An Act

ENROLLED SENATE
BILL NO. 1170

By: Stanislawski of the Senate

and

Mulready of the House

An Act relating to elections; amending 26 O.S. 2001, Section 4-120.3, as amended by Section 1 of Enrolled Senate Bill No. 301 of the 2nd Session of the 53rd Oklahoma Legislature, which relates to cancellation of voter registrations; allowing cancellation of voter registration of deceased voter who was a member of the Oklahoma National Guard or armed forces of the United States; providing procedures; specifying authority and duties of Secretary of State Election Board; and providing an effective date.

SUBJECT: Voter registration cancellation

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

SECTION 1. AMENDATORY 26 O.S. 2001, Section 4-120.3, as amended by Section 1 of Enrolled Senate Bill No. 301 of the 2nd Session of the 53rd Oklahoma Legislature, is amended to read as follows:

Section 4-120.3. A. The State Department of Health shall each 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. The Secretary of the State Election Board shall transmit such list to the secretary of the county election board who shall then use such list to ascertain those voters who are deceased, and shall thereafter remove such deceased person's name from the central registry and voter registration database. Such list shall be used only for the purposes hereinbefore described.

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

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

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

E. The registration of a deceased voter who was a member of the Oklahoma National Guard or the armed forces of the United States and who died in the line of duty may be canceled by the secretary of a county election board upon the receipt of notification of the voter's death from the Oklahoma National Guard or the armed forces of the United States. The Secretary of the State Election Board may prescribe the forms of such notification to be accepted by the county election board in order to cause the registration of the voter to be canceled. The Secretary shall further request the Oklahoma National Guard and the armed forces of the United States to provide notifications to the county election board as provided for in this section.

SECTION 2. This act shall become effective November 1, 2012.

Passed the Senate the 1st day of May, 2012.

Presiding Officer of the Senate

Passed the House of Representatives the 3rd day of April, 2012.

Presiding Officer of the House of Representatives

OFFICE OF THE GOVERNOR

Received by the Governor this 2nd

day of May, 20 12,

at 3:30 o'clock P M.

By: Jessie R Rogers

Approved by the Governor of the State of Oklahoma the 8th day of

May, 20 12, at 11:43 o'clock A M.

Mary Fallin

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this

8th day of May, 20 12,

at 1:33 o'clock P M.

By: Michelle R Day