

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 1120

By: Lepak

6 AS INTRODUCED

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

12  
13  
14 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

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

1      Oklahoma House of Representatives and the President Pro Tempore of  
2      the Oklahoma State Senate.

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

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

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

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

House of Representatives, the President Pro Tempore of  
the Oklahoma State Senate, and the Attorney General.

Such notice shall include a description of the legal basis for the implementation.

2. Nothing in this subsection shall be construed to require the

Secretary of the State Election Board or the secretary of a county election board to provide notice about threat or intelligence information that is marked classified, confidential, sensitive or otherwise restricted, or if providing such a notice would be a violation of federal or state law.

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

D. A willful and intentional violation of the requirements of this section shall be deemed a misdemeanor as provided in Section 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

24

1 Committee, and the Chair of the House of Representatives  
2 Appropriations and Budget Committee.

3 C. No later than December 31, 2025, 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, 2025.

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.

18  
19 60-1-10299 MJ 11/22/24  
20  
21  
22  
23  
24