

1 **SENATE FLOOR VERSION**

2 April 22, 2025

3 **AS AMENDED**

4 ENGROSSED HOUSE

5 BILL NO. 1120

6 By: Lepak of the House

7 and

8 Bergstrom of the Senate

9 [elections - federal election guidance - legislative
10 approval - notice requirement - federal funds - State
11 Election Board - failure to perform duty - penalty -
12 codification - effective date]

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

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

17 A. The Secretary of the State Election Board or the secretary
18 of a county election board shall not implement any new official
19 directive or guidance related to election administration or voter
20 registration issued by a federal agency without prior approval of
21 the State Legislature. Provided, if the Legislature is not in
22 session when such a directive or guidance is received, it may be
23 implemented upon the written approval of the Speaker of the Oklahoma
24 House of Representatives and the President Pro Tempore of the
Oklahoma State Senate.

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

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

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

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

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

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

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

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

22 A. 1. As used in this section, "new federal election funds"
23 means any federal grant, appropriation by the United States
24 Congress, or other federal funds that are eligible to be received by

1 the Secretary of the State Election Board or the secretary of a
2 county election board on or after the effective date of this act.

3 2. Provided, new federal election funds shall not mean funding
4 or grants provided under the Help America Vote Act, other federal
5 funding or grants are authorized to be accepted by state law, or any
6 Cybersecurity or Physical Security subgrants provided by the
7 Oklahoma Office of Homeland Security.

8 B. Except as provided in paragraph 2 of subsection A of this
9 section, all new federal election funds must be approved by the
10 State Legislature before they may be accepted or used by the
11 Secretary of the State Election Board or the secretary of a county
12 election board. Provided, if the Legislature is not in session when
13 new federal election funds become available, new federal election
14 funds may be accepted upon the written approval of the Speaker of
15 the Oklahoma House of Representatives, the President Pro Tempore of
16 the Oklahoma State Senate, the Chair of the Senate Appropriations
17 Committee, and the Chair of the House of Representatives
18 Appropriations and Budget Committee.

19 C. No later than January 15, 2026, and each year thereafter,
20 the Secretary of the State Election Board shall publish on the State
21 Election Board's website the balance of all federal funds possessed
22 by the State Election Board for the previous two (2) years and a
23 description of the source of those funds. Provided, in the event
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1 that January 15 of any year falls on a weekend or an official state
2 holiday, such information shall be published the next business day.

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

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

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

10 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY
11 April 22, 2025 - DO PASS AS AMENDED

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