

1 ENGROSSED HOUSE  
2 BILL NO. 1950

By: McCall and Maynard of the  
House

3 and

4 Treat of the Senate

5  
6  
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; authorizing Secretary  
14 to obtain death records from other states;  
15 prohibiting release of death records; and providing  
16 an effective date.

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

18 SECTION 1. AMENDATORY 26 O.S. 2021, Section 4-120.3, as  
19 last amended by Section 5, Chapter 293, O.S.L. 2022 (26 O.S. Supp.  
20 2022, 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 to include only the  
personal identifiers needed to compare such information against the  
state's voter registration database including, but not limited to,

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

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

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

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

21 D. A funeral director, as defined in Section 396.2 of Title 59  
22 of the Oklahoma Statutes, may execute a form prescribed by the  
23 Secretary of the State Election Board to notify the secretary of the  
24 county election board of the death of a resident of the county. The

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

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

20 F. 1. The Secretary of the State Election Board ~~is authorized~~  
21 ~~to~~ shall obtain official death records from the Social Security  
22 Administration ~~and from other states~~. The Secretary of the State  
23 Election Board ~~may~~ shall compare such death records against the  
24 state's voter registration database. Any possible match of a death

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

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

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

22  
23  
24

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

2 Passed the House of Representatives the 14th day of March, 2023.

3  
4  
5 Presiding Officer of the House  
of Representatives

6  
7 Passed the Senate the \_\_\_ day of \_\_\_\_\_, 2023.

8  
9 Presiding Officer of the Senate