

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 HOUSE BILL 1643

By: Maynard

4
5
6 AS INTRODUCED

7 An Act relating to elections; amending 26 O.S. 2021,
8 Section 4-120.3, as last amended by Section 5,
9 Chapter 293, O.S.L. 2022 (26 O.S. Supp. 2022, Section
10 4-120.3), which relates to voter registration of
11 deceased persons; requiring Secretary of State
12 Election Board to obtain death records from the
13 Social Security Administration; 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. 2021, Section 4-120.3, as
17 last amended by Section 5, Chapter 293, O.S.L. 2022 (26 O.S. Supp.
18 2022, 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 to include only the
23 personal identifiers needed to compare such information against the
24 state's voter registration database including, but not limited to,
the decedent's name, date of death, and date of birth. The list

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

18 B. The registration of a deceased voter shall be canceled by
19 the secretary of a county election board upon the receipt of a
20 certified copy of a death certificate from any person or upon the
21 execution by the next of kin of such deceased voter of a form and
22 upon the nature of proof of the fact thereof as prescribed by the
23 Secretary of the State Election Board. Such form must be executed
24 in person by the deceased voter's next of kin at the county election

1 board office, in which case it shall be witnessed by the secretary
2 or other designated employees, at the deceased voter's precinct
3 polling place or at the next of kin's precinct polling place in the
4 same county on the day of any election, in which case it shall be
5 witnessed by the inspector of such precinct, or the form may be
6 personally signed by the next of kin, such signature to be notarized
7 by a notary public or witnessed by two persons whose signatures and
8 addresses shall appear on the form, and returned to the county
9 election board.

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

20 D. A funeral director, as defined in Section 396.2 of Title 59
21 of the Oklahoma Statutes, 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 resident of the county. The
24 funeral director's signature on such form either shall be notarized

1 or shall be witnessed by two persons whose signatures and addresses
2 shall appear on the form. Upon receipt of such form or any notice
3 setting forth substantially the same facts and witnessed or
4 notarized as provided in this section, the secretary of the county
5 election board shall be authorized to cancel the voter registration
6 of such deceased person.

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

19 F. The Secretary of the State Election Board ~~is authorized to~~
20 shall obtain official death records from the Social Security
21 Administration and from other states. The Secretary of the State
22 Election Board may compare such death records against the state's
23 voter registration database. Any possible match of a death record
24 to a registered voter shall be transmitted to the secretary of the

1 county election board in the county in which the voter is
2 registered. The secretary of the county election board shall
3 ascertain any voter who is deceased, and shall remove such deceased
4 person's name from the central registry and voter registration
5 database.

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

7

8 59-1-5670 LRB 12/20/22

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24