

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2052

By: Roberts

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6 AS INTRODUCED

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

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

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

24 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~~  
~~successor~~. The Secretary is authorized to expend funds as available

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

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

21 C. 1. If a multistate voter list maintenance organization of  
22 which this state is a member identifies Oklahoma residents who are  
23 citizens of the United States eligible to vote but not yet  
24 registered, the Secretary of the State Election Board may notify

1 such citizens about the procedure for obtaining a voter registration  
2 application and becoming a registered voter in this state. The  
3 notification shall not include a voter registration application.

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

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

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

17 E. It shall be unlawful for a multistate voter list maintenance  
18 organization of which this state is a member to provide or release  
19 any voter registration data or motor vehicle license data received  
20 from the State of Oklahoma to any other party. Provided, this shall  
21 not prohibit the organization from providing relevant matching  
22 information to a member state regarding duplicate registrations,  
23 deaths, or changes of residency involving persons identified in the  
24 data provided by the State of Oklahoma. Any verified evidence that

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

10 F. The Oklahoma Attorney General shall have the authority to  
11 pursue litigation in a district court of this state, for damages  
12 caused by the unlawful sharing of Oklahoma's data as provided in  
13 subsection E of this section against the multistate voter list  
14 maintenance organization if the data of the state is shared in  
15 violation of this section. Should the Attorney General decline to  
16 pursue action, the Secretary of the State Election Board or the  
17 Legislature by a majority vote may initiate an action to hire  
18 outside counsel to sue the multistate voter list maintenance  
19 organization if Oklahoma's data is shared in violation of this  
20 section.

21 G. On an annual basis, the Secretary of the State Election  
22 Board shall cause to be published on the website of the State  
23 Election Board the following costs associated with membership in a  
24 multistate voter 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. On an annual basis, the Secretary of the State Election  
9 Board shall cause to be published on the website of the State  
10 Election Board the 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 last amended by Section 6, Chapter 293, O.S.L. 2022 (26 O.S. Supp.  
24 2022, Section 7-103.2), is amended to read as follows:

1 Section 7-103.2 A. 1. County election boards shall maintain a  
2 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 Open Records Act is available  
17 to the public free of charge.

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

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20 59-1-5456 LRB 01/13/23  
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