

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

HOUSE BILL 1120

By: Lepak

AS INTRODUCED

An Act relating to elections; prohibiting implementation of federal election guidance without 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 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.

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

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. The Secretary of the State Election Board or the secretary of a county election board shall not implement any new official 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 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

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

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

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

21 D. A willful and intentional violation of the requirements of
22 this section shall be deemed a misdemeanor as provided in Section
23 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

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

C. No later than December 31, 2025, and each year thereafter,
the Secretary of the State Election Board shall publish on the State
Election Board's website the balance of all federal funds possessed
by the State Election Board and a description of the source of those
funds. Provided, in the event that December 31 of any year falls on
a weekend or an official state holiday, such information shall be
published no later than the next business day.

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.

SECTION 3. This act shall become effective July 1, 2025.

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

60-1-10299 MJ 11/22/24