

1 **SENATE FLOOR VERSION**

2 February 28, 2023

3 COMMITTEE SUBSTITUTE  
4 FOR

5 SENATE BILL NO. 902

6 By: Dahm

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

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

24 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,~~  
~~the Electronic Registration Information Center (ERIC) or its~~

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

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

22 C. 1. If a multistate voter list maintenance organization of  
23 which this state is a member identifies Oklahoma residents who are  
24 citizens of the United States eligible to vote but not yet

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

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

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

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

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

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

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

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

24 1. Annual membership dues, if any;

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

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

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

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

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

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

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

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

21        SECTION 2.        AMENDATORY        26 O.S. 2021, Section 7-103.2, as  
22 amended by Section 6, Chapter 293, O.S.L. 2022 (26 O.S. Supp. 2022,  
23 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.

19 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY  
20 February 28, 2023 - DO PASS AS AMENDED BY CS

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