

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 60th Legislature (2025)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1120

By: Lepak of the House

and

Bergstrom of the Senate

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10 COMMITTEE SUBSTITUTE

11 An Act relating to elections; prohibiting
12 implementation of federal election guidance without
13 legislative approval; providing for notice
14 requirement; providing for method of notice;
15 providing exception; defining term; requiring new
16 federal funds be approved by the State Legislature;
17 requiring publishing of funds possessed by the State
18 Election Board; amending 26 O.S. 2021, Section 16-
19 114, which relates to failure to perform duty;
20 extending penalty to State Election Board; providing
21 for codification; and providing an effective date.

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24 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

1 directive or guidance related to election administration or voter
2 registration issued by a federal agency without prior approval of
3 the State Legislature. Provided, if the Legislature is not in
4 session when such a directive or guidance is received, it may be
5 implemented upon the written approval of the Speaker of the Oklahoma
6 House of Representatives and the President Pro Tempore of the
7 Oklahoma State Senate.

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

14 a. any new official directive or guidance pertaining to
15 the administration of elections or voter registration.
16 This shall apply to new directives or guidance from
17 the United States Department of Justice or any other
18 federal executive agency that is provided directly to
19 the Secretary of the State Election Board, or the
20 secretary of a county election board, or the director
21 of any agency of this state. The written notice shall
22 be provided within ten (10) business days from the
23 date it is received, and
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1 b. if the Secretary of the State Election Board, or the
2 secretary of a county election board, intends to
3 implement any new federal election directive or
4 guidance due to an order by a court of appropriate
5 jurisdiction, the secretary shall provide written
6 notice to the Governor, the Speaker of the Oklahoma
7 House of Representatives, the President Pro Tempore of
8 the Oklahoma State Senate, and the Attorney General.
9 Such notice shall include a description of the legal
10 basis for the implementation.

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

17 C. The Secretary of the State Election Board, or the secretary
18 of a county election board, shall provide written notice to the
19 Governor, the Speaker of the Oklahoma House of Representatives, the
20 President Pro Tempore of the Oklahoma State Senate, and the Attorney
21 General of any litigation filed against the State Election Board or
22 a county election board, or of any official threat of litigation, by
23 the United States Department of Justice or any other federal
24 executive agency pertaining to state election laws duly enacted by

1 the Legislature within ten (10) business days from the date a
2 complaint is received.

3 SECTION 2. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 3-402 of Title 26, unless there
5 is created a duplication in numbering, reads as follows:

6 A. 1. As used in this section, "new federal election funds"
7 means any federal grant, appropriation by the United States
8 Congress, or other federal funds that are eligible to be received by
9 the Secretary of the State Election Board or the secretary of a
10 county election board on or after the effective date of this act.

11 2. Provided, new federal election funds shall not mean funding
12 or grants provided under the Help America Vote Act, other federal
13 funding or grants are authorized to be accepted by state law, or any
14 Cybersecurity or Physical Security subgrants provided by the
15 Oklahoma Office of Homeland Security.

16 B. Except as provided in paragraph 2 of subsection A of this
17 section, all new federal election funds must be approved by the
18 State Legislature before they may be accepted or used by the
19 Secretary of the State Election Board or the secretary of a county
20 election board. Provided, if the Legislature is not in session when
21 new federal election funds become available, new federal election
22 funds may be accepted upon the written approval of the Speaker of
23 the Oklahoma House of Representatives, the President Pro Tempore of
24 the Oklahoma State Senate, the Chair of the Senate Appropriations

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

3 C. No later than January 15, 2026, 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 for the previous two (2) years and a
7 description of the source of those funds. Provided, in the event
8 that January 15 of any year falls on a weekend or an official state
9 holiday, such information shall be published the next business day.

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

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

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

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18 COMMITTEE REPORT BY: COMMITTEE ON GOVERNMENT OVERSIGHT, dated
19 03/10/2025 - DO PASS, As Amended and Coauthored.

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