

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 59th Legislature (2023)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1950

By: McCall and **Maynard**

7
8 COMMITTEE SUBSTITUTE

9 An Act relating to elections; amending 26 O.S. 2021,
10 Section 4-120.3, as last amended by Section 5,
11 Chapter 293, O.S.L. 2022 (26 O.S. Supp. 2022, Section
12 4-120.3), which relates to voter registration of
13 deceased persons; requiring Secretary of State
14 Election Board to obtain death records from the
15 Social Security Administration; authorizing Secretary
16 to obtain death records from other states;
17 prohibiting release of death records; and providing
18 an effective date.

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

20 SECTION 1. AMENDATORY 26 O.S. 2021, Section 4-120.3, as
21 last amended by Section 5, Chapter 293, O.S.L. 2022 (26 O.S. Supp.
22 2022, Section 4-120.3), is amended to read as follows:

23 Section 4-120.3 A. The State Department of Health shall each
24 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 to include only the

1 personal identifiers needed to compare such information against the
2 state's voter registration database including, but not limited to,
3 the decedent's name, date of death, and date of birth. The list
4 shall include the last four digits of the decedent's Social Security
5 number and driver license number or state identification card number
6 for each decedent if such information was provided to the State
7 Department of Health. The Secretary of the State Election Board
8 shall transmit such list to the secretary of the county election
9 board who shall then use the list to ascertain those voters who are
10 deceased, and shall remove such deceased person's name from the
11 central registry and voter registration database within thirty (30)
12 days from the date the list was received by the county election
13 board. Such list shall be used only for the purposes described in
14 this subsection. The State Election Board and county election
15 boards shall not release information, data, or records received from
16 the State Department of Health for the purpose of identifying
17 deceased voters in response to an Oklahoma Open Records Act request
18 and shall protect the integrity of the vital records data to the
19 extent required of the State Department of Health by Section 1-323
20 of Title 63 of the Oklahoma Statutes.

21 B. The registration of a deceased voter shall be canceled by
22 the secretary of a county election board upon the receipt of a
23 certified copy of a death certificate from any person or upon the
24 execution by the next of kin of such deceased voter of a form and

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

13 C. The administrator of a nursing facility, as defined in
14 Section 1-1902 of Title 63 of the Oklahoma Statutes, or the
15 administrator of a State Veterans Home established pursuant to Title
16 72 of the Oklahoma Statutes, also may execute a form prescribed by
17 the Secretary of the State Election Board to notify the secretary of
18 the county election board of the death of a nursing facility
19 resident who is a registered voter. The administrator's signature
20 on such form shall be witnessed by a member of the nursing home
21 absentee voting board, shall be notarized or shall be witnessed by
22 two persons whose signatures and addresses shall appear on the form.

23 D. A funeral director, as defined in Section 396.2 of Title 59
24 of the Oklahoma Statutes, may execute a form prescribed by the

1 Secretary of the State Election Board to notify the secretary of the
2 county election board of the death of a resident of the county. The
3 funeral director's signature on such form either shall be notarized
4 or shall be witnessed by two persons whose signatures and addresses
5 shall appear on the form. Upon receipt of such form or any notice
6 setting forth substantially the same facts and witnessed or
7 notarized as provided in this section, the secretary of the county
8 election board shall be authorized to cancel the voter registration
9 of such deceased person.

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

22 F. 1. The Secretary of the State Election Board ~~is authorized~~
23 ~~to~~ shall obtain official death records from the Social Security
24 Administration ~~and from other states.~~ The Secretary of the State

1 Election Board ~~may~~ shall compare such death records against the
2 state's voter registration database. Any possible match of a death
3 record to a registered voter shall be transmitted to the secretary
4 of the county election board in the county in which the voter is
5 registered. The secretary of the county election board shall
6 ascertain any voter who is deceased, and shall remove such deceased
7 person's name from the central registry and voter registration
8 database.

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

19 3. The State Election Board and county election boards shall
20 not release the official death records described in this subsection
21 in response to an Oklahoma Open Records Act request, and shall
22 protect the integrity of the data to the extent required by federal
23 and state law.

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SECTION 2. This act shall become effective January 1, 2024.

COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 02/14/2023 - DO PASS,
As Amended and Coauthored.