

1 **SENATE FLOOR VERSION**

February 28, 2023

2 **AS AMENDED**

3 SENATE BILL NO. 410

By: Daniels

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

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

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

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

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

8 B. For purposes of this title:

9 1. "Electioneering" means:

10 a. advocating directly for or against a candidate or

11 question that is or will be on the ballot at any

12 election, either verbally or with visual materials,

13 signs or clothing, audio recordings, electronic

14 communication, or any other type of communication, or

15 b. collecting signatures for a petition to place an issue

16 or question on a future ballot or soliciting contact

17 information or distributing information for any

18 candidate or issue that might be on a future ballot;

19 and

20 2. "Election enclosure" means the areas of a polling place

21 where voters sign the precinct registry and are issued ballots,

22 where voting booths are located, where a voting device or ballot box

23 is located, and any room, hallway or other space wherein such

24 activities take place.

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

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

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

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

23 SECTION 4. It being immediately necessary for the preservation  
24 of the public peace, health or safety, an emergency is hereby

1 declared to exist, by reason whereof this act shall take effect and  
2 be in full force from and after its passage and approval.

3 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY  
4 February 28, 2023 - DO PASS AS AMENDED  
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