

1 ENGROSSED SENATE AMENDMENT  
TO

2 ENGROSSED HOUSE  
3 BILL NO. 2052

By: Roberts, Wolfley, Hilbert,  
and Lawson of the House

4 and

5 Bergstrom of the Senate

6  
7  
8 [ elections - multistate voter list maintenance  
9 organizations - penalties - litigation - annual  
10 publishing of information - effective date ]  
11  
12

13 AUTHOR: Add the following House Coauthors: Olsen and West (Josh)

14 AUTHOR: Add the following Senate Coauthors: Hamilton, Jett,  
15 Bullard, Standridge, Woods, and Gollihare

16 AMENDMENT NO. 1. Page 1, strike the stricken title, enacting clause  
17 and entire bill and insert

18 "An Act relating to elections; amending 26 O.S. 2021,  
19 Sections 4-121, as amended by Section 20, Chapter  
20 282, O.S.L. 2022, and 7-103.2, as amended by Section  
21 6, Chapter 293, O.S.L. 2022 (26 O.S. Supp. 2022,  
22 Sections 4-121 and 7-103.2), which relate to  
23 multistate voter list maintenance organizations and  
24 registered voter lists; authorizing expenditure of  
funds for certain purpose; modifying authority to  
join certain organizations; requiring certain  
certification; prohibiting license date from non-  
citizens; establishing requirements for membership in  
certain organizations; authorizing use of certain  
data by Secretary of the State Election Board;

1 requiring withdrawal as member of organization under  
2 certain circumstances; authorizing civil action for  
3 certain violations; requiring annual publication of  
4 certain information; authorizing Secretary of the  
5 State Election Board to enter into certain  
6 agreements; modifying requirements for sharing of  
7 certain lists; requiring certain information be made  
8 available to the public free of charge; and providing  
9 an effective date.

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

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

14 Section 4-121 A. The Secretary of the State Election Board may  
15 join the State of Oklahoma as a member in one or more multistate  
16 voter list maintenance organizations ~~including, but not limited to,~~  
17 ~~the Electronic Registration Information Center (ERIC) or its~~  
18 ~~successor.~~ The Secretary is authorized to expend funds as available  
19 for membership fees, dues and other expenses related to such  
20 membership or to an agreement as described in subsection H of this  
21 section. Prior to the State of Oklahoma joining a multistate voter  
22 list maintenance organization, the organization shall certify in  
23 writing to the Secretary of the State Election Board that membership  
24 in the organization meets the requirements of this section.

25 B. Upon membership in an organization as provided in subsection  
26 A of this section, the Secretary of the State Election Board may  
27 provide voter registration data to the organization and Service

1 Oklahoma may provide motor vehicle license data to the organization  
2 if such data is required to be provided as a condition of  
3 membership. The voter registration data and motor vehicle license  
4 data described in this subsection may include a person's name,  
5 address, date of birth, driver license or state identification  
6 number, last four digits of a Social Security number or any other  
7 data required by the organization. Motor vehicle license data shall  
8 not be provided for persons who are identified as not being citizens  
9 of the United States. The transmission and storage of such data  
10 shall be done in a secure manner.

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

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

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

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

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

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

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

21       E. If a multistate voter list maintenance organization of which  
22 this state is a member provides or releases any voter registration  
23 data or motor vehicle license data received from this state to any  
24 party other than a state or territory that is a member of the

1 organization, or if the data from this state is used by any member  
2 of the organization for a purpose other than voter list maintenance,  
3 the State of Oklahoma shall immediately withdraw as a member of the  
4 organization.

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

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

- 17 a. annual membership dues, if any, and
- 18 b. any other costs directly attributable to the state's  
19 membership in the organization.

20 2. 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 statistical information:

- 23 a. the number of voter registrations by county that are  
24 canceled on the basis of information received from the

1 multistate voter list maintenance organization, and  
2 the reason for the cancellation, and

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

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

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

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

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



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8 organizations - penalties - litigation - annual  
9 publishing of information - effective date ]  
10  
11

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

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

16 Section 4-121. A. The Secretary of the State Election Board  
17 may join the State of Oklahoma as a member in one or more multistate  
18 voter list maintenance organizations ~~including, but not limited to,~~  
19 ~~the Electronic Registration Information Center (ERIC) or its~~  
20 ~~successor~~. The Secretary is authorized to expend funds as available  
21 for membership fees, dues and other expenses related to such  
22 membership. Prior to the State of Oklahoma joining a multistate  
23 voter list maintenance organization, the organization shall certify  
24 in writing to the Secretary of the State Election Board that



1 membership in the organization meets the requirements of this  
2 section.

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

17 C. 1. If a multistate voter list maintenance organization of  
18 which this state is a member identifies Oklahoma residents who are  
19 citizens of the United States eligible to vote but not yet  
20 registered, the Secretary of the State Election Board may notify  
21 such citizens about the procedure for obtaining a voter registration  
22 application and becoming a registered voter in this state. The  
23 notification shall not include a voter registration application.

24

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

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

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

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

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

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

19 G. On an annual basis, the Secretary of the State Election  
20 Board shall cause to be published on the website of the State  
21 Election Board the following costs associated with membership in a  
22 multistate voter list maintenance organization:

23 1. Annual membership dues, if any;  
24

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. On an annual basis, the Secretary of the State Election  
8 Board shall cause to be published on the website of the State  
9 Election Board the 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 5.        AMENDATORY        26 O.S. 2021, Section 7-103.2, as  
22 last amended by Section 6, Chapter 293, O.S.L. 2022 (26 O.S. Supp.  
23 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 Oklahoma Open Records Act is  
17 available to the public free of charge.

18 SECTION 6. This act shall become effective November 1, 2023.  
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1 Passed the House of Representatives the 6th day of March, 2023.

2  
3 \_\_\_\_\_  
4 Presiding Officer of the House  
5 of Representatives

6 Passed the Senate the \_\_\_ day of \_\_\_\_\_, 2023.

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8 \_\_\_\_\_  
9 Presiding Officer of the Senate