

COMMITTEE AMENDMENT

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB1766 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by
inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Amendment submitted by: Eric Roberts

Adopted: _____

Reading Clerk

STATE OF OKLAHOMA

1st Session of the 58th Legislature (2021)

PROPOSED COMMITTEE
SUBSTITUTE
FOR
HOUSE BILL NO. 1766

By: Roberts (Eric)

PROPOSED COMMITTEE SUBSTITUTE

An Act relating to elections; amending 26 O.S. 2011, Section 4-109.3, as last amended by Section 1, Chapter 242, O.S.L. 2017 (26 O.S. Supp. 2020, Section 4-109.3), which relates to voter registration; modifying change in address procedures; amending 26 O.S. 2011, Section 4-120.3, as last amended by Section 3, Chapter 377, O.S.L. 2015 (26 O.S. Supp. 2020, Section 4-120.3), which relates to the cancellation of registration of deceased persons; providing for cancellation by certain time; requiring funeral director to execute certain form; and providing an effective date.

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

SECTION 1. AMENDATORY 26 O.S. 2011, Section 4-109.3, as last amended by Section 1, Chapter 242, O.S.L. 2017 (26 O.S. Supp. 2020, Section 4-109.3), is amended to read as follows:

Section 4-109.3 A. When a qualified elector applies for issuance or renewal of an Oklahoma driver license, or issuance of a state identification card issued pursuant to Section 6-105 of Title 47 of the Oklahoma Statutes, he or she shall be provided voter

1 registration services as required by the National Voter Registration
2 Act. All completed paper voter registration applications shall be
3 transmitted by the agency accepting the application at the close of
4 business each week to the State Election Board in preaddressed,
5 postage prepaid envelopes provided by the State Election Board. If
6 a person registers or declines to register to vote, the office at
7 which the person submits the voter registration application or the
8 fact that the person declined to register shall remain confidential
9 and will be used only for voter registration purposes.

10 B. A change of address for an Oklahoma driver license or state
11 identification card submitted by a registered voter shall also serve
12 as a change of address for voter registration purposes if the new
13 address is within the same county where the voter is registered to
14 vote. If the new address is outside the county where the voter is
15 currently registered to vote, the voter shall be sent a notice and
16 application with instructions for registering to vote at the new
17 address. A change of address for an Oklahoma driver license or
18 state identification card shall not be used to update a voter
19 registration address if the registrant states in writing that the
20 change of address is not for voter registration purposes. The State
21 Election Board shall use the driver license number to identify the
22 applicable voter registration and update the residence address data
23 on that voter registration within thirty (30) days of receipt of
24 updated data. If the State Election Board finds no driver license

1 match, then the address data shall not be updated in the voter
2 registration.

3 C. Motor license agents shall receive fifty cents (\$0.50) per
4 valid paper voter registration application or application for change
5 in voter registration taken by themselves and employees of the motor
6 license agent's office taken at the agent's office, payable by the
7 State Election Board.

8 D. The Oklahoma Tax Commission shall notify the Secretary of
9 the State Election Board of motor license agent appointments. The
10 Oklahoma Department of Public Safety shall notify the Secretary of
11 the State Election Board of motor license agents qualified to issue
12 driver licenses.

13 E. The Secretary of the State Election Board is authorized to
14 develop with the Department of Public Safety a system to
15 electronically transmit voter registration applications from motor
16 license agencies to the State Election Board or county election
17 boards. Such system shall be consistent with the requirements for
18 electronic submission of voter registration applications provided in
19 Section 4-109.4 of this title.

20 F. The Secretary of the State Election Board shall promulgate
21 rules and procedures to implement the requirements of this section.

22 SECTION 2. AMENDATORY 26 O.S. 2011, Section 4-120.3, as
23 last amended by Section 3, Chapter 377, O.S.L. 2015 (26 O.S. Supp.
24 2020, Section 4-120.3), is amended to read as follows:

1 Section 4-120.3 A. The State Department of Health shall each
2 month transmit to the Secretary of the State Election Board a
3 certified list of all deaths of residents that have occurred within
4 the state for the immediately preceding month. The Secretary of the
5 State Election Board shall transmit such list to the secretary of
6 the county election board who shall then use ~~such~~ the list to
7 ascertain those voters who are deceased, and shall ~~thereafter~~ remove
8 such deceased person's name from the central registry and voter
9 registration database within thirty (30) days from the date the list
10 was received by the county election board. Such list shall be used
11 only for the purposes hereinbefore described.

12 B. The registration of a deceased voter may be canceled by the
13 secretary of a county election board upon the receipt of a certified
14 copy of a death certificate from any person or upon the execution by
15 the next of kin of such deceased voter of a form and upon the nature
16 of proof of the fact thereof as prescribed by the Secretary of the
17 State Election Board. Such form must be executed in person by the
18 deceased voter's next of kin at the county election board office, in
19 which case it shall be witnessed by the secretary or other
20 designated employees, at the deceased voter's precinct polling place
21 or at the next of kin's precinct polling place in the same county on
22 the day of any election, in which case it shall be witnessed by the
23 inspector of such precinct, or the form may be personally signed by
24 the next of kin, such signature to be notarized by a notary public

1 or witnessed by two persons whose signatures and addresses shall
2 appear on the form, and returned to the county election board.

3 C. The administrator of a nursing facility, as defined in
4 Section 1-1902 of Title 63 of the Oklahoma Statutes, or the
5 administrator of a veterans center established pursuant to Title 72
6 of the Oklahoma Statutes, also 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 nursing facility resident
9 who is a registered voter. The administrator's signature on such
10 form shall be witnessed by a member of the nursing home absentee
11 voting board, shall be notarized or shall be witnessed by two
12 persons whose signatures and addresses shall appear on the form.

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

1 E. The registration of a deceased voter who was a member of the
2 Oklahoma National Guard or the Armed Forces of the United States and
3 who died in the line of duty may be canceled by the secretary of a
4 county election board upon the receipt of notification of the
5 voter's death from the Oklahoma National Guard or the Armed Forces
6 of the United States. The Secretary of the State Election Board may
7 prescribe the forms of such notification to be accepted by the
8 county election board in order to cause the registration of the
9 voter to be canceled. The Secretary shall further request the
10 Oklahoma National Guard and the Armed Forces of the United States to
11 provide notifications to the county election board as provided for
12 in this section.

13 F. The Secretary of the State Election Board is authorized to
14 obtain official death records from the Social Security
15 Administration and from other states. The Secretary of the State
16 Election Board may compare such death records against the state's
17 voter registration database. Any possible match of a death record
18 to a registered voter shall be transmitted to the secretary of the
19 county election board in the county in which the voter is
20 registered. The secretary of the county election board shall
21 ascertain any voter who is deceased, and shall remove such deceased
22 person's name from the central registry and voter registration
23 database.

SECTION 3. This act shall become effective November 1, 2021.

58-1-7345 LRB 02/08/21