

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB1769 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Tom Gann

Reading Clerk

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

PROPOSED COMMITTEE
SUBSTITUTE
FOR
HOUSE BILL NO. 1769

By: Gann

PROPOSED COMMITTEE SUBSTITUTE

An Act relating to elections; amending 26 O.S. 2021, Section 4-121, as amended by Section 20, Chapter 282, O.S.L. 2022, and 7-103.2, as last 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; modifying authority to join certain organizations; prohibiting license data from non-citizens; providing penalties; authorizing litigation; requiring annual publishing of certain information; prohibiting charging of fee for certain information available to the public; and providing an effective date.

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~~

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~~ this title or the federal National Voter
18 Registration Act.

19 E. It shall be unlawful for a multistate voter list maintenance
20 organization of which this state is a member to provide or release
21 any voter registration data or motor vehicle license data received
22 from the State of Oklahoma to any other party. Provided, this shall
23 not prohibit the organization from providing relevant matching
24 information to a member state regarding duplicate registrations,

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

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

23 G. On an annual basis, the Secretary of the State Election
24 Board shall cause to be published on the website of the State

1 Election Board the following costs associated with membership in a
2 multistate voter list maintenance organization:

3 1. Annual membership dues, if any;

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

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

8 4. Any other costs directly attributable to the state's
9 membership in the organization.

10 H. On an annual basis, the Secretary of the State Election
11 Board shall cause to be published on the website of the State
12 Election Board the following statistical information:

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

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

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

22 4. Such other statistical information deemed appropriate by the
23 Secretary of the State Election Board.

1 SECTION 2. AMENDATORY 26 O.S. 2021, Section 7-103.2, as
2 last amended by Section 6, Chapter 293, O.S.L. 2022 (26 O.S. Supp.
3 2022, Section 7-103.2), is amended to read as follows:

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

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

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

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

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

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23 59-1-7204 LRB 01/25/23
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