

ENGROSSED HOUSE
BILL NO. 2658

By: Sullivan (John) of the
House

and

Ford of the Senate

(elections - amending 26 O.S., Section 4-120.3 -
cancellation of voter registration of deceased
persons - amending 63 O.S., Section 1-317 - death
certificates -

effective date)

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

SECTION 1. AMENDATORY 26 O.S. 1991, Section 4-120.3, as
last amended by Section 6, Chapter 88, O.S.L. 1999 (26 O.S. Supp.
1999, Section 4-120.3), is amended to read as follows:

Section 4-120.3 The State Health Department shall each month
transmit to the Secretary of the State Election Board a certified
list of all deaths of residents that have occurred within the state
for the immediately preceding month. The Secretary of the State
Election Board shall transmit said list to the secretary of the
county election board who shall then use said list to ascertain
those voters who are deceased, and shall thereafter remove such
deceased person's name from the central registry and the Oklahoma
Election Management System. Said list shall be used only for the
purposes ~~hereinbefore~~ described in this section. In addition, the
registration of a deceased voter may be canceled by the secretary of
a county election board upon the execution by the next of kin of
said deceased voter of a form and upon the nature of proof of the

fact thereof as prescribed by the Secretary of the State Election Board or upon receipt of a death certificate from a funeral director or other person acting as such pursuant to Section 1-317 of Title 63 of the Oklahoma Statutes. Said form must be executed in person by said next of kin at the county election board office, in which case it shall be witnessed by the secretary or other designated employees, at the voter's precinct polling place on the day of any election, in which case it shall be witnessed by the inspector of said precinct, or the form may be personally signed by the next of kin, such signature to be notarized by a notary public, and returned to the county election board.

SECTION 2. AMENDATORY 63 O.S. 1991, Section 1-317, is amended to read as follows:

Section 1-317. ~~(a)~~ A. A death certificate for each death which occurs in this state shall be filed with the local registrar of the district in which the death occurred, within three (3) days after such death and prior to burial or removal of the body; provided, that:

~~(1)~~ 1. If the place of death is unknown, a death certificate shall be filed in the registration district in which a dead body is found, within three (3) days after such occurrence; and

~~(2)~~ 2. If death occurs in a moving conveyance, a death certificate shall be filed in the registration district in which the dead body was first removed from such conveyance.

~~(b)~~ B. The funeral director or person acting as such who first assumes custody of a dead body shall file the death certificate. He shall obtain the personal data from the next of kin or the best qualified person or source available. He shall complete the certificate as to personal data and deliver the certificate to the attending physician or the medical examiner responsible for completing the medical certification portion of the certificate of death within twenty-four (24) hours after the death. A copy of the

death certificate shall be filed with the secretary of the county election board within six (6) months after the death.

~~(c)~~ C. The medical certification shall be completed and signed within forty-eight (48) hours after death by the physician in charge of the patient's care for the illness or condition which resulted in death, except when inquiry as to the cause of death is required by Section 938 of this title. If the death was caused by execution pursuant to a lawful court order, the certificate of death shall state that the cause of death was the execution of such order.

~~(d)~~ D. In the event that the physician in charge of the patient's care for the illness or condition which resulted in death is not in attendance at the time of death, the medical certification shall be completed and signed within forty-eight (48) hours after death by the physician in attendance at the time of death, except when inquiry as to the cause of death is required by Section 938 of this title. Provided that such certification, if signed by other than the attending physician, shall note on the face the name of the attending physician and that the information shown is only as reported.

SECTION 3. This act shall become effective November 1, 2000.

Passed the House of Representatives the 14th day of March, 2000.

Speaker of the House of
Representatives

Passed the Senate the ____ day of _____, 2000.

President of the Senate