

1 **SENATE FLOOR VERSION**

2 April 11, 2023

3 ENGROSSED HOUSE
4 BILL NO. 1950

By: McCall and Maynard of the
House

5 and

6 Treat of the Senate

7
8 An Act relating to elections; amending 26 O.S. 2021,
9 Section 4-120.3, as last amended by Section 5,
10 Chapter 293, O.S.L. 2022 (26 O.S. Supp. 2022, Section
11 4-120.3), which relates to voter registration of
12 deceased persons; requiring Secretary of State
13 Election Board to obtain death records from the
14 Social Security Administration; authorizing Secretary
15 to obtain death records from other states;
16 prohibiting release of death records; and providing
17 an effective date.

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

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

22 Section 4-120.3 A. The State Department of Health shall each
23 month transmit to the Secretary of the State Election Board a
24 certified list of all deaths of residents that have occurred within
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 SECTION 2. This act shall become effective January 1, 2024.

23 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY
24 April 11, 2023 - DO PASS