

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 59th Legislature (2023)

4 ENGROSSED SENATE
5 BILL NO. 410

 By: Daniels of the Senate

 and

 Lepak of the House

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9 An Act relating to elections; amending 26 O.S. 2021,
10 Sections 7-108, 7-108.3, and 16-111, which relate to
11 electioneering; modifying prohibited activities at
12 polling place or voting site; defining terms;
13 modifying elements of certain misdemeanor offense;
14 and declaring an emergency.

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

16 SECTION 1. AMENDATORY 26 O.S. 2021, Section 7-108, is
17 amended to read as follows:

18 Section 7-108. A. No person shall be allowed to electioneer
19 within three hundred (300) feet of ~~any ballot box~~ the entrance to a
20 polling place or in-person absentee voting site or a person who is
21 standing in line to vote outside the polling place or in-person
22 absentee voting site while an election is in progress, ~~nor shall~~
23 ~~any.~~ No person or persons, except election officials, voters
24 registered and voting at the polling place or in-person absentee
 voting site, a minor child or dependent accompanying such voters and

1 other persons authorized by law, shall be allowed to remain inside
2 the election enclosure or within fifty (50) feet of any ballot box
3 the entrance to a polling place or in-person absentee voting site
4 while an election is in progress. No printed material other than
5 that provided by the election board shall be publicly placed or
6 exposed within three hundred (300) feet of any ballot box, the
7 entrance to a polling place or in-person absentee voting site while
8 an election is in progress.

9 B. For purposes of this title:

10 1. "Electioneering" means:

- 11 a. advocating directly for or against a candidate or
12 question that is or will be on the ballot at any
13 election, either verbally or with visual materials,
14 signs or clothing, audio recordings, electronic
15 communication, or any other type of communication, or
16 b. collecting signatures for a petition to place an issue
17 or question on a future ballot or soliciting contact
18 information or distributing information for any
19 candidate or issue that might be on a future ballot;
20 and

21 2. "Election enclosure" means the areas of a polling place
22 where voters sign the precinct registry and are issued ballots,
23 where voting booths are located, where a voting device or ballot box
24

1 is located, and any room, hallway or other space wherein such
2 activities take place.

3 SECTION 2. AMENDATORY 26 O.S. 2021, Section 7-108.3, is
4 amended to read as follows:

5 Section 7-108.3. The prohibition against electioneering
6 contained in Section ~~7-108~~ 7-108 of this title shall apply to any
7 pollster. No pollster shall be permitted inside the election
8 enclosure or within fifty (50) feet of any ~~ballet box~~ the entrance
9 to a polling place or in-person absentee voting site while an
10 election is in progress. A pollster who violates the law prescribed
11 for pollsters shall be deemed guilty of a misdemeanor.

12 SECTION 3. AMENDATORY 26 O.S. 2021, Section 16-111, is
13 amended to read as follows:

14 Section 16-111. Any person who electioneers within three
15 hundred (300) feet of ~~any ballot box~~ the entrance to a polling place
16 or in-person absentee voting site or a person who is standing in
17 line to vote outside the polling place or in-person absentee voting
18 site while an election is in progress, and any person except
19 election officials, voters registered and voting at the polling
20 place or in-person absentee voting site, a minor child or dependent
21 accompanying such voters and other persons authorized by law who
22 remains within fifty (50) feet of ~~any ballot box~~ the entrance to a
23 polling place or in-person absentee voting site while an election is
24 in progress shall be deemed guilty of a misdemeanor.

1 SECTION 4. It being immediately necessary for the preservation
2 of the public peace, health or safety, an emergency is hereby
3 declared to exist, by reason whereof this act shall take effect and
4 be in full force from and after its passage and approval.

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6 COMMITTEE REPORT BY: COMMITTEE ON ELECTIONS AND ETHICS, dated
7 04/03/2023 - DO PASS.
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