

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 COMMITTEE SUBSTITUTE
FOR
4 HOUSE BILL NO. 1120

By: Lepak

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7 COMMITTEE SUBSTITUTE

8 An Act relating to elections; prohibiting
9 implementation of federal election guidance without
legislative approval; providing for notice
requirement; providing for method of notice;
10 providing exception; defining term; requiring new
federal funds be approved by the State Legislature;
11 requiring publishing of funds possessed by the State
Election Board; amending 26 O.S. 2021, Section 16-
12 114, which relates to failure to perform duty;
extending penalty to State Election Board; providing
13 for codification; and providing an effective date.

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

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

20 A. The Secretary of the State Election Board or the secretary
21 of a county election board shall not implement any new official
22 directive or guidance related to election administration or voter
23 registration issued by a federal agency without prior approval of
24 the State Legislature. Provided, if the Legislature is not in

1 session when such a directive or guidance is received, it may be
2 implemented upon the written approval of the Speaker of the Oklahoma
3 House of Representatives and the President Pro Tempore of the
4 Oklahoma State Senate.

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

11 a. any new official directive or guidance pertaining to
12 the administration of elections or voter registration.

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

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

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

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

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

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 funding

10 or grants provided under the Help America Vote Act, other federal
11 funding or grants are authorized to be accepted by state law, or any
12 Cybersecurity or Physical Security subgrants provided by the
13 Oklahoma Office of Homeland Security.

14 B. Except as provided in paragraph 2 of subsection A of this

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

1 C. No later than January 15, 2026, and each year thereafter,
2 the Secretary of the State Election Board shall publish on the State
3 Election Board's website the balance of all federal funds possessed
4 by the State Election Board for the previous two (2) years and a
5 description of the source of those funds. Provided, in the event
6 that January 15 of any year falls on a weekend or an official state
7 holiday, such information shall be published the next business day.

8 SECTION 3. AMENDATORY 26 O.S. 2021, Section 16-114, is
9 amended to read as follows:

10 Section 16-114. Any member or employee of the State Election
11 Board, a county election board, absentee voting board or any
12 precinct official who willfully fails to perform his or her lawful
13 duty shall be deemed guilty of a misdemeanor.

14 SECTION 4. This act shall become effective January 1, 2026.
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