

**STATE BOARD OF ELECTIONS  
(Amendment)**

**31 KAR 3:010. Current address of Kentucky registered voters and distribution of voter registration lists.**

RELATES TO: KRS 116.085, 116.155, 117.025, 117.225

STATUTORY AUTHORITY: KRS 117.015

NECESSITY, FUNCTION, AND CONFORMITY: KRS 117.015 authorizes the Kentucky State Board of Elections to promulgate administrative regulations necessary to properly carry out its duties. This administrative regulation establishes the procedures for election officials and voters to follow to correct and maintain voter registration records and establishes standards for the State Board of Elections to follow when reviewing a request for a voter registration list.

Section 1. Definitions. (1) "Advertisement" means any attempt by publication, dissemination, solicitation, or circulation to induce any person to enter into any obligation, or acquire any title or interest in any good or service.

(2) "Alphabetical labels" means labels of registered voters within the precinct with one (1) name per label and sorted in alphabetical order.

(3) "Alphabetical lists" means lists of registered voters generated from the statewide voter registration database and sorted in alphabetical order by last name within a precinct that have the name, address, age code, party, gender, zip code, and five (5) year voting history of every voter in the precinct.

(4) "Duly qualified candidate" means any person who has filed:

(a) A letter of intent with the Kentucky Registry of Election Finance; or

(b) Nomination papers with the Office of the Secretary of State or county clerk.

(5) "Household labels by street order" means labels that are generated from the statewide voter registration database and sorted by street address within the precinct with as many as four (4) names per label of the voters whose last name and address are an identical match.

(6) "Household labels by zip code order" means labels that are generated from the statewide voter registration database and sorted by zip code within the county with as many as four (4) names per label of the voters whose last name and address are an identical match.

(7) "Sale" means any sale, rental, distribution, offer for sale, rental, or distribution, or attempt to sell, rent, or distribute any good or service to another.

(8) "Statewide voter registration database" means a complete roster of all qualified voters within the state by county and precinct that the State Board of Elections is required to maintain pursuant to KRS 117.025(3)(a).

(9) "Street order lists" means lists of registered voters generated from the statewide voter registration database sorted in street order within a precinct and contain the name, address, age code, party, gender, zip code, and a five (5) year voting history of every registered voter in the precinct.

(10) "Voter registration list" means a list of registered voters generated from the statewide voter registration database in any format in any given election precinct in the Commonwealth of Kentucky that the State Board of Elections is required to furnish pursuant to KRS 117.025(3)(h).

Section 2. Correction of Voter Registration Records. (1) Each county clerk shall instruct the precinct election officers of the necessity for informing each voter that he or she shall correct any error existing in his or her address as it appears upon the precinct signature roster.

(2) Each precinct election officer shall instruct each voter to correct any error existing in his or her address as it appears upon the precinct signature roster.

(3) Each voter shall, when he or she signs the precinct signature roster, correct any error existing in his or her address as it appears upon the precinct signature roster.

(4) Each county clerk shall take all steps necessary to correct and update each voter's address upon the statewide voter registration database.

Section 3. Interpretation of Commercial Use. Commercial use, as that term is used in KRS 117.025(3)(h), shall be interpreted by the Board of Elections to mean:

(1) The use by the requester of the voter registration list, or any part thereof, in any form, for profit, the solicitation of donations, or for the sale or advertisement of any good, ~~or~~ service, or publication; or

(2) The transfer or sale of a voter registration list by the requester ~~for a profit~~ to any other person whom the requester knew or should have known intended to use the voter registration list, or any part thereof, in any form, for profit, the solicitation of donations, or for the sale or advertisement of any[a] good, ~~or~~ service, or publication.

Section 4. Exceptions to Commercial Use Interpretation. Commercial use shall not include use of a voter registration list, or any part thereof, for the following purposes:

(1) Use for scholarly, journalistic, political (including political fund raising), or governmental purposes; or

(2) Use for publication, broadcast, or related use by a newspaper, magazine, radio station, television station, or other news medium in its news or other publications or broadcasts; ~~or~~

~~(3) Use in a publication provided or sold to duly qualified candidates; political party committees, or officials thereof; or any committee that advocates or opposes an amendment or public question].~~

Section 5. State Board to Prohibit Foreign Access to Voter Registration Lists. The board's discretion to furnish precinct lists to other persons, as stated in KRS 117.025(3)(h), shall not extend to:

(1) Requests known to come from outside of the United States or from requestors known to be closely associated with other persons known to be located outside of the United States, or;

(2) Requests of which, the board believes if filled, would reasonably be expected to result in voter registration data leaving the United States.

Section 6. [Section 5.] Requests for Voter Registration Lists. A request for voter registration lists shall be made by submitting a completed Request for Voter Registration Data, form SBE-84, to the State Board of Elections with payment of fees established in form SBE-84.

Section 7. [Section 6.] Incorporation by Reference. (1) "Request for Voter Registration Data", SBE 84, May 2021 ~~[2018]~~, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the State Board of Elections, 140 West Walnut Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

JARED DEARING, Executive Director

APPROVED BY AGENCY: May 14, 2021

FILED WITH LRC: May 14, 2021 at 8:00 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on July 30, 2021, at 10:00 a.m. ET, at the Office of the State Board of Elections, 140 Walnut Street, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. This hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until July 31, 2021. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Taylor Brown, 140 Walnut Street, Frankfort, Kentucky 40601, phone (502) 782-9499, email TaylorA.Brown@ky.gov.

## REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Taylor Brown

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the procedures for election officials and voters to follow to correct and maintain voter registration records and establishes standards for the State Board of Elections to follow when reviewing a request for a voter registration list.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to securely manage the Commonwealth's voter registration data.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 117.015(1)(a) allows the State Board of Elections to "promulgate administrative regulations necessary to properly carry out its duties."

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: KRS 117.015(3)(h) requires the State Board of Elections to "furnish at a reasonable price any and all precinct lists to duly qualified candidates, political party committees or officials thereof, or any committee that advocates or opposes an amendment or public question." The statute also allows the State Board of Elections to "furnish the precinct lists to other persons at the board's discretion, at a reasonable price to be determined by the board." This administrative regulation will assist in the effective and secure fulfillment of these duties.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This amendment adds measures to ensure that the Commonwealth's voter registration data is treated as securely as possible.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary given the evolving demands related to the security of voter registration data.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 117.015(1)(a) allows the State Board of Elections to "promulgate administrative regulations necessary to properly carry out its duties."

(d) How the amendment will assist in the effective administration of the statutes: KRS 117.015(3)(h) requires the State Board of Elections to "furnish at a reasonable price any and all precinct lists to duly qualified candidates, political party committees or officials thereof, or any committee that advocates or opposes an amendment or public question." The statute also

allows the State Board of Elections to “furnish the precinct lists to other persons at the board's discretion, at a reasonable price to be determined by the board.” This amendment will assist in the effective and secure fulfillment of these duties.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation will affect those mentioned in KRS 117.015(3)(h): “duly qualified candidates, political party committees or officials thereof, or any committee that advocates or opposes an amendment or public question,” as well as, “other persons” who may choose to request voter registration data.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: This amendment will require those mentioned above to take the same action they previously engaged in, namely, submitting a completed Request for Voter Registration Data, form SBE-84.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): The costs associated with a completed Request for Voter Registration Data, form SBE-84 will remain at current levels.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): By complying with the amendments to this administrative regulation, affected entities will realize the benefit of having access to the most secure and accurate transmission of voter registration data possible.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: The cost of the implementation of this administrative regulation for the State Board of Elections will be minimal as the amendment will only require disposal of any Request for Voter Registration Data, form SBE-84 that currently exists in printed form.

(b) On a continuing basis: The State Board of Elections expects that this administrative regulation amendment will cost no more to implement on a continual basis than is currently expended.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Funds from the State Board of Elections’ administrative budget will be used in the implementation and enforcement of this administrative regulation.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: The State Board of Elections believes that the implementation of this administrative regulation amendment can be achieved without an increase in fees or funding.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: Fees associated with a completed Request for Voter Registration Data, form SBE-84 will remain at current levels.

(9) TIERING: Is tiering applied? Tiering is not used in this administrative regulation, as a desired result of the promulgation of this administrative regulation is uniform procedures for fulfilling the requests for voter registration data authorized in KRS 117.025.

## FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The State

Board of Elections will be the only unit of state government impacted by this administrative regulation; no unit of local government should be impacted.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 117.015(3)(h) requires the State Board of Elections to “furnish at a reasonable price any and all precinct lists to duly qualified candidates, political party committees or officials thereof, or any committee that advocates or opposes an amendment or public question.” The statute also allows the State Board of Elections to “furnish the precinct lists to other persons at the board's discretion, at a reasonable price to be determined by the board.”

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? It is not expected or intended that this administrative regulation amendment will generate any more revenue than the current version may.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? It is not expected or intended that this administrative regulation amendment will generate any more revenue than the current version may.

(c) How much will it cost to administer this program for the first year? The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.

(d) How much will it cost to administer this program for subsequent years? The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.