



E. SCOTT PRUITT
ATTORNEY GENERAL

November 1, 2012

Secretary Paul Ziriaux
Oklahoma State Election Board
2300 N. Lincoln Blvd.
State Capitol, Room B-6
Oklahoma City, OK 73105

Dear Secretary,

It has come to my attention that a foreign observation group, the Organization for Security and Cooperation in Europe, Office for Democratic Institutions and Human Rights, ("OSCE"), has been invited by U.S. Secretary of State Hillary Clinton to observe voting within Oklahoma precincts during the upcoming general election. The stated mission of the OSCE in the general election is to observe voting in polling places within the various states, and to observe redistricting, voting rights, voter registration, voter ID, new voting techniques, campaign finance and media influences.

Additional information on the potential observation has been provided by the National Association of Secretaries of State (NASS). NASS has encouraged states to cooperate with OSCE election observers "where allowed by state law."

Though it is my understanding OSCE election observers will not be in Oklahoma on November 6th, I felt it important to provide guidance on allowed observation of elections as provided under state law in light of the multiple inquires we have received.

The Oklahoma Election Code, 26 O.S. §1-101 et seq., contains very specific provisions regarding the persons who are authorized by law to be inside the precincts, within 50 feet of a voting booth, within the voting enclosure while voting is in progress and during the counting process. Specific provisions provide for the limited presence of pollsters, watchers and reporters, but there are no such provisions for foreign observation groups.

According to 26 O.S. § 7-108, no person or persons, except election officials and other persons authorized by law, shall be allowed "*within fifty (50) feet of any ballot box while an election is*

in progress.” (26 O.S. § 7-108). “At no time during the hours of voting shall any person, other than the election officials and other persons authorized by law, be allowed inside the election enclosure except for one registered voter in each voting booth and one other registered voter for each voting booth.” (26 O.S. § 7-112).

“Any person ... except election officials and other persons authorized by law who remains within fifty (50) feet of any ballot box while an election is in progress shall be deemed guilty of a misdemeanor.” (26 O.S. § 16-111). And finally, “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.” (26 O.S. § 16-113). Under Oklahoma law, persons guilty of a misdemeanor under the Oklahoma Election Code may be subject to a fine of \$10,000 or confinement in the county jail up to one year or both. (26 O.S. § 16-110).

Please feel free to distribute the above guidance as needed to county election boards and to those officials working at the precincts. My office stands ready to assist as needed.

Sincerely,

A handwritten signature in black ink, appearing to read "E. Scott Pruitt". The signature is stylized with a large, sweeping flourish that extends across the top of the signature area.

E. Scott Pruitt