



1 Board and Chief Information Officer; providing for  
2 codification; and providing an effective date.

3  
4 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

5 SECTION 1. NEW LAW A new section of law to be codified  
6 in the Oklahoma Statutes as Section 3-130 of Title 26, unless there  
7 is created a duplication in numbering, reads as follows:

8 A. The Secretary of the State Election Board shall have the  
9 authority to direct the secretary of a county election board to  
10 conduct a post-election audit of election results, for the purpose  
11 of maintaining the security of the election system by ensuring that  
12 voting devices and software used in a particular election correctly  
13 tabulated votes.

14 B. The method, timing and procedures for conducting a post-  
15 election audit shall be determined by the Secretary of the State  
16 Election Board.

17 C. The secretary of a county election board shall report the  
18 findings of a post-election audit to the Secretary of the State  
19 Election Board, and such report shall be available to the public.

20 D. The Secretary of the State Election Board may promulgate  
21 policies, rules and procedures to implement the requirements of this  
22 section.

23 E. For the purposes of this title, a "post-election audit" is  
24 defined as a manual or electronic examination of a limited number of

1 ballots by a secretary of a county election board or other  
2 authorized election officials following an election. A post-  
3 election audit shall be conducted only at the direction of the  
4 Secretary of the State Election Board and only subject to the  
5 Secretary's previously promulgated policies, rules or procedures.

6 SECTION 2. NEW LAW A new section of law to be codified  
7 in the Oklahoma Statutes as Section 3-131 of Title 26, unless there  
8 is created a duplication in numbering, reads as follows:

9 Subject to available funding, the Secretary of the State  
10 Election Board is authorized to employ such security measures as may  
11 be necessary to protect the voting devices, election system or voter  
12 registration system, and any associated hardware, software or  
13 networks of these systems, from cyber security threats or physical  
14 security threats. The Secretary may promulgate rules and procedures  
15 to implement the requirements of this section.

16 SECTION 3. AMENDATORY 26 O.S. 2011, Section 2-121, is  
17 amended to read as follows:

18 Section 2-121. A. It shall be the mandatory duty of the county  
19 commissioners of each county to furnish, at county expense, in each  
20 county seat a suitable office for the county election board. ~~Said~~  
21 The office shall provide adequate space for storage of election  
22 records and supplies, voting devices, ballot boxes and adequate  
23 space for the exercise of other functions required by law of the  
24 county election board and shall be equipped with suitable furniture

1 and office equipment and a telephone. ~~Said~~ The office shall be  
2 convenient to the public, shall have furniture, furnishings and  
3 fixtures and other equipment comparable to other county offices  
4 within the county, and necessary to the operation of ~~said~~ the  
5 office.

6 B. 1. The county commissioners of each county shall, at county  
7 expense, implement security measures at the county election board  
8 that are equivalent to security measures the county provides to its  
9 other county agencies, in order to ensure the county election board  
10 office is adequately protected from physical intrusions or attacks  
11 and to provide cybersecurity for county-owned computer systems  
12 operated by the county election board.

13 2. County officials shall immediately notify the Secretary of  
14 the State Election Board upon learning of an attempted or successful  
15 physical or cyber attack or intrusion committed against the county  
16 election board.

17 C. To ensure the security of election records, equipment,  
18 computers, software, ballots, supplies and other materials necessary  
19 to conduct elections:

20 1. The county election board shall not share storage space  
21 where ballots, voter registration records or election equipment are  
22 stored with any other county agency unless authorized by the  
23 Secretary of the State Election Board; and

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1        2. No county personnel other than those employed by the county  
2 election board shall be assigned workspace within the physical  
3 offices that are assigned to the county election board.

4        Provided, nothing in this subsection shall prohibit the county  
5 election board office from being located within the county  
6 courthouse or another county-owned building shared by multiple  
7 county agencies, nor shall it restrict the county election board  
8 from utilizing common areas intended for use by multiple county  
9 agencies other than as specifically prohibited in this subsection.

10       D. The Secretary of the State Election Board shall have the  
11 authority to enforce the requirements of, and may promulgate  
12 administrative rules to implement the provisions of, this section.

13       SECTION 4.        AMENDATORY        26 O.S. 2011, Section 7-134, is  
14 amended to read as follows:

15       Section 7-134. The county election board shall not disturb  
16 anything in the transfer case, and the case shall remain sealed and  
17 retained by the secretary of the county election board until opened  
18 by court order or until it is necessary to open same for use at  
19 another election, at which time the ballots shall be destroyed;  
20 provided, however, that in no case shall the ballots be destroyed  
21 until thirty (30) days after the election at which they were cast.

22       Provided, the secretary of the county election board shall be  
23 authorized to open a sealed transfer case for the purpose of  
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1 conducting a post-election audit as described in Section 1 of this  
2 act.

3 SECTION 5. AMENDATORY 26 O.S. 2011, Section 8-110, is  
4 amended to read as follows:

5 Section 8-110. It shall be the duty of the sheriff in each  
6 county to provide security for the ballot boxes or transfer cases  
7 from the time ~~said~~ the ballot boxes or transfer cases are stored by  
8 the county election board following an election until the election  
9 results have been certified or, in the event a recount contest is  
10 filed, until such time as ~~said~~ the ballot boxes or transfer cases  
11 are delivered to the district courtroom. Provided, ballot boxes or  
12 transfer cases may be returned to the custody of the secretary of  
13 the county election board for the purpose of conducting a post-  
14 election audit as described in Section 1 of this act.

15 SECTION 6. AMENDATORY 26 O.S. 2011, Section 16-109, is  
16 amended to read as follows:

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

21 SECTION 7. NEW LAW A new section of law to be codified  
22 in the Oklahoma Statutes as Section 16-124 of Title 26, unless there  
23 is created a duplication in numbering, reads as follows:

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1 Any person who accesses or attempts to access without  
2 authorization, or who tampers with or attempts to tamper with, any  
3 hardware, software, application, network or any part of an election  
4 management system, election results tabulation system, voter  
5 registration system or other election-related system of the State  
6 Election Board or a county election board, shall be deemed guilty of  
7 a felony.

8 SECTION 8. AMENDATORY 26 O.S. 2011, Section 22-101, as  
9 amended by Section 1, Chapter 114, O.S.L. 2013 (26 O.S. Supp. 2018,  
10 Section 22-101), is amended to read as follows:

11 Section 22-101. A. The Secretary of the State Election Board  
12 is authorized to declare an election emergency for any area of the  
13 state ~~if it becomes impossible to conduct one or more elections~~  
14 ~~using voting devices or~~ in the event that a one or more of the  
15 following circumstances has occurred or is imminent, and such  
16 circumstances could make substantial compliance with state and  
17 federal election laws impossible or unreasonable, or could disrupt  
18 voter registration, voting, the tabulation of votes or the  
19 certification of election results:

20 1. A national or local emergency, either natural or manmade,  
21 ~~makes substantial compliance with state and federal election laws~~  
22 ~~impossible or unreasonable;~~

23 2. Interference with election technology or election computer  
24 systems or networks;

1       3. A physical attack or physical threat to polling places,  
2 election offices, election officials or voters;

3       4. A security threat verified by federal or state security  
4 officials;

5       5. A criminal threat or activity verified by federal, state or  
6 local law enforcement officials; or

7       6. A major failure of voting hardware, software or computer  
8 systems or networks.

9       The declaration must be made in writing and must specify the  
10 county or counties, election or elections and dates covered by the  
11 emergency.

12       B. The Secretary of the State Election Board ~~and the Adjutant~~  
13 ~~General~~ shall coordinate with the Oklahoma National Guard, the State  
14 Chief Information Officer, the Office of Emergency Management, the  
15 Oklahoma Office of Homeland Security and such other federal or state  
16 security officials the Secretary deems appropriate, to develop a  
17 contingency plan for a major election emergency. ~~The plan shall be~~  
18 ~~developed not later than January 1, 2014, and shall be updated~~  
19 ~~thereafter as deemed necessary by the Secretary and the Adjutant~~  
20 ~~General. The plan shall provide procedures for the Secretary to~~

21       C. The Secretary of the State Election Board may request the  
22 assistance of the Oklahoma National Guard in the conduct of an  
23 election during a declared election emergency, upon approval of the  
24 Governor. Such assistance shall not be deemed to be in violation of



1 the provisions of Section 16-113 of this title or Section 4 of  
2 Article II or Section 5 of Article III of the Oklahoma Constitution.

3 ~~C.~~ D. The Secretary of the State Election Board is authorized  
4 to promulgate rules and procedures for elections conducted under a  
5 an election emergency declaration consistent with purposes of state  
6 and federal election laws.

7 SECTION 9. AMENDATORY 51 O.S. 2011, Section 24A.28, as  
8 last amended by Section 1, Chapter 231, O.S.L. 2016 (51 O.S. Supp.  
9 2018, Section 24A.28), is amended to read as follows:

10 Section 24A.28. A. The following information may be kept  
11 confidential:

12 1. Investigative evidence of a plan or scheme to commit an act  
13 of terrorism;

14 2. Assessments of the vulnerability of government facilities or  
15 public improvements to an act of terrorism and work papers directly  
16 related to preparing the assessment of vulnerability;

17 3. Records including details for deterrence or prevention of or  
18 protection from an act or threat of an act of terrorism;

19 4. Records including details for response or remediation after  
20 an act of terrorism;

21 5. Information technology of a public body or public official  
22 but only if the information specifically identifies:

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- a. design or functional schematics that demonstrate the relationship or connections between devices or systems,
- b. system configuration information,
- c. security monitoring and response equipment placement and configuration,
- d. specific location or placement of systems, components or devices,
- e. system identification numbers, names, or connecting circuits,
- f. business continuity and disaster planning, or response plans, or
- g. investigative information directly related to security penetrations or denial of services;

6. Investigation evidence of an act of terrorism that has already been committed;

7. Records received, maintained or generated by the Oklahoma Office of Homeland Security which include confidential private business information or an individual's private records;

8. Records received by the Oklahoma Office of Homeland Security from the United States Department of Homeland Security or records maintained or generated by the Oklahoma Office of Homeland Security involving the United States Department of Homeland Security;

1           9. Records received, maintained or generated by the Department  
2 of Environmental Quality that contain information regarding sources  
3 of radiation in quantities determined by the United States Nuclear  
4 Regulatory Commission to be significant to public health and safety,  
5 by whomever possessed, whether in transit or at fixed sites, when  
6 the information could reasonably be expected to have an adverse  
7 effect on the health and safety of the public by increasing the  
8 likelihood of theft, diversion or sabotage of the radiation sources  
9 or facilities. The information may include but is not limited to  
10 information:

- 11           a. from or relating to radioactive material licensees  
12           identifying the exact location of the radioactive  
13           material,
- 14           b. describing how the radioactive material is secured  
15           from unauthorized removal or access when it is in  
16           storage,
- 17           c. describing the control and maintenance of constant  
18           surveillance of the radioactive material when it is  
19           not in storage,
- 20           d. describing specific policies and procedures for  
21           actions to physically protect the radioactive  
22           material,
- 23           e. identifying possession limits or actual inventories of  
24           radionuclides,

- f. containing or describing assessments or analyses that could reveal vulnerabilities,
- g. identifying specific locations of safety and security equipment,
- h. describing emergency planning, emergency response and fire protection, and
- i. containing or describing other information that could reasonably be expected to be useful to persons with malevolent intent; ~~and~~

10. The names of school district personnel who have been designated to carry a firearm pursuant to Section 5-149.2 of Title 70 of the Oklahoma Statutes; and

11. Information technology of the State Election Board or a county election board which is determined jointly by the Secretary of the State Election Board and the State Chief Information Officer to be technology that could reasonably be expected to be useful to persons with intent to interfere with the conduct of an election, voter registration or other election processes.

B. The following information shall not be kept confidential:

1. Records related to federal grants administered by the Oklahoma Office of Homeland Security or the Department of Environmental Quality;

2. Records related to the receipt and expenditure of public funds; or

1 3. Records related to the financial performance or financial  
2 administration of the Oklahoma Office of Homeland Security or the  
3 Department of Environmental Quality.

4 C. For the purposes of this section, the term "terrorism" means  
5 any act encompassed by the definitions set forth in Section 1268.1  
6 of Title 21 of the Oklahoma Statutes.

7 D. 1. Public educational institutions may keep confidential  
8 campus security plans. An institution or agency may in its  
9 discretion release information contained in or related to the campus  
10 security plan in order to design or implement the plan.

11 2. Nothing in this subsection shall preclude an institution or  
12 agency within The Oklahoma State System of Higher Education from  
13 collecting and releasing information relating to campus crime  
14 statistics and campus security policies as is required pursuant to  
15 the Jeanne Clery Disclosure of Campus Security Policy and Campus  
16 Crime Statistics Act, 20 U.S.C. 1092(f).

17 3. For purposes of this subsection, "campus security plan"  
18 shall include, but is not limited to, prevention and response  
19 procedures to and notification procedures for perceived or actual  
20 security threats and incidents on or impacting the campus.

21 SECTION 10. This act shall become effective November 1, 2019.

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23 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 03/26/2019 - DO PASS.  
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