

1 ENGROSSED SENATE
2 BILL NO. 1170

By: Stanislawski of the Senate

3 and

4 Mulready of the House
5
6

7 An Act relating to elections; amending 26 O.S. 2011,
8 Section 4-120.3, which relates to cancellation of
9 voter registrations; allowing cancellation of voter
10 registration of deceased voter who was member of
11 Oklahoma National Guard or armed forces of the United
12 States; providing procedures; specifying authority
and duties of Secretary of State Election Board; and
providing an effective date.

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

14 SECTION 1. AMENDATORY 26 O.S. 2011, Section 4-120.3, is
15 amended to read as follows:

16 Section 4-120.3. A. The State Department of Health shall each
17 month transmit to the Secretary of the State Election Board a
18 certified list of all deaths of residents that have occurred within
19 the state for the immediately preceding month. The Secretary of the
20 State Election Board shall transmit such list to the secretary of
21 the county election board who shall then use such list to ascertain
22 those voters who are deceased, and shall thereafter remove such
23 deceased person's name from the central registry and voter
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1 registration database. Such list shall be used only for the
2 purposes hereinbefore described.

3 B. In addition, the registration of a deceased voter may be
4 canceled by the secretary of a county election board upon the
5 receipt of a certified copy of a death certificate or upon the
6 execution by the next of kin of such deceased voter of a form and
7 upon the nature of proof of the fact thereof as prescribed by the
8 Secretary of the State Election Board. Such form must be executed
9 in person by the deceased voter's next of kin at the county election
10 board office, in which case it shall be witnessed by the secretary
11 or other designated employees, at the deceased voter's precinct
12 polling place or at the next of kin's precinct polling place in the
13 same county on the day of any election, in which case it shall be
14 witnessed by the inspector of such precinct, or the form may be
15 personally signed by the next of kin, such signature to be notarized
16 by a notary public or witnessed by two persons whose signatures and
17 addresses shall appear on the form, and returned to the county
18 election board.

19 C. The administrator of a nursing facility, as defined in
20 Section 1-1902 of Title 63 of the Oklahoma Statutes, or the
21 administrator of a veterans center established pursuant to Title 72
22 of the Oklahoma Statutes, also may execute a form prescribed by the
23 Secretary of the State Election Board to notify the secretary of the
24 county election board of the death of a nursing facility resident

1 who is a registered voter. The administrator's signature on such
2 form shall be witnessed by a member of the nursing home absentee
3 voting board, shall be notarized or shall be witnessed by two
4 persons whose signatures and addresses shall appear on the form.

5 D. A funeral director, as defined in Section 396.2 of Title 59
6 of the Oklahoma Statutes, may execute a form prescribed by the
7 Secretary of the State Election Board to notify the secretary of the
8 county election board of the death of a resident of the county. The
9 funeral director's signature on such form either shall be notarized
10 or shall be witnessed by two persons whose signatures and addresses
11 shall appear on the form. Upon receipt of such form or any notice
12 setting forth substantially the same facts and witnessed or
13 notarized as provided in this section, the secretary of the county
14 election board shall be authorized to cancel the voter registration
15 of such deceased person.

16 E. The registration of a deceased voter who was a member of the
17 Oklahoma National Guard or the armed forces of the United States and
18 who died in the line of duty may be canceled by the secretary of a
19 county election board upon the receipt of notification of the
20 voter's death from the Oklahoma National Guard or the armed forces
21 of the United States. The Secretary of the State Election Board may
22 prescribe the forms of such notification to be accepted by the
23 county election board in order to cause the registration of the
24 voter to be canceled. The Secretary shall further request the

