An Act

ENROLLED HOUSE
BILL NO. 2052

By: Roberts, Wolfley, Hilbert, Lawson, Olsen, West (Josh), and Maynard of the House

and

Bergstrom, Hamilton, Jett, Bullard, Standridge, Woods, Gollihare, and Stewart of the Senate

An Act relating to elections; amending 26 O.S. 2021, Sections 4-121, as amended by Section 20, Chapter 282, O.S.L. 2022, and 7-103.2, as amended by Section 6, Chapter 293, O.S.L. 2022 (26 O.S. Supp. 2022, Sections 4-121 and 7-103.2), which relate to multistate voter list maintenance organizations and registered voter lists; authorizing expenditure of funds for certain purpose; modifying authority to join certain organizations; requiring certain certification; prohibiting license data from non-citizens; establishing requirements for membership in certain organizations; authorizing use of certain data by Secretary of the State Election Board; requiring withdrawal as member of organization under certain circumstances; authorizing civil action for certain violations; requiring annual publication of certain information; authorizing Secretary of the State Election Board to enter into certain agreements; modifying requirements for sharing of certain lists; requiring certain information be made available to the public free of charge; and providing an effective date.

SUBJECT: Elections

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

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

C. ~~If a~~ The Secretary of the State Election Board shall not join a multistate voter list maintenance organization ~~of which this state is a member identifies Oklahoma residents who are citizens of the United States eligible to vote but not yet registered, the Secretary of the State Election Board may notify such citizens about the procedure for becoming a registered voter in this state. The Secretary may delegate the contacting of such citizens to the secretary of the appropriate county election board~~ if any of the following requirements are a condition of membership in the organization:

1. A notification is required to be sent to persons who are eligible to vote but not yet registered to vote;

2. Membership in the organization includes any person or entity other than a state or territory of the United States;

3. The governing board of the organization includes any member or ex officio member who is not a representative of a state or territory of the United States; or

4. The organization provides or releases voter registration data or motor vehicle license data received from this state to any party other than a state or territory of the United States that is a member of the organization.

D. 1. If a multistate voter list maintenance organization of which this state is a member provides United States Postal Service National Change of Address data regarding registered voters who have changed their address of residence within the state, the Secretary of the State Election Board may use the data pursuant to the provisions of Section 4-118.1, 4-120.2 or 7-115.1 of ~~Title 26 of the Oklahoma Statutes~~ this title or the federal National Voter Registration Act of 1993.

2. If a multistate voter list maintenance organization of which this state is a member provides Social Security Administration death records matching data regarding voters who are deceased, the Secretary of the State Election Board may use the data as authorized pursuant to Section 4-120.3 of this title.

E. If a multistate voter list maintenance organization of which this state is a member provides or releases any voter registration data or motor vehicle license data received from this state to any party other than a state or territory that is a member of the organization, or if the data from this state is used by any member of the organization for a purpose other than voter list maintenance, the State of Oklahoma shall immediately withdraw as a member of the organization.

F. The Oklahoma Attorney General shall have the authority to bring a civil action against the multistate voter list maintenance organization in a district court of this state for damages caused by the sharing of the data of this state as described in paragraph 4 of subsection C of this section. If the Attorney General declines to pursue action, the Secretary of the State Election Board, or the President Pro Tempore of the Senate and the Speaker of the House of Representatives jointly, may bring such civil action.

G. 1. The Secretary of the State Election Board shall cause to be published annually on the website of the State Election Board the following costs associated with membership in a multistate voter list maintenance organization:

a. annual membership dues, if any, and

b. any other costs directly attributable to the state's membership in the organization.

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

a. the number of voter registrations by county that are canceled on the basis of information received from the multistate voter list maintenance organization, and the reason for the cancellation, and

b. such other statistical information deemed appropriate by the Secretary of the State Election Board.

H. The Secretary of the State Election Board may enter into an agreement with the chief state election official of one or more states or territories of the United States to share or cross-check voter registration data in a manner consistent with the requirements for membership in a multistate voter list maintenance organization described in this section.

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

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

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

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

B. The Secretary of the State Election Board shall ensure that an electronic copy of the voter registration list described in subsection A of this section is made available to the public free of charge.

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

Passed the House of Representatives the 15th day of May, 2023.

Presiding Officer of the House
of Representatives

Passed the Senate the 25th day of April, 2023.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 16th

day of May, 20 23, at 2:52 o'clock p. M.

By: Summer Cerny

Approved by the Governor of the State of Oklahoma this 22nd

day of May, 20 23, at 8:24 o'clock a. M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 22nd

day of May, 20 23, at 9:21 o'clock A M.

By: Brian Bingman