

STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

HOUSE BILL 2537

By: Tibbs

AS INTRODUCED

An Act relating to elections; amending 26 O.S. 2001, Section 4-120.3, as last amended by Section 3, Chapter 307, O.S.L. 2004 (26 O.S. Supp. 2005, Section 4-120.3), which relates to cancellation of voter registration of persons who are deceased; providing time limits for cancellation procedure; allowing county election board secretary to refuse to cancel registration in certain circumstances; and providing an effective date.

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

SECTION 1. AMENDATORY 26 O.S. 2001, Section 4-120.3, as last amended by Section 3, Chapter 307, O.S.L. 2004 (26 O.S. Supp. 2005, Section 4-120.3), is amended to read as follows:

Section 4-120.3 The State Department of Health 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~~ Within fifteen (15) days after receiving the list, the Secretary of the State Election Board shall transmit such list to the secretary of the appropriate county election board who shall ~~then~~ use such list to ascertain those voters who are deceased, and shall ~~thereafter,~~ within sixty (60) days after receiving the list, remove such deceased person's name from the central registry and the Oklahoma Election Management System; provided, if the identity of a deceased person as a registered voter in this state cannot be accurately determined, the secretary of the county election board may refuse to cancel a voter registration, and, in such case, the voter registration may be removed as otherwise provided by law. 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 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. Such form must be executed in person by 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 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. The administrator of a nursing facility, as defined in Section 1-1902 of Title 63 of the Oklahoma Statutes, also may execute a form prescribed by the Secretary of the State Election Board to notify the secretary of the county election board of the death of a nursing facility resident who is a registered voter. The administrator's signature on such form shall either be witnessed by a member of the nursing home absentee voting board or shall be notarized. Upon receipt of such form, the secretary of the county election board shall be authorized to cancel the voter registration of such deceased person.

SECTION 2. This act shall become effective November 1, 2006.

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