



## OKLAHOMA STATE ELECTION BOARD

June 2, 2021

The Honorable Jim Inhofe, United States Senator  
The Honorable James Lankford, United States Senator

Senators Inhofe and Lankford:

As Oklahoma's chief election official, I am writing to make you aware of my concerns regarding S.1, companion legislation of H.R.1, which was considered by the United States Senate Rules Committee on May 11, 2021.

In short, S.1 is an unnecessary (and constitutionally dubious) federalization of election administration policy that would negatively impact our ability to administer fair and secure elections in Oklahoma. **The administration of elections should be left to the States, as the Constitution and our federal form of government intends.**

The justification for S.1 that I hear most often from its proponents is that it is necessary to counter new "voter suppression" laws in the States. But the concerns about these new election laws seem exaggerated, and in many cases appear to be based on misinformation about the content of those laws. **Furthermore, regardless of what is happening in other States, there is no evidence of "voter suppression" here in our state.**

S.1 seeks to supersede most of Oklahoma's election administration and election integrity laws. For example, it legalizes absentee ballot harvesting and makes it virtually impossible to verify the identity of in-person and absentee voters – in direct contravention of Oklahoma's election laws. S.1 also attempts to micromanage some of the most minute details of election administration, such as voting hours and polling place locations.

S.1 is not compatible with Oklahoma's election deadlines. For example, Oklahoma law requires that elections must be certified one week after the date of the election. But S.1 disregards such deadlines by requiring absentee ballots to be accepted and counted 10 days after Election Day - *three days after* the state must certify the election results according to our own laws. This is unworkable.

Even setting aside concerns about the constitutionality of S.1, this legislation is not realistic in its timelines for implementing its election administration changes. By our estimation, implementing even a few of its major provisions could take years - yet S.1 demands that many new election administration policies and technologies be put in place in time for the 2022 elections. This is not only impossible, it also sets up election officials for failure and guarantees chaos in our elections.

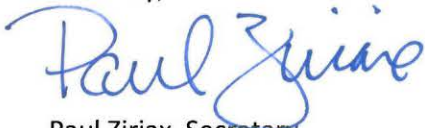
Under the Constitution and our federal system of government, it is the responsibility of State Legislatures to determine the time, manner and place of elections. In my opinion, Congress should not attempt to implement a one-size-fits-all set of election rules for the States. Furthermore, S.1's sponsors are trying to make it difficult for States and concerned citizens to challenge its constitutionality by requiring plaintiffs to go to Washington, D.C. to file lawsuits against it. **Even with this attempt to make legal challenges more difficult and expensive to file, it seems certain that the enactment of S.1 would lead to costly and lengthy litigation.**

Finally, although my concerns with S.1 are too numerous to provide an exhaustive list in this letter, I can say its flaws do not seem possible to fix through the amendment process. If S.1 is enacted, it will lead to less confidence in the veracity of our nation's election process, not more.

My recommendation is that Congress drop efforts to federalize election administration and instead focus on proposals that can receive bipartisan support – such as enhancing federal assistance to the States for election cybersecurity.

If you or your staff would like to discuss this issue further, please feel free to contact me. Thank you.

Sincerely,

A handwritten signature in blue ink that reads "Paul Ziriak". The signature is fluid and cursive, with the first name "Paul" being larger and more prominent than the last name "Ziriak".

Paul Ziriak, Secretary  
Oklahoma State Election Board

Cc: The Honorable Kevin Stitt, Governor of Oklahoma  
The Honorable Greg Treat, President Pro Tempore, Oklahoma Senate  
The Honorable Charles McCall, Speaker of the House, Oklahoma House of Representatives  
The Honorable Frank Lucas, United States Representative  
The Honorable Tom Cole, United States Representative  
The Honorable Markwayne Mullin, United States Representative  
The Honorable Kevin Hern, United States Representative  
The Honorable Stephanie Bice, United States Representative