

1 ENGROSSED SENATE AMENDMENT
TO
2 ENGROSSED HOUSE
BILL NO. 1752

By: Crosswhite Hader, Fugate,
Roberts (Eric), Davis,
Marti and McDugle of the
House

and

Rader of the Senate

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.

AUTHOR: Add the following House Coauthors: Hill, Conley, Fetgatter
and Hardin (David)

AMENDMENT NO. 1. Page 3, line 8, restore the stricken word "may",
delete the new word "shall"
and amend the title to conform

1 Passed the Senate the 13th day of April, 2021.

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4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2021.

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8 _____
9 Presiding Officer of the House
10 of Representatives

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

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

18 SECTION 1. AMENDATORY 26 O.S. 2011, Section 4-120.3, as
19 last amended by Section 3, Chapter 377, O.S.L. 2016 (26 O.S. Supp.
20 2020, Section 4-120.3), is amended to read as follows:

21 Section 4-120.3 A. The State Department of Health shall each
22 month transmit to the Secretary of the State Election Board a
23 certified list of all deaths of residents that have occurred within
24 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

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

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

21 C. The administrator of a nursing facility, as defined in
22 Section 1-1902 of Title 63 of the Oklahoma Statutes, or the
23 administrator of a veterans center established pursuant to Title 72
24 of the Oklahoma Statutes, also 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 nursing facility resident
3 who is a registered voter. The administrator's signature on such
4 form shall be witnessed by a member of the nursing home absentee
5 voting board, shall be notarized or shall be witnessed by two
6 persons whose signatures and addresses shall appear on the form.

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

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

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

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

17 SECTION 2. This act shall become effective November 1, 2021.
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1 Passed the House of Representatives the 1st day of March, 2021.

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4 Presiding Officer of the House
of Representatives

5 Passed the Senate the ____ day of _____, 2021.

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9 Presiding Officer of the Senate