

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 59th Legislature (2024)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 3294

By: Lepak

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9 COMMITTEE SUBSTITUTE

10 An Act relating to elections; amending Section 1,
11 Chapter 194, O.S.L. 2022, as amended by Section 1,
12 Chapter 80, O.S.L. 2023 (26 O.S. Supp. 2023, Section
13 7-139), which relates to the Prohibit the Private
14 Funding of Elections Act; adding prohibitions;
15 requiring disclosure of certain memberships;
16 prohibiting election officials from certain
17 memberships; and providing an effective date.

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

19 SECTION 1. AMENDATORY Section 1, Chapter 194, O.S.L.
20 2022, as amended by Section 1, Chapter 80, O.S.L. 2023 (26 O.S.
21 Supp. 2023, Section 7-139), is amended to read as follows:

22 Section 7-139. A. This act shall be known and may be cited as
23 the "Prohibit the Private Funding of Elections Act".

24 B. As used in this section:

1 1. "Person" means any individual, proprietorship, firm,
2 partnership, joint venture, syndicate, labor union, business trust,
3 company, association, committee, corporation, whether or not
4 operated for profit, or any other organization or group of persons
5 acting in concert, or any other nongovernmental third-party entity;
6 and

7 2. "Public funds" means funds derived from taxes, fees,
8 including candidate filing fees, and other sources of public revenue
9 lawfully appropriated or expended by Congress, the Legislature, or
10 any other governmental entity, or funds from an entity that is
11 authorized to pay for an election pursuant to state law.

12 C. 1. All costs and expenses of conducting and administering
13 elections shall be paid for with public funds; provided nothing in
14 this section shall apply to franchise elections described in
15 Sections 5(a) and 5(b) of Article XVIII of the Oklahoma
16 Constitution.

17 2. No government official or election official shall solicit,
18 take, or otherwise accept from any person, any contribution,
19 donation, or anything else of value for purposes of conducting or
20 administering any election pursuant to the provisions of this
21 title, including services or funds, which may or may not be credits,
22 offsets, or other inducements, directly offered from a membership
23 organization of which the government official or election official
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1 is a member, for the purposes of conducting and administrating
2 elections.

3 3. No person shall offer or provide any contribution, donation,
4 or anything else of value for purposes of conducting or
5 administrating any election pursuant to the provisions of this
6 title, including services or funds, which may or may not be credits,
7 offsets, or other inducements, directly offered to a membership
8 organization of which the government official or election official
9 is a member, for the purposes of conducting and administrating
10 elections.

11 D. 1. For the purposes of this section, the following shall
12 not be considered a contribution, donation, or thing of value:

- 13 a. providing space or property for use as a polling place
14 or in-person absentee voting site at no charge or at a
15 below-market cost,
- 16 b. persons who volunteer their labor as precinct
17 officials, absentee voting board members, or as
18 election workers,
- 19 c. persons who volunteer their labor to assist the county
20 election board or the State Election Board during
21 candidate filing, on Election Day, during in-person
22 absentee voting, or at other times,

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- 1 d. food or beverage items of nominal value provided to
2 precinct officials, absentee voting board members, or
3 election officials,
4 e. items of nominal value including, but not limited to,
5 pens, sanitizer and cleaning supplies, or
6 f. airing or publication of public service announcements
7 or press releases issued by the State Election Board
8 or a county election board.

9 2. Donations not directly related to the administration of
10 elections, may be accepted by the Secretary of the State Election
11 Board or secretary of the county election board only upon written
12 approval by the Governor and written notification sent to the
13 Speaker of the Oklahoma House of Representatives and President Pro
14 Tempore of the Oklahoma State Senate.

15 E. Any election official who, in his or her official capacity,
16 joins any membership organization, or who utilizes public funds to
17 pay membership dues to any membership organization, shall disclose
18 such membership on the website for the election official's agency.
19 In the event the election official's agency does not have a website,
20 a notice of such membership shall be displayed conspicuously in a
21 public area of the agency's office.

22 F. No election official in his or her official capacity shall
23 join any membership organization that uses private funds for the
24 purposes of conducting and administrating elections.

1 G. A willful and intentional violation of this act shall be
2 punishable as follows:

3 1. A first violation shall constitute a misdemeanor and, upon
4 conviction, be punishable by a fine not to exceed Five Thousand
5 Dollars (\$5,000.00).

6 2. A second violation shall constitute a misdemeanor and, upon
7 conviction, be punishable by a fine not to exceed Ten Thousand
8 Dollars (\$10,000.00).

9 3. A third or any subsequent violation shall constitute a
10 felony and, upon conviction, be punishable by a fine not to exceed
11 Fifty Thousand Dollars (\$50,000.00), or by imprisonment in the
12 custody of the Department of Corrections for a term of not less than
13 two (2) years nor more than five (5) years, or by both such fine and
14 imprisonment.

15 SECTION 2. This act shall become effective November 1, 2024.

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17 COMMITTEE REPORT BY: COMMITTEE ON ELECTIONS AND ETHICS, dated
18 02/28/2024 - DO PASS, As Amended.

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