

1 **SENATE FLOOR VERSION**

2 February 14, 2023

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 481

By: Rader of the Senate

and

Boatman of the House

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

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

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

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

20 B. As used in this section:

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

23 2. "Election official" means a member or employee of the State
24 Election Board or a county election board, the Secretary of the

1 State Election Board or a county election board, or a person serving
2 as a precinct official or absentee voting board member appointed as
3 required by law;

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

8 ~~3.~~ 4. "Electronic communication device" means any cellular
9 telephone, facsimile, pager, computer, l or any device capable of
10 electronic communication;

11 ~~4.~~ 5. "Peace officer" shall have the same meaning as that term
12 is defined in Section 99 of this title;

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

21 ~~6.~~ 7. "Public official" means any person elected or appointed
22 to a state office in the executive, legislative, l or judicial branch
23 of state government or other political subdivision of the state; and
24

1 ~~7.~~ 8. "Publish" means to circulate, deliver, distribute,
2 disseminate, transmit, or otherwise make available to another
3 person.

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

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

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

22 3. Such address information shall be provided to a candidate or
23 candidate representative or other lawful authority in anticipation
24 or as part of a contest of candidacy or contest of an election as

1 provided for in this title or as part of a petition challenge as
2 provided by law. However, no information concerning the address of
3 a certified Address Confidentiality Program participant shall be
4 released by election officials to any person for any purpose except
5 under court order.

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

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

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

17 B. Any person who, directly or indirectly, utters or addresses
18 any threat or intimidation to any election official with intent to
19 improperly influence an election shall be deemed guilty of a
20 misdemeanor punishable by a fine not to exceed One Thousand Dollars
21 (\$1,000.00) or by imprisonment in the county jail for a term not to
22 exceed six (6) months, or by both such fine and imprisonment.

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

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

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

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

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

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

1 SECTION 7. It being immediately necessary for the preservation
2 of the public peace, health or safety, an emergency is hereby
3 declared to exist, by reason whereof this act shall take effect and
4 be in full force from and after its passage and approval.

5 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY
6 February 14, 2023 - DO PASS AS AMENDED BY CS
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