

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

HOUSE BILL 3294

By: Lepak

AS INTRODUCED

An Act relating to elections; defining terms; prohibiting acceptance of certain funds for election administration; providing exception; providing for certification requirements; providing disclosure for joining certain membership; providing for codification; and providing an effective date.

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 701 of Title 26, unless there is created a duplication in numbering, reads as follows:

For purposes of this section:

1. "Donation" means a payment, gift, subscription, loan, advance, deposit, or anything of value given to a person without consideration;

2. "Election officers" includes individuals who administer, implement, or oversee election-related policies, procedures, or technologies on behalf of any municipality, municipal agency, state, or state agency. Election officers include, but are not limited to,

1 the Secretary of the State Election Board, any registrar of voters,  
2 or any member of a county election board;

3 3. "Election administration" means to participate in any way in  
4 the process of conduction and implementing an election. Election  
5 administration shall not include post-election canvass, recount,  
6 contest, and audit processes;

7 4. "Foreign donations" are donation provided by a foreign  
8 national;

9 5. "Foreign national" means:

- 10 a. An individual who is not a citizen of the United  
11 States;
- 12 b. A government, or political subdivision, of a foreign  
13 country or municipality thereof;
- 14 c. A foreign political party, or
- 15 d. Any entity, such as a partnership, association,  
16 corporation, organization, or other combination of  
17 persons, that is organized under the laws of or has  
18 its principal place of business in a foreign country.

19 6. "Government entity" means a state, county, local, or  
20 municipal government entity, or an officer or employee of one of  
21 these entities;

22 7. "Person" includes an individual, partnership, association,  
23 corporation, organization, or any other combination or group of  
24 individuals, and  
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1        8. "State officer" includes all election officers and directors  
2 of the executive branch of state government.

3        SECTION 2.        NEW LAW        A new section of law to be codified  
4 in the Oklahoma Statutes as Section 702 of Title 26, unless there is  
5 created a duplication in numbering, reads as follows:

6        A. No government entity may solicit, accept, or use any funds  
7 or in-kind goods or services for election administration if those  
8 funds or in-kind goods or services are donated directly or  
9 indirectly by any person other than a government entity. An  
10 election officer may solicit, accept, or use funds or in-kind goods  
11 or services of de minimis value.

12        B. Except as provided in subsection C of this section, no  
13 government entity or election officer shall join the membership of  
14 any person, participate in any program, or purchase any services  
15 from any person unless the person complies with the following  
16 certification requirements:

17        1. The certification shall state that the person:

- 18            a. has not directly or indirectly financed election  
19                administration,  
20            b. does not have any staff or board members who have  
21                worked for, consulted with or been employed by a  
22                person within the last 10 (ten) years unless such  
23                organization consisted of government officials, and  
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1           c.    has been certified as being free of direct or indirect  
2               foreign donations.

3       2.   A certification shall be:

- 4           a.    renewed on an annual basis,  
5           b.    updated within 5 (five) business days of the person  
6               obtaining information unknown at the time of the  
7               initial certification, and  
8           c.    dated and sworn by the person under penalty of  
9               perjury.

10       C.   If an election officer joins or considers joining the  
11   membership of a person, or participates or considers participating  
12   in any program described in subsection B of this section, the  
13   election officer has a duty to disclose the participation or  
14   membership, or potential participation or membership, and to have  
15   participation or potential participation or membership considered in  
16   a public hearing, and disclosed on a public website.

17       1.   The disclosure shall be:

- 18           a.    conspicuous, publicly accessible, and publicly  
19               viewable,  
20           b.    at least 14-point Times New Roman font, and in a  
21               contrasting color from the background of the website,  
22           c.    enclosed inside a box, separated from other text and  
23               graphics, and  
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1           d.    displayed on the homepage of the election officer's  
2                website, reasonably close to the top of the page.

3       2. The disclosure shall state:

4           a.    the full name and title of the election officer,

5           b.    the date that the election officer participated in the  
6                program or joined the person or participated in the  
7                program or is scheduled to begin participation in the  
8                program,

9           c.    the full name of the program and person,

10          d.    an accurate description of the nature of the program  
11                and/or person,

12          e.    a certification that the person or program has not  
13                been, directly or indirectly, the recipient of foreign  
14                donations, a statement that the person or program has  
15                been the recipient of foreign donations, or a  
16                statement that the person or program has not submitted  
17                said certification, and

18          f.    the date of any public hearing at which membership or  
19                participation in the program is to be considered.

20       3. The disclosure shall also include a link to a pdf containing  
21 all resources or documents received by the election officer from the  
22 person or program, along with the disclosure of any known funding  
23 for the program known to the officer. This list of resources must  
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1 be updated within 10 (ten) business days of receipt as resources,  
2 documents, and other materials are provided or made available.

3 4. The disclosure shall remain posted and publicly accessible  
4 for a period beginning not less than thirty (30) days prior to  
5 joining, and ending not less than one hundred eighty (180) days  
6 after membership ends. In creating and posting the disclosure, the  
7 election officer is certifying under penalty of perjury that the  
8 information contained within the disclosure is true and accurate.

9 SECTION 3. This act shall become effective November 1, 2024.

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