

An Act

ENROLLED SENATE
BILL NO. 410

By: Daniels of the Senate

and

Lepak and West (Josh) of
the House

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

SUBJECT: Electioneering

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

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

Section 7-108. A. No person shall be allowed to electioneer within three hundred (300) feet of any ballot box the entrance to a polling place or in-person absentee voting site or a person who is standing in line to vote outside the polling place or in-person absentee voting site while an election is in progress, ~~nor shall any.~~ No person or persons, except election officials, voters registered and voting at the polling place or in-person absentee voting site, a minor child or dependent accompanying such voters and other persons authorized by law, shall be allowed to remain inside the election enclosure or within fifty (50) feet of any ballot box the entrance to a polling place or in-person absentee voting site while an election is in progress. No printed material other than that provided by the election board shall be publicly placed or exposed within three hundred (300) feet of ~~any ballot box, the~~

entrance to a polling place or in-person absentee voting site while an election is in progress.

B. For purposes of this title:

1. "Electioneering" means:

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

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

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

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

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

Section 16-111. Any person who electioneers within three hundred (300) feet of ~~any ballot box~~ the entrance to a polling place or in-person absentee voting site or a person who is standing in

line to vote outside the polling place or in-person absentee voting site while an election is in progress, and any person except election officials, voters registered and voting at the polling place or in-person absentee voting site, a minor child or dependent accompanying such voters and other persons authorized by law who remains within fifty (50) feet of ~~any ballot box~~ the entrance to a polling place or in-person absentee voting site while an election is in progress shall be deemed guilty of a misdemeanor.

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

Passed the Senate the 9th day of March, 2023.

Presiding Officer of the Senate

Passed the House of Representatives the 25th day of April, 2023.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____