

1 ENGROSSED SENATE
2 BILL NO. 410

By: Daniels of the Senate

3 and

4 Lepak of the House

5
6 An Act relating to elections; amending 26 O.S. 2021,
7 Sections 7-108, 7-108.3, and 16-111, which relate to
8 electioneering; modifying prohibited activities at
9 polling place or voting site; defining terms;
10 modifying elements of certain misdemeanor offense;
11 and declaring an emergency.

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

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

15 Section 7-108. A. No person shall be allowed to electioneer
16 within three hundred (300) feet of ~~any ballot box~~ the entrance to a
17 polling place or in-person absentee voting site or a person who is
18 standing in line to vote outside the polling place or in-person
19 absentee voting site while an election is in progress, ~~nor shall~~
20 ~~any.~~ No person or persons, except election officials, voters
21 registered and voting at the polling place or in-person absentee
22 voting site, a minor child or dependent accompanying such voters and
23 other persons authorized by law, shall be allowed to remain inside
24 the election enclosure or within fifty (50) feet of any ballot box
the entrance to a polling place or in-person absentee voting site

1 while an election is in progress. No printed material other than
2 that provided by the election board shall be publicly placed or
3 exposed within three hundred (300) feet of ~~any ballot box~~, the
4 entrance to a polling place or in-person absentee voting site while
5 an election is in progress.

6 B. For purposes of this title:

7 1. "Electioneering" means:

8 a. advocating directly for or against a candidate or
9 question that is or will be on the ballot at any
10 election, either verbally or with visual materials,
11 signs or clothing, audio recordings, electronic
12 communication, or any other type of communication, or

13 b. collecting signatures for a petition to place an issue
14 or question on a future ballot or soliciting contact
15 information or distributing information for any
16 candidate or issue that might be on a future ballot;
17 and

18 2. "Election enclosure" means the areas of a polling place
19 where voters sign the precinct registry and are issued ballots,
20 where voting booths are located, where a voting device or ballot box
21 is located, and any room, hallway or other space wherein such
22 activities take place.

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

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

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

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

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

