

1 ENGROSSED HOUSE
2 BILL NO. 2504

By: Lepak and McDugle of the
House

3 and

4 Bergstrom of the Senate

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8 An Act relating to elections; prohibiting
9 implementation of federal election guidance without
10 legislative approval; providing for notice
11 requirement; providing for method of notice;
12 providing exception; providing penalty; defining
13 term; requiring new federal funds be approved by
14 Legislature; requiring publishing of funds possessed
15 by the State Election Board; providing penalty;
16 providing for codification; providing an effective
17 date; and declaring an emergency.

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

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

22 A. The Secretary of the State Election Board or the secretary
23 of a county election board shall not implement any new official
24 directive or guidance issued by a federal agency without prior
approval of the State Legislature. Provided, if the Legislature is
not in session when such a directive or guidance is received, it may

1 be implemented upon the written approval of the Speaker of the
2 Oklahoma House of Representatives and the President Pro Tempore of
3 the Oklahoma State Senate.

4 B. 1. The Secretary of the State Election Board, or the
5 secretary of a county election board, or the director of any agency
6 of this state, shall provide written notice to the Governor, the
7 Speaker of the Oklahoma House of Representatives, the President Pro
8 Tempore of the Oklahoma State Senate, and the Attorney General of
9 the following:

10 a. any new official directive or guidance pertaining to
11 the administration of elections or voter registration.
12 This shall apply to new directives or guidance from
13 the United States Department of Justice or any other
14 federal executive agency that is provided directly to
15 the Secretary of the State Election Board, or the
16 secretary of a county election board, or the director
17 of any agency of this state. The written notice shall
18 be provided within ten (10) business days from the
19 date it is received.

20 b. if the Secretary of the State Election Board, or the
21 secretary of a county election board, intends to
22 implement any new federal election directive or
23 guidance due to an order by a court of appropriate
24 jurisdiction, the secretary shall provide written

1 notice to the Governor, the Speaker of the Oklahoma
2 House of Representatives, the President Pro Tempore of
3 the Oklahoma State Senate, and the Attorney General.
4 Such notice shall include a description of the legal
5 basis for the implementation.

6 2. Nothing in this subsection shall be construed to require the
7 Secretary of the State Election Board or the secretary of a county
8 election board to provide notice about threat or intelligence
9 information that is marked classified, confidential, sensitive or
10 otherwise restricted, or if providing such a notice would be a
11 violation of federal or state law.

12 C. The Secretary of the State Election Board, or the secretary
13 of a county election board, shall provide written notice to the
14 Governor, the Speaker of the Oklahoma House of Representatives, the
15 President Pro Tempore of the Oklahoma State Senate, and the Attorney
16 General of any litigation filed against the State Election Board or
17 a county election board, or of any official threat of litigation, by
18 the United States Department of Justice or any other federal
19 executive agency pertaining to state election laws duly enacted by
20 the Legislature within ten (10) business days from the date a
21 complaint is received.

22 D. A willful and intentional violation of the requirements of
23 this section shall be deemed a misdemeanor as provided in Section
24 16-114 of Title 26 of the Oklahoma Statutes.

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

4 A. 1. As used in this section, "new federal election funds"
5 means any federal grant, appropriation by the United States
6 Congress, or other federal funds that are eligible to be received by
7 the Secretary of the State Election Board or the secretary of a
8 county election board on or after the effective date of this act.

9 2. Provided, "new federal election funds" shall not mean
10 funding or grants provided under the Help America Vote Act, other
11 federal funding or grants are authorized to be accepted by state
12 law, or any Cybersecurity or Physical Security subgrants provided by
13 the Oklahoma Department of Emergency Management and Homeland
14 Security.

15 B. Except as provided in paragraph 2 of subsection A of this
16 section, all new federal election funds must be approved by the
17 State Legislature before they may be accepted or used by the
18 Secretary of the State Election Board or the secretary of a county
19 election board. Provided, if the Legislature is not in session when
20 new federal election funds become available, new federal election
21 funds may be accepted upon the written approval of the Speaker of
22 the Oklahoma House of Representatives, the President Pro Tempore of
23 the Oklahoma State Senate, the chair of the Senate Appropriations
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1 Committee, and the chair of the House of Representatives
2 Appropriations and Budget Committee.

3 C. No later than December 31, 2023, and each year thereafter,
4 the Secretary of the State Election Board shall publish on the State
5 Election Board's website the balance of all federal funds possessed
6 by the State Election Board and a description of the source of those
7 funds. Provided, in the event that December 31 of any year falls on
8 a weekend or an official state holiday, such information shall be
9 published no later than the next business day.

10 D. A willful and intentional violation of the requirements of
11 this section shall be deemed a misdemeanor as provided in Section
12 16-114 of Title 26 of the Oklahoma Statutes.

13 SECTION 3. This act shall become effective July 1, 2023.

14 SECTION 4. It being immediately necessary for the preservation
15 of the public peace, health or safety, an emergency is hereby
16 declared to exist, by reason whereof this act shall take effect and
17 be in full force from and after its passage and approval.

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1 Passed the House of Representatives the 21st day of March, 2023.

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4 Presiding Officer of the House
of Representatives

5 Passed the Senate the ____ day of _____, 2023.

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9 Presiding Officer of the Senate