

1 A. Section 1 of this act shall be known and may be cited as the
2 "Federal Election Communications Transparency Act of 2023".
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4 B. The purpose of this section is to ensure that the Governor
5 and State Legislature are made aware of all communications made or
6 provided to state agencies or entities responsible for overseeing
7 elections, by the United States Department of Justice or any other
8 federal executive branch agency, related to elections or voting, to
9 enable the state to respond as needed to ensure state agencies are
10 not being unduly coerced by the federal executive branch to
11 potentially violate state law, especially laws related to times,
12 places, and manner of elections, responsibility for which the
13 Constitution gives to the state legislatures.

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

1 D. The Secretary of the State Election Board, the secretary of
2 a county election board, or any state agency, whether that agency is
3 involved in the administration of elections or not, that receives an
4 official communication from the United States Department of Justice
5 or any other federal executive branch agency related to new or
6 existing voting or election laws shall provide notice to the
7 Governor, the Speaker of the Oklahoma House of Representatives, and
8 the President Pro Tempore of the Oklahoma State Senate within ten
9 (10) business days of receiving the communication.

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

16 F. A willful and intentional violation of the requirements of
17 this section shall be deemed a misdemeanor as provided in Section
18 16-114 of Title 26 of the Oklahoma Statutes.

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

22 A. Section 2 of this act shall be known and may be cited as the
23 "Unlawful Federalization of Elections Act of 2023".
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1 B. The purpose of this section is to ensure that all new
2 federal election guidance has been properly reviewed by the State
3 Legislature before it is carried out to ensure it is lawful and to
4 provide the state with an opportunity to challenge the guidance in
5 court to protect state elections.

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

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

22 E. The Secretary of the State Election Board or the secretary
23 of the county election board shall not implement any federal
24 directive or guidance contrary to state law without an explicit

1 state or federal legal requirement to do so, including an order by a
2 court of proper jurisdiction, or prior approval of the State
3 Legislature.

4 F. A willful and intentional violation of the requirements of
5 this section shall be deemed a misdemeanor as provided in Section
6 16-114 of Title 26 of the Oklahoma Statutes.

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

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

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

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

3 D. If the Secretary of the State Election Board or the
4 secretary of the county election board intends to accept or disburse
5 new federal election funds, he or she must provide notice to the
6 Speaker of the Oklahoma House of Representatives and the President
7 Pro Tempore of the Oklahoma State Senate of his or her intent to do
8 so at least thirty (30) days before accepting the funds.

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

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

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18 COMMITTEE REPORT BY: COMMITTEE ON ELECTIONS AND ETHICS, dated
19 02/22/2023 - DO PASS, As Coauthored.
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