

STATE OF OKLAHOMA

1st Session of the 58th Legislature (2021)

COMMITTEE SUBSTITUTE  
FOR

HOUSE BILL NO. 1752

By: Crosswhite Hader

COMMITTEE SUBSTITUTE

An Act relating to elections; amending 26 O.S. 2011, Section 4-120.3, as last amended by Section 3, Chapter 377, O.S.L. 2016 (26 O.S. Supp. 2020, Section 4-120.3), which relates to cancellation of registration of deceased persons; providing for cancellation by certain time; requiring funeral directors 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 4-120.3, as last amended by Section 3, Chapter 377, O.S.L. 2016 (26 O.S. Supp. 2020, Section 4-120.3), is amended to read as follows:

Section 4-120.3 A. 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~~ the list to ascertain those voters who are deceased, and shall ~~thereafter~~ remove

1 such deceased person's name from the central registry and voter  
2 registration database within thirty (30) days from the date the list  
3 was received by the county election board. Such list shall be used  
4 only for the purposes hereinbefore described.

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

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

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

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

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

1 voter to be canceled. The Secretary shall further request the  
2 Oklahoma National Guard and the armed forces of the United States to  
3 provide notifications to the county election board as provided for  
4 in this section.

5 F. The Secretary of the State Election Board is authorized to  
6 obtain official death records from the Social Security  
7 Administration and from other states. The Secretary of the State  
8 Election Board may compare such death records against the state's  
9 voter registration database. Any possible match of a death record  
10 to a registered voter shall be transmitted to the secretary of the  
11 county election board in the county in which the voter is  
12 registered. The secretary of the county election board shall  
13 ascertain any voter who is deceased, and shall remove such deceased  
14 person's name from the central registry and voter registration  
15 database.

16 SECTION 2. This act shall become effective November 1, 2021.

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