

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 SENATE BILL 301

By: Stanislawski

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6 AS INTRODUCED

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
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.

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

16 SECTION 1. AMENDATORY 26 O.S. 2001, Section 4-120.3, as
17 last amended by Section 10, Chapter 189, O.S.L. 2010 (26 O.S. Supp.
18 2010, Section 4-120.3), is amended to read as follows:

19 Section 4-120.3. The State Department of Health shall each
20 month transmit to the Secretary of the State Election Board a
21 certified list of all deaths of residents that have occurred within
22 the state for the immediately preceding month. The Secretary of the
23 State Election Board shall transmit such list to the secretary of
24 the county election board who shall then use such list to ascertain

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

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

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

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

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

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

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