

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

COMMITTEE SUBSTITUTE
FOR

HOUSE BILL NO. 3294

By: Lepak

COMMITTEE SUBSTITUTE

An Act relating to elections; amending Section 1, Chapter 194, O.S.L. 2022, as amended by Section 1, Chapter 80, O.S.L. 2023 (26 O.S. Supp. 2023, Section 7-139), which relates to the Prohibit the Private Funding of Elections Act; adding prohibitions; requiring disclosure of certain memberships; prohibiting election officials from certain memberships; and providing an effective date.

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

SECTION 1. AMENDATORY Section 1, Chapter 194, O.S.L. 2022, as amended by Section 1, Chapter 80, O.S.L. 2023 (26 O.S. Supp. 2023, Section 7-139), is amended to read as follows:

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

B. As used in this section:

1. "Person" means any individual, proprietorship, firm, partnership, joint venture, syndicate, labor union, business trust,

1 company, association, committee, corporation, whether or not
2 operated for profit, or any other organization or group of persons
3 acting in concert, or any other nongovernmental third-party entity;
4 and

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

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

15 2. No government official or election official shall solicit,
16 take, or otherwise accept from any person, any contribution,
17 donation, or anything else of value for purposes of conducting or
18 administering any election pursuant to the provisions of this
19 title, including services or funds, which may or may not be credits,
20 offsets, or other inducements, directly offered from a membership
21 organization of which the government official or election official
22 is a member, for the purposes of conducting and administering
23 elections.
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1 3. No person shall offer or provide any contribution, donation,
2 or anything else of value for purposes of conducting or
3 administrating any election pursuant to the provisions of this
4 title, including services or funds, which may or may not be credits,
5 offsets, or other inducements, directly offered to a membership
6 organization of which the government official or election official
7 is a member, for the purposes of conducting and administrating
8 elections.

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

- 11 a. providing space or property for use as a polling place
12 or in-person absentee voting site at no charge or at a
13 below-market cost,
- 14 b. persons who volunteer their labor as precinct
15 officials, absentee voting board members, or as
16 election workers,
- 17 c. persons who volunteer their labor to assist the county
18 election board or the State Election Board during
19 candidate filing, on Election Day, during in-person
20 absentee voting, or at other times,
- 21 d. food or beverage items of nominal value provided to
22 precinct officials, absentee voting board members, or
23 election officials,

- 1 e. items of nominal value including, but not limited to,
2 pens, sanitizer and cleaning supplies, or
3 f. airing or publication of public service announcements
4 or press releases issued by the State Election Board
5 or a county election board.

6 2. Donations not directly related to the administration of
7 elections, may be accepted by the Secretary of the State Election
8 Board or secretary of the county election board only upon written
9 approval by the Governor and written notification sent to the
10 Speaker of the Oklahoma House of Representatives and President Pro
11 Tempore of the Oklahoma State Senate.

12 E. Any election official who, in his or her official capacity,
13 joins any membership organization, or who utilizes public funds to
14 pay membership dues to any membership organization, shall disclose
15 such membership on the website for the election official's agency.
16 In the event the election official's agency does not have a website,
17 a notice of such membership shall be displayed conspicuously in a
18 public area of the agency's office.

19 F. No election official in his or her official capacity shall
20 join any membership organization that uses private funds for the
21 purposes of conducting and administering elections.

22 G. A willful and intentional violation of this act shall be
23 punishable as follows:
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1 1. A first violation shall constitute a misdemeanor and, upon
2 conviction, be punishable by a fine not to exceed Five Thousand
3 Dollars (\$5,000.00).

4 2. A second violation shall constitute a misdemeanor and, upon
5 conviction, be punishable by a fine not to exceed Ten Thousand
6 Dollars (\$10,000.00).

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

13 SECTION 2. This act shall become effective November 1, 2024.

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