voters by county required to
16 receive an address confirmation mailing on the basis of information
17 received from the multistate voter list maintenance organization;

18 3. The number of mailings by county for persons identified in
19 subsection C of this section; and

20 4. Such other statistical information deemed appropriate by the
21 Secretary of the State Election Board.

22 SECTION 2. AMENDATORY 26 O.S. 2021, Section 7-103.2, as
23 amended by Section 6, Chapter 293, O.S.L. 2022 (26 O.S. Supp. 2022,
24 Section 7-103.2), is amended to read as follows:

1 Section 7-103.2. A. 1. County election boards shall maintain
2 a current list of all registered voters in each precinct, which will
3 reflect the address and party affiliation of each voter. The list
4 shall be public information; ~~provided, the.~~

5 2. The list shall only be shared with a court system if that
6 court system agrees to regularly provide the names of persons
7 convicted of a felony in that court system to the Secretary of the
8 State Election Board and the appropriate secretary of a county
9 election board, or if the court system is required by state law to
10 do so.

11 3. The ~~publicly available voter~~ list shall note any voter for
12 whom a first-class mailing from the county election board or the
13 State Election Board was returned undeliverable.

14 B. The Secretary of the State Election Board shall ensure that
15 an electronic copy of the voter registration information eligible to
16 be released publicly pursuant to the Oklahoma Open Records Act is
17 available to the public free of charge.

18 SECTION 3. This act shall become effective November 1, 2023.

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