An Act

ENROLLED SENATE
BILL NO. 481

By: Rader of the Senate

and

Boatman and Cantrell of the House

An Act relating to security of election officials; amending 21 O.S. 2021, Section 1176, as amended by Section 4, Chapter 318, O.S.L. 2022 (21 O.S. Supp. 2022, Section 1176), which relates to use of electronic communication device to threaten or harass public official; prohibiting certain actions toward election officials; defining term; modifying definitions; amending 26 O.S. 2021, Sections 4-115.2, 16-109, 16-113, and 16-124, which relate to confidentiality of addresses, coercion or interference with conduct of elections, and tampering with election systems; adding class of persons eligible to request confidentiality of address; prohibiting threats or intimidation toward election officials; creating misdemeanor offense; specifying punishment for certain offense; prohibiting false impersonation of election officials; creating misdemeanor offense; specifying punishment for certain offense; prohibiting intentionally causing damage to certain election systems; creating felony offense; updating statutory language; providing an effective date; and declaring an emergency.

SUBJECT: Security of election officials

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

SECTION 1. AMENDATORY 21 O.S. 2021, Section 1176, as amended by Section 4, Chapter 318, O.S.L. 2022 (21 O.S. Supp. 2022, Section 1176), is amended to read as follows:

Section 1176. A. Whoever, with the intent to threaten, intimidate or harass, or facilitate another to threaten, intimidate or harass, uses an electronic communication device to knowingly publish, post or otherwise make publicly available personally identifiable information of a peace officer, public official, election official, or crime victim, and as a result places that peace officer, public official, election official, or crime victim in reasonable fear of death or serious bodily injury shall, upon conviction, be guilty of a misdemeanor punishable by imprisonment in the county jail for a term not to exceed six (6) months, or by a fine not to exceed One Thousand Dollars ($1,000.00), or by both such fine and imprisonment. Upon conviction for a second or subsequent violation, the person shall be punished by imprisonment in the county jail for a term not to exceed one (1) year, or by a fine not to exceed Two Thousand Dollars ($2,000.00), or by both such fine and imprisonment.

B. As used in this section:

1. "Crime victim" shall have the same meaning as ~~that term is~~ defined in Section 142A-1 of this title;

2. "Election official" means a member or employee of the State Election Board or a county election board, the Secretary of the State Election Board or a county election board, or a person serving as a precinct official or absentee voting board member appointed as required by law;

3. "Electronic communication" shall have the same meaning as ~~that term is~~ defined in Section 1172 of this title. Electronic communication does not include broadcast transmissions or similar communications that are not targeted at any specific individual;

~~3.~~ 4. "Electronic communication device" means any cellular telephone, facsimile, pager, computer, or any device capable of electronic communication;

~~4.~~ 5. "Peace officer" shall have the same meaning as that term is defined in Section 99 of this title;

~~5.~~ 6. "Personally identifiable information" means information which can identify an individual including~~,~~ but not limited to~~,~~ name, birth date, place of birth, mother's maiden name, biometric records, Social Security number, official state- or government-issued driver license or identification number, government passport number, employer or taxpayer identification number, or any other information that is linked or linkable to an individual~~,~~ such as medical, educational, financial or employment information;

~~6.~~ 7. "Public official" means any person elected or appointed to a state office in the executive, legislative, or judicial branch of state government or other political subdivision of the state; and

~~7.~~ 8. "Publish" means to circulate, deliver, distribute, disseminate, transmit, or otherwise make available to another person.

SECTION 2. AMENDATORY 26 O.S. 2021, Section 4-115.2, is amended to read as follows:

Section 4-115.2. A. 1. The Secretary of the State Election Board is authorized to promulgate rules to keep confidential the residence and mailing address, upon application to do so, of individual registered voters who are members of certain classes as described in paragraph 2 of this subsection. ~~These classes~~

2. Classes shall be limited to the judiciary, district attorneys, assistant district attorneys, Uniformed Services members, law enforcement personnel and the immediate family of law enforcement personnel, correctional officers, the secretary, assistant secretary, employees, and members of a county election board or the State Election Board, persons who are protected by victim's protection orders, the spouses and dependents of the members of such classes, and persons who are certified by the Secretary of State as participants in the Address Confidentiality Program established by Section 60.14 of Title 22 of the Oklahoma Statutes.

3. Such address information shall be provided to a candidate or candidate representative or other lawful authority in anticipation or as part of a contest of candidacy or contest of an election as provided for in this title or as part of a petition challenge as provided by law. However, no information concerning the address of a certified Address Confidentiality Program participant shall be released by election officials to any person for any purpose except under court order.

B. As used in this section, "immediate family of law enforcement personnel" means a spouse, child by birth or adoption, stepchild or parent living at the same residence as the law enforcement personnel.

SECTION 3. AMENDATORY 26 O.S. 2021, Section 16-109, is amended to read as follows:

Section 16-109. A. Any person who, by means of coercion, providing false or misleading information or any other method, knowingly attempts to prevent a qualified elector from becoming registered, or a registered voter from voting, shall be deemed guilty of a felony.

B. Any person who, directly or indirectly, utters or addresses any threat or intimidation to any election official with intent to improperly influence an election shall be deemed guilty of a misdemeanor punishable by a fine not to exceed One Thousand Dollars ($1,000.00) or by imprisonment in the county jail for a term not to exceed six (6) months, or by both such fine and imprisonment.

SECTION 4. AMENDATORY 26 O.S. 2021, Section 16-113, is amended to read as follows:

Section 16-113. A. Any person, including a lawfully appointed watcher or exit pollster, who interferes with a registered voter who is attempting to vote, or any person who attempts to influence the vote of another by means of force or intimidation, or any person who interferes with the orderly and lawful conduct of an election shall be deemed guilty of a misdemeanor.

B. Any person who falsely impersonates an election official or who, without authority, performs any act reserved to election

officials by law with intent to improperly influence an election shall be deemed guilty of a misdemeanor punishable by a fine not to exceed One Thousand Dollars ($1,000.00) or by imprisonment in the county jail for a term not to exceed six (6) months, or by both such fine and imprisonment.

SECTION 5. AMENDATORY 26 O.S. 2021, Section 16-124, is amended to read as follows:

Section 16-124. Any person who intentionally accesses or attempts to access without authorization, ~~or who~~ tampers with or attempts to tamper with, or damages or attempts to damage, any hardware, software, application, network or any part of an election management system, election results tabulation system, voter registration system or other election-related system of the State Election Board or a county election board, shall be deemed guilty of a felony.

SECTION 6. This act shall become effective July 1, 2023.

SECTION 7. 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 21st day of February, 2023.

Presiding Officer of the Senate

Passed the House of Representatives the 24th day of April, 2023.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 25th

day of April, 20 23, at 11:11 o'clock a. M.

By: Turner Curry

Approved by the Governor of the State of Oklahoma this 1st

day of May, 20 23, at 6:46 o'clock p. M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 1st

day of May, 20 23, at 7:15 o'clock P. M.

By: Brian Bingman