

STATE OF OKLAHOMA

2nd Session of the 48th Legislature (2002)

SENATE BILL 1438

By: Leftwich

AS INTRODUCED

An Act relating to elections; amending 26 O.S. 2001, Sections 4-120.3, 14-108 and 14-113.2, which relate to cancellation of registration of deceased persons and the return of absentee ballots; deleting obsolete language; providing for next of kin of certain persons to cancel voter registration at certain places; requiring certain persons to notarize absentee ballots at no charge; authorizing the use of a private mail service to return absentee ballots under specified conditions; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 26 O.S. 2001, 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~~ such list to the secretary of the county election board who shall then use ~~said~~ such 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~~ Such list shall be used only for the purposes hereinbefore described. 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~~ such 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. ~~Said~~ Such form must be executed in person by ~~said~~ the deceased

voter's 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 deceased voter's precinct polling place or at the next of kin's precinct polling place in the same county on the day of any election, in which case it shall be witnessed by the inspector of ~~said~~ such 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 26 O.S. 2001, Section 14-108, is amended to read as follows:

Section 14-108. The voter shall be required to mark his or her ballot in ink or other manner as prescribed by the Secretary of the State Election Board; seal the ballots in the plain opaque envelope; fill out completely and sign the affidavit, such signature to be notarized at no charge by a notary public; seal the plain opaque envelope inside the envelope bearing the affidavit and return both envelopes, sealed inside the return envelope, by United States mail or by a private mail service, provided such service has delivery documentation, to the county election board.

SECTION 3. AMENDATORY 26 O.S. 2001, Section 14-113.2, is amended to read as follows:

Section 14-113.2 The voter shall be responsible for marking the ballots or directing a person chosen by the voter to mark the ballots in accordance with the provisions of Section 7-123.3 of this title and as prescribed by the Secretary of the State Election Board; seal the ballots in the plain opaque envelope; fill out completely and sign the affidavit or direct a person chosen by the voter to sign the affidavit, such signature to be witnessed by two persons, who did not sign the affidavit, whose signature and address shall appear on the affidavit; seal the plain opaque envelope inside the envelope bearing the affidavit and return both envelopes, sealed inside the return envelope, by United States mail or by a private

mail service, provided such service has delivery documentation, to the county election board.

SECTION 4. This act shall become effective July 1, 2002.

SECTION 5. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

48-2-1995

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