

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 HOUSE BILL 1766

By: Roberts (Eric)

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5
6 AS INTRODUCED

7 An Act relating to elections; amending 26 O.S. 2011,
8 Section 4-120.3, as last amended by Section 3,
9 Chapter 377, O.S.L. 2015 (26 O.S. Supp. 2020, Section
10 4-120.3), which relates to the cancellation of
11 registration of deceased persons; providing for
12 cancellation by certain time; requiring funeral
13 director to execute certain form; and providing an
14 effective date.

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

16 SECTION 1. AMENDATORY 26 O.S. 2011, Section 4-120.3, as
17 last amended by Section 3, Chapter 377, O.S.L. 2015 (26 O.S. Supp.
18 2020, Section 4-120.3), is amended to read as follows:

19 Section 4-120.3 A. 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~~ the list to
ascertain those voters who are deceased, and shall ~~thereafter~~ remove
such deceased person's name from the central registry and voter

1 registration database within thirty (30) days. Such list shall be
2 used only for the purposes hereinbefore described.

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

18 C. The administrator of a nursing facility, as defined in
19 Section 1-1902 of Title 63 of the Oklahoma Statutes, or the
20 administrator of a veterans center established pursuant to Title 72
21 of the Oklahoma Statutes, also may execute a form prescribed by the
22 Secretary of the State Election Board to notify the secretary of the
23 county election board of the death of a nursing facility resident
24 who is a registered voter. The administrator's signature on such

1 form shall be witnessed by a member of the nursing home absentee
2 voting board, shall be notarized or shall be witnessed by two
3 persons whose signatures and addresses shall appear on the form.

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

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

1 provide notifications to the county election board as provided for
2 in this section.

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

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

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