

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 59th Legislature (2023)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2682

By: Lepak

7 COMMITTEE SUBSTITUTE

8 An Act relating to elections; amending Section 1,
9 Chapter 194, O.S.L. 2022 (26 O.S. Supp. 2022, Section
10 7-139), which relates to the Prohibit the Private
11 Funding of Elections Act; prohibiting the
12 contribution, donation, or anything of value for
13 purposes of conducting an election; providing
14 exceptions; modifying penalties; and providing an
15 effective date.

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

17 SECTION 1. AMENDATORY Section 1, Chapter 194, O.S.L.
18 2022 (26 O.S. Supp. 2022, Section 7-139), is amended to read as
19 follows:

20 Section 7-139. A. This act shall be known and may be cited as
21 the "Prohibit the Private Funding of Elections Act".

22 B. As used in this section:

23 1. "Person" means any individual, proprietorship, firm,
24 partnership, joint venture, syndicate, labor union, business trust,
company, association, committee, corporation, whether or not
operated for profit, or any other organization or group of persons

1 acting in concert, or any other nongovernmental third-party entity;
2 and

3 2. "Public funds" means funds derived from taxes, fees,
4 including candidate filing fees, and other sources of public revenue
5 lawfully appropriated or expended by Congress, the Legislature, or
6 any other governmental entity, or funds from an entity that is
7 authorized to pay for an election pursuant to state law.

8 C. 1. All costs and expenses of conducting and administering
9 elections shall be paid for with public funds; provided nothing in
10 this section shall apply to franchise elections described in
11 Sections 5(a) and 5(b) of Article XVIII of the Oklahoma
12 Constitution.

13 2. No government official or election official shall solicit,
14 take, or otherwise accept from any person, any contribution,
15 donation, or anything else of value for purposes of conducting or
16 administering any election pursuant to the provisions of ~~Title 26~~
17 ~~of the Oklahoma Statutes; provided, donations~~ this title.

18 3. No person shall offer or provide any contribution, donation,
19 or anything else of value for purposes of conducting or
20 administering any election pursuant to the provisions of this
21 title.

22 D. 1. For the purposes of this section, the following shall
23 not be considered a contribution, donation, or thing of value:
24

- 1 a. providing space or property for use as a polling place
2 or in-person absentee voting site at no charge or at a
3 below-market cost,
- 4 b. persons who volunteer their labor as precinct
5 officials, absentee voting board members, or as
6 election workers,
- 7 c. persons who volunteer their labor to assist the county
8 election board or the State Election Board during
9 candidate filing, on Election Day, during in-person
10 absentee voting, or at other times,
- 11 d. persons who serve as unpaid interns or who volunteer
12 their labor to receive community service credit or
13 school credit,
- 14 e. food or beverage items provided to precinct officials,
15 absentee voting board members, or election officials,
- 16 f. items of nominal value including, but not limited to,
17 pens, sanitizer and cleaning supplies, or
- 18 g. airing or publication of public service announcements
19 or press releases issued by the State Election Board
20 or a county election board.

21 2. Donations or contributions of a substantial value, but not
22 directly related to the administration of elections, may be accepted
23 by the Secretary of the State Election Board or secretary of the
24 county election board only upon written approval by the Governor and

1 written notification sent to the Speaker of the Oklahoma House of
2 Representatives and President Pro Tempore of the Oklahoma State
3 Senate.

4 ~~D. Any person's~~

5 E. A willful and intentional violation of the this act shall be
6 punishable as follows:

7 1. A first violation ~~of this act~~ shall constitute a misdemeanor
8 and, upon conviction, be punishable by a fine not to exceed Five
9 Thousand Dollars (\$5,000.00).

10 2. A second violation ~~of this act~~ shall constitute a
11 misdemeanor and, upon conviction, be punishable by a fine not to
12 exceed Ten Thousand Dollars (\$10,000.00).

13 3. A third or any subsequent violation ~~of this act~~ shall
14 constitute a felony and, upon conviction, be punishable by a fine
15 not to exceed Fifty Thousand Dollars (\$50,000.00), or by
16 imprisonment in the custody of the Department of Corrections for a
17 term of not less than two (2) years nor more than five (5) years, or
18 by both such fine and imprisonment.

19 SECTION 2. This act shall become effective November 1, 2023.

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21 COMMITTEE REPORT BY: COMMITTEE ON ELECTIONS AND ETHICS, dated
22 03/01/2023 - DO PASS, As Amended.

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