

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 58th Legislature (2021)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1752

 By: Crosswhite Hader of the
 House

 and

Rader of the Senate

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11 COMMITTEE SUBSTITUTE

12 An Act relating to elections; amending 26 O.S. 2011,
13 Section 4-120.3, as last amended by Section 3,
14 Chapter 377, O.S.L. 2016 (26 O.S. Supp. 2020, Section
15 4-120.3), which relates to cancellation of
16 registration of deceased persons; providing for
17 cancellation by certain time; requiring funeral
18 directors to execute certain form; and providing an
19 effective date.

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

21 SECTION 1. AMENDATORY 26 O.S. 2011, Section 4-120.3, as
22 last amended by Section 3, Chapter 377, O.S.L. 2016 (26 O.S. Supp.
23 2020, Section 4-120.3), is amended to read as follows:

24 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

1 the state for the immediately preceding month. The Secretary of the
2 State Election Board shall transmit such list to the secretary of
3 the county election board who shall then use ~~such~~ the list to
4 ascertain those voters who are deceased, and shall ~~thereafter~~ remove
5 such deceased person's name from the central registry and voter
6 registration database within thirty (30) days from the date the list
7 was received by the county election board. Such list shall be used
8 only for the purposes hereinbefore described.

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

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1 C. The administrator of a nursing facility, as defined in
2 Section 1-1902 of Title 63 of the Oklahoma Statutes, or the
3 administrator of a veterans center established pursuant to Title 72
4 of the Oklahoma Statutes, also may execute a form prescribed by the
5 Secretary of the State Election Board to notify the secretary of the
6 county election board of the death of a nursing facility resident
7 who is a registered voter. The administrator's signature on such
8 form shall be witnessed by a member of the nursing home absentee
9 voting board, shall be notarized or shall be witnessed by two
10 persons whose signatures and addresses shall appear on the form.

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

22 E. The registration of a deceased voter who was a member of the
23 Oklahoma National Guard or the armed forces of the United States and
24 who died in the line of duty may be canceled by the secretary of a

1 county election board upon the receipt of notification of the
2 voter's death from the Oklahoma National Guard or the armed forces
3 of the United States. The Secretary of the State Election Board may
4 prescribe the forms of such notification to be accepted by the
5 county election board in order to cause the registration of the
6 voter to be canceled. The Secretary shall further request the
7 Oklahoma National Guard and the armed forces of the United States to
8 provide notifications to the county election board as provided for
9 in this section.

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

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

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23 COMMITTEE REPORT BY: COMMITTEE ON ELECTIONS AND ETHICS, dated
24 02/11/2021 - DO PASS, As Amended and Coauthored.