

1 ENGROSSED SENATE  
2 BILL NO. 481

By: Rader of the Senate

and

Boatman of the House

3  
4  
5  
6 An Act relating to security of election officials;  
7 amending 21 O.S. 2021, Section 1176, as amended by  
8 Section 4, Chapter 318, O.S.L. 2022 (21 O.S. Supp.  
9 2022, Section 1176), which relates to use of  
10 electronic communication device to threaten or harass  
11 public official; prohibiting certain actions toward  
12 election officials; defining term; modifying  
13 definitions; amending 26 O.S. 2021, Sections 4-115.2,  
14 16-109, 16-113, and 16-124, which relate to  
15 confidentiality of addresses, coercion or  
16 interference with conduct of elections, and tampering  
17 with election systems; adding class of persons  
18 eligible to request confidentiality of address;  
19 prohibiting threats or intimidation toward election  
20 officials; creating misdemeanor offense; specifying  
21 punishment for certain offense; prohibiting false  
22 impersonation of election officials; creating  
23 misdemeanor offense; specifying punishment for  
24 certain offense; prohibiting intentionally causing  
damage to certain election systems; creating felony  
offense; updating statutory language; providing an  
effective date; and declaring an emergency.

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

1 or harass, uses an electronic communication device to knowingly  
2 publish, post or otherwise make publicly available personally  
3 identifiable information of a peace officer, public official,  
4 election official, or crime victim, and as a result places that  
5 peace officer, public official, election official, or crime victim  
6 in reasonable fear of death or serious bodily injury shall, upon  
7 conviction, be guilty of a misdemeanor punishable by imprisonment in  
8 the county jail for a term not to exceed six (6) months, or by a  
9 fine not to exceed One Thousand Dollars (\$1,000.00), or by both such  
10 fine and imprisonment. Upon conviction for a second or subsequent  
11 violation, the person shall be punished by imprisonment in the  
12 county jail for a term not to exceed one (1) year, or by a fine not  
13 to exceed Two Thousand Dollars (\$2,000.00), or by both such fine and  
14 imprisonment.

15 B. As used in this section:

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

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

23 3. "Electronic communication" shall have the same meaning as  
24 ~~that term is~~ defined in Section 1172 of this title. Electronic

1 communication does not include broadcast transmissions or similar  
2 communications that are not targeted at any specific individual;

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

6 ~~4.~~ 5. "Peace officer" shall have the same meaning as that term  
7 is defined in Section 99 of this title;

8 ~~5.~~ 6. "Personally identifiable information" means information  
9 which can identify an individual including, but not limited to,  
10 name, birth date, place of birth, mother's maiden name, biometric  
11 records, Social Security number, official state- or government-  
12 issued driver license or identification number, government passport  
13 number, employer or taxpayer identification number, or any other  
14 information that is linked or linkable to an individual, such as  
15 medical, educational, financial or employment information;

16 ~~6.~~ 7. "Public official" means any person elected or appointed  
17 to a state office in the executive, legislative, or judicial branch  
18 of state government or other political subdivision of the state; and

19 ~~7.~~ 8. "Publish" means to circulate, deliver, distribute,  
20 disseminate, transmit, or otherwise make available to another  
21 person.

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

24

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

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

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

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

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

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

12 B. Any person who, directly or indirectly, utters or addresses  
13 any threat or intimidation to any election official with intent to  
14 improperly influence an election shall be deemed guilty of a  
15 misdemeanor punishable by a fine not to exceed One Thousand Dollars  
16 (\$1,000.00) or by imprisonment in the county jail for a term not to  
17 exceed six (6) months, or by both such fine and imprisonment.

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

20 Section 16-113. A. Any person, including a lawfully appointed  
21 watcher or exit pollster, who interferes with a registered voter who  
22 is attempting to vote, or any person who attempts to influence the  
23 vote of another by means of force or intimidation, or any person who  
24

1 interferes with the orderly and lawful conduct of an election shall  
2 be deemed guilty of a misdemeanor.

3 B. Any person who falsely impersonates an election official or  
4 who, without authority, performs any act reserved to election  
5 officials by law with intent to improperly influence an election  
6 shall be deemed guilty of a misdemeanor punishable by a fine not to  
7 exceed One Thousand Dollars (\$1,000.00) or by imprisonment in the  
8 county jail for a term not to exceed six (6) months, or by both such  
9 fine and imprisonment.

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

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

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

21 SECTION 7. 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.

