

An Act

ENROLLED HOUSE
BILL NO. 2682

By: Lepak and O'Donnell of the
House

and

Daniels of the Senate

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

SUBJECT: Elections

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

SECTION 1. AMENDATORY 26 O.S. 2021, Section 7-139, as amended by Section 1, Chapter 194, O.S.L. 2022 (26 O.S. Supp. 2022, 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, company, association, committee, corporation, whether or not operated for profit, or any other organization or group of persons acting in concert, or any other nongovernmental third-party entity; and

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

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

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

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

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

- a. providing space or property for use as a polling place or in-person absentee voting site at no charge or at a below-market cost,
- b. persons who volunteer their labor as precinct officials, absentee voting board members, or as election workers,
- c. persons who volunteer their labor to assist the county election board or the State Election Board during candidate filing, on Election Day, during in-person absentee voting, or at other times,
- d. food or beverage items of nominal value provided to precinct officials, absentee voting board members, or election officials,
- e. items of nominal value including, but not limited to, pens, sanitizer and cleaning supplies, or

f. airing or publication of public service announcements or press releases issued by the State Election Board or a county election board.

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

~~D. Any person's~~

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

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

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

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

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

Passed the House of Representatives the 21st day of March, 2023.

Presiding Officer of the House
of Representatives

Passed the Senate the 19th day of April, 2023.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____