

1 **SENATE FLOOR VERSION**

2 April 4, 2023

3 ENGROSSED HOUSE
4 BILL NO. 2682

By: Lepak and O'Donnell of the
House

5 and

6 Daniels of the Senate

7
8
9 An Act relating to elections; amending 26 O.S. 2021,
10 Section 7-139, as amended by Section 1, Chapter 194,
11 O.S.L. 2022 (26 O.S. Supp. 2022, Section 7-139),
12 which relates to the Prohibit the Private Funding of
13 Elections Act; prohibiting the contribution,
14 donation, or anything of value for purposes of
15 conducting an election; providing exceptions;
16 modifying penalties; and providing an effective date.

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

18 SECTION 1. AMENDATORY 26 O.S. 2021, Section 7-139, as
19 amended by Section 1, Chapter 194, O.S.L. 2022 (26 O.S. Supp. 2022,
20 Section 7-139), is amended to read as follows:

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

23 B. As used in this section:

24 1. "Person" means any individual, proprietorship, firm,
partnership, joint venture, syndicate, labor union, business trust,
company, association, committee, corporation, whether or not

1 operated for profit, or any other organization or group of persons
2 acting in concert, or any other nongovernmental third-party entity;
3 and

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

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

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

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

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

- 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. food or beverage items of nominal value provided to
12 precinct officials, absentee voting board members, or
13 election officials,
- 14 e. items of nominal value including, but not limited to,
15 pens, sanitizer and cleaning supplies, or
- 16 f. airing or publication of public service announcements
17 or press releases issued by the State Election Board
18 or a county election board.

19 2. Donations not directly related to the administration of
20 elections, may be accepted by the Secretary of the State Election
21 Board or secretary of the county election board only upon written
22 approval by the Governor and written notification sent to the
23 Speaker of the Oklahoma House of Representatives and President Pro
24 Tempore of the Oklahoma State Senate.

1 ~~D. Any person's~~

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

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

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

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

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

17 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY
18 April 4, 2023 - DO PASS