An Act

ENROLLED HOUSE
BILL NO. 1950

By: McCall and Maynard of the House

and

Treat of the Senate

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

SUBJECT: Elections

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

SECTION 1. AMENDATORY 26 O.S. 2021, Section 4-120.3, as last amended by Section 5, Chapter 293, O.S.L. 2022 (26 O.S. Supp. 2022, Section 4-120.3), 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 to include only the personal identifiers needed to compare such information against the state's voter registration database including, but not limited to, the decedent's name, date of death, and date of birth. The list shall include the last four digits of the decedent's Social Security number and driver license number or state identification card number for each decedent if such information was provided to the State Department of Health. The Secretary of the State Election Board

shall transmit such list to the secretary of the county election board who shall then use the list to ascertain those voters who are deceased, and shall remove such deceased person's name from the central registry and voter registration database within thirty (30) days from the date the list was received by the county election board. Such list shall be used only for the purposes described in this subsection. The State Election Board and county election boards shall not release information, data, or records received from the State Department of Health for the purpose of identifying deceased voters in response to an Oklahoma Open Records Act request and shall protect the integrity of the vital records data to the extent required of the State Department of Health by Section 1-323 of Title 63 of the Oklahoma Statutes.

B. The registration of a deceased voter shall 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 State Veterans Home 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.

F. 1. The Secretary of the State Election Board ~~is authorized to~~ shall obtain official death records from the Social Security Administration ~~and from other states~~. The Secretary of the State Election Board ~~may~~ shall compare such death records against the state's voter registration database. Any possible match of a death record to a registered voter shall be transmitted to the secretary of the county election board in the county in which the voter is registered. The secretary of the county election board shall ascertain any voter who is deceased, and shall remove such deceased person's name from the central registry and voter registration database.

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

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

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

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

Presiding Officer of the House of Representatives

Passed the Senate the 26th day of April, 2023.

Brent Howard

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 27th day of April, 20 23, at 3:24 o'clock p. M.

By: [signature]

Approved by the Governor of the State of Oklahoma this 2nd day of May, 20 23, at 11:21 o'clock a. M.

[signature]

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 2nd day of May, 20 23, at 12:45 o'clock p .M.

By: [signature]