

1 ENGROSSED SENATE
BILL NO. 301

By: Stanislawski of the Senate

2
3 and

4 Mulready of the House
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7 An Act relating to election system information;
8 amending 26 O.S. 2001, Sections 4-120.3, as last
9 amended by Section 10, Chapter 189, O.S.L. 2010 and
10 5-111 (26 O.S. Supp. 2010, Section 4-120.3), which
11 relate to voter and candidate information; allowing
12 any person to submit death certificate to election
13 board for purposes of cancelling registration of
14 deceased voter; allowing candidates to submit
15 additional information on declaration of candidacy
16 form and requiring such information to be made
17 public; and providing an effective date.

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

21 SECTION 1. AMENDATORY 26 O.S. 2001, Section 4-120.3, as
22 last amended by Section 10, Chapter 189, O.S.L. 2010 (26 O.S. Supp.
23 2010, Section 4-120.3), is amended to read as follows:

24 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 Secretary of the
State Election Board shall transmit such list to the secretary of
the county election board who shall then use such list to ascertain
those voters who are deceased, and shall thereafter remove such

1 deceased person's name from the central registry and voter
2 registration database. Such list shall be used only for the
3 purposes hereinbefore described. In addition, the registration of a
4 deceased voter may be canceled by the secretary of a county election
5 board upon the receipt of a certified copy of a death certificate
6 from any person or upon the execution by the next of kin of such
7 deceased voter of a form and upon the nature of proof of the fact
8 thereof as prescribed by the Secretary of the State Election Board.
9 Such form must be executed in person by the deceased voter's next of
10 kin at the county election board office, in which case it shall be
11 witnessed by the secretary or other designated employees, at the
12 deceased voter's precinct polling place or at the next of kin's
13 precinct polling place in the same county on the day of any
14 election, in which case it shall be witnessed by the inspector of
15 such precinct, or the form may be personally signed by the next of
16 kin, such signature to be notarized by a notary public or witnessed
17 by two persons whose signatures and addresses shall appear on the
18 form, and returned to the county election board. The administrator
19 of a nursing facility, as defined in Section 1-1902 of Title 63 of
20 the Oklahoma Statutes, or the administrator of a veterans center
21 established pursuant to Title 72 of the Oklahoma Statutes also may
22 execute a form prescribed by the Secretary of the State Election
23 Board to notify the secretary of the county election board of the
24 death of a nursing facility resident who is a registered voter. The

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

15 SECTION 2. AMENDATORY 26 O.S. 2001, Section 5-111, is
16 amended to read as follows:

17 Section 5-111. Forms to be used for filing Declarations of
18 Candidacy shall be prescribed by the Secretary of the State Election
19 Board and shall contain the following information: name of the
20 candidate; the candidate's place of residence and ~~his~~ mailing
21 address; name of the office sought; the candidate's date of birth;
22 party affiliation of candidate seeking political party nomination;
23 precinct and county wherein the candidate is a registered voter; an
24 oath wherein the candidate swears or affirms that he or she is

1 qualified to become a candidate for the office ~~which he is seeking~~
2 sought, and that, if elected, ~~he~~ the candidate will be qualified to
3 hold ~~said~~ the office; and any additional information which the
4 Secretary deems necessary. A Declaration of Candidacy form must be
5 signed by the candidate, and the signature must be properly
6 notarized by a notary public or other person authorized by law to
7 administer oaths. In addition to the information required by this
8 section, a candidate may include a telephone number, email address
9 and website address. Such additional information shall not be
10 required of any candidate but if provided shall be made available to
11 the public.

12 SECTION 3. This act shall become effective November 1, 2011.

13 Passed the Senate the 8th day of March, 2011.

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16 Presiding Officer of the Senate

17 Passed the House of Representatives the ____ day of _____,
18 2011.

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21 Presiding Officer of the House
22 of Representatives
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