

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 HOUSE BILL 2504

By: Lepak

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5  
6 AS INTRODUCED

7 An Act relating to elections; creating the Federal  
8 Election Communications Transparency Act of 2023;  
9 stating purpose; defining term; providing for notice  
10 requirement; providing for method of notice;  
11 providing penalty; creating the Unlawful  
12 Federalization of Elections Act of 2023; stating  
13 purpose; defining term; providing for notice  
14 requirement; prohibiting implementation of federal  
15 election guidance without legislative approval;  
16 providing penalty; creating the State Oversight of  
17 Election Funding Act of 2023; stating purpose;  
18 defining term; providing for notice requirement;  
19 prohibiting acceptance or disbursement of federal  
20 election funds without legislative approval;  
21 providing penalty; providing for codification; and  
22 providing an effective date.

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

24 SECTION 1. NEW LAW A new section of law to be codified  
in the Oklahoma Statutes as Section 3-401 of Title 26, unless there  
is created a duplication in numbering, reads as follows:

A. Section 1 of this act shall be known and may be cited as the  
"Federal Election Communications Transparency Act of 2023".

1 B. The purpose of this section is to ensure that the Governor  
2 and State Legislature are made aware of all communications made or  
3 provided to state agencies or entities responsible for overseeing  
4 elections, by the United States Department of Justice or any other  
5 federal executive branch agency, related to elections or voting, to  
6 enable the state to respond as needed to ensure state agencies are  
7 not being unduly coerced by the federal executive branch to  
8 potentially violate state law, especially laws related to times,  
9 places, and manner of elections, responsibility for which the  
10 Constitution gives to the state legislatures.

11 C. As used in this section, "communication" means any official  
12 federal directive or guidance directly provided by telephonic or  
13 electronic means, through the mail, or through in-person contact,  
14 pertaining to elections including the times, places, and manner for  
15 carrying out elections in this state to the Secretary of the State  
16 Election Board or the secretary of a county election board that is  
17 received on or after the date this act is signed into law. This  
18 includes, but is not limited to, any official guidance issued by the  
19 Department of Justice or employee thereof, or any other federal  
20 executive agency or employee thereof related to new or existing  
21 voting or election laws or procedures.

22 D. The Secretary of the State Election Board, the secretary of  
23 a county election board, or any state agency, whether that agency is  
24 involved in the administration of elections or not, that receives an

1 official communication from the United States Department of Justice  
2 or any other federal executive branch agency related to new or  
3 existing voting or election laws shall provide notice to the  
4 Governor, the Speaker of the Oklahoma House of Representatives, and  
5 the President Pro Tempore of the Oklahoma State Senate within ten  
6 (10) business days of receiving the communication.

7 E. The notice requirement provided in subsection D of this  
8 section shall be presumed to have been met based on the post-marked  
9 date on the letters sent to the Governor, Speaker of the Oklahoma  
10 House of Representatives, and the Speaker Pro Tempore of the  
11 Oklahoma State Senate through certified mail, outlining the  
12 communication received or sent.

13 F. A willful and intentional violation of the requirements of  
14 this section shall be deemed a misdemeanor as provided in Section  
15 16-114 of Title 26 of the Oklahoma Statutes.

16 SECTION 2. NEW LAW A new section of law to be codified  
17 in the Oklahoma Statutes as Section 3-402 of Title 26, unless there  
18 is created a duplication in numbering, reads as follows:

19 A. Section 2 of this act shall be known and may be cited as the  
20 "Unlawful Federalization of Elections Act of 2023".

21 B. The purpose of this section is to ensure that all new  
22 federal election guidance has been properly reviewed by the State  
23 Legislature before it is carried out to ensure it is lawful and to  
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1 provide the state with an opportunity to challenge the guidance in  
2 court to protect state elections.

3 C. As used in this section, "new federal election guidance"  
4 means any official federal directive or guidance pertaining to  
5 elections including the times, places, and manner for carrying out  
6 elections that is directly provided to the Secretary of the State  
7 Election Board or the secretary of a county election board that is  
8 received on or after the date this act is signed into law. This  
9 includes, but is not limited to, any guidance issued by the United  
10 States Department of Justice or any other federal executive agency  
11 related to new or existing voting or election laws or procedures.

12 D. If the Secretary of the State Election Board or the  
13 secretary of the county election board intends to implement any new  
14 federal election guidance contrary to existing state law, he or she  
15 must provide notice to the Governor, Speaker of the Oklahoma House  
16 of Representatives and the President Pro Tempore of the Oklahoma  
17 State Senate of his or her intent to do so at least thirty (30) days  
18 before implementing the guidance.

19 E. The Secretary of the State Election Board or the secretary  
20 of the county election board shall not implement any federal  
21 directive or guidance contrary to state law without an explicit  
22 state or federal legal requirement to do so, including an order by a  
23 court of proper jurisdiction, or prior approval of the State  
24 Legislature.

1 F. A willful and intentional violation of the requirements of  
2 this section shall be deemed a misdemeanor as provided in Section  
3 16-114 of Title 26 of the Oklahoma Statutes.

4 SECTION 3. NEW LAW A new section of law to be codified  
5 in the Oklahoma Statutes as Section 3-403 of Title 26, unless there  
6 is created a duplication in numbering, reads as follows:

7 A. Section 3 of this act shall be known and may be cited as the  
8 "State Oversight of Election Funding Act of 2023".

9 B. The purpose of this section is to ensure that all election  
10 funding is approved by the State Legislature before it is accepted  
11 or disbursed to ensure it is allocated fairly and in a manner that  
12 will promote the State Legislature's goal of facilitating free and  
13 fair elections.

14 C. As used in this section, "new federal election funds" means  
15 any federal funds received by the Secretary of the State Election  
16 Board or the secretary of the county election board on or after the  
17 effective date of this act. Nothing in this section shall be  
18 construed to pertain to funding provided under the Help America Vote  
19 Act or any other federal funding that is authorized to be accepted  
20 by state law or already possesses an explicit state or federal legal  
21 requirement related to its acceptance and disbursement as of the  
22 effective date of this act.

23 D. If the Secretary of the State Election Board or the  
24 secretary of the county election board intends to accept or disburse

1 new federal election funds, he or she must provide notice to the  
2 Speaker of the Oklahoma House of Representatives and the President  
3 Pro Tempore of the Oklahoma State Senate of his or her intent to do  
4 so at least thirty (30) days before accepting the funds.

5 E. All new federal election funds must be approved by the State  
6 Legislature before they may be accepted or disbursed by the  
7 Secretary of the State Election Board or the secretary of the county  
8 election board unless explicitly required by state or federal law.

9 F. A willful and intentional violation of the requirements of  
10 this section shall be deemed a misdemeanor as provided in Section  
11 16-114 of Title 26 of the Oklahoma Statutes.

12 SECTION 4. This act shall become effective November 1, 2023.

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