HOUSE OF REPRESENTATIVES - FLOOR VERSION

STATE OF OKLAHOMA

1st Session of the 53rd Legislature

ENGROSSED SENATE
BILL NO. 301 By: Stanislawski of the Senate

and

Mulready of the House

An Act relating to election system information; amending 26 O.S. 2001, Sections 4-120.3, as last amended by Section 10, Chapter 189, O.S.L. 2010 and 5-111 (26 O.S. Supp. 2010, Section 4-120.3), which relate to voter and candidate information; allowing any person to submit death certificate to election board for purposes of cancelling registration of deceased voter; allowing candidates to submit additional information on declaration of candidacy form and requiring such information to be made public; 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 10, Chapter 189, O.S.L. 2010 (26 O.S. Supp. 2010, 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 Secretary of the

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BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

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 deceased person's name from the central registry and voter registration database. 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 receipt of a certified copy of a death certificate <u>from any person</u> or 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 or witnessed by two persons whose signatures and addresses shall appear on the form, 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, or the administrator of a veterans center established pursuant to Title 72 of the Oklahoma Statutes also may

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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 be witnessed by a member of the nursing home absentee voting board, shall be notarized or shall be witnessed by two persons whose signatures and addresses shall appear on the form. A funeral director, as defined in Section 396.2 of Title 59 of the Oklahoma Statutes, 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 resident of the county. The funeral director's signature on such form either shall be notarized or shall be witnessed by two persons whose signatures and addresses shall appear on the form. Upon receipt of such form or any notice setting forth substantially the same facts and witnessed or notarized as provided in this section, the secretary of the county election board shall be authorized to cancel the voter registration of such deceased person.

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

Section 5-111. Forms to be used for filing Declarations of Candidacy shall be prescribed by the Secretary of the State Election Board and shall contain the following information: name of the candidate; the candidate's place of residence and ~~his~~ mailing address; name of the office sought; the candidate's date of birth;

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party affiliation of candidate seeking political party nomination; precinct and county wherein the candidate is a registered voter; an oath wherein the candidate swears or affirms that he or she is qualified to become a candidate for the office ~~which he is seeking~~ sought, and that, if elected, ~~he~~ the candidate will be qualified to hold ~~said~~ the office; and any additional information which the Secretary deems necessary. A Declaration of Candidacy form must be signed by the candidate, and the signature must be properly notarized by a notary public or other person authorized by law to administer oaths. In addition to the information required by this section, a candidate may include a telephone number, email address and website address. Such additional information shall not be required of any candidate but if provided shall be made available to the public.

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

COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT, dated 02/23/2012 - DO PASS.

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