

STATE BOARD OF ELECTIONS
(Amended at ARRS Committee)

31 KAR 4:240. Procedures for Safe at Home Participants to Register to Vote and Request a Mail-in Absentee Ballot.

RELATES TO: KRS ~~14.304~~, 14.312, ~~116.035~~, 116.045, 116.0452, ~~116.155~~, 117.085, 117.086

STATUTORY AUTHORITY: KRS ~~14.312~~, 14.318, 117.015(1)(a)

CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB6, Section 8.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 117.015(1)(a) establishes that as the independent agency of state government tasked with administering the election laws of the state and supervising the registration and purgation of voters within the state, the State Board of Elections may promulgate administrative regulations necessary to properly carry out its duties. KRS 14.318(1) ~~authorizes/gives~~ the State Board of Elections ~~the authority~~ to promulgate administrative regulations to implement KRS 14.312 and 117.085. KRS 14.312(2) ~~authorizes/grants~~ the State Board of Elections ~~the authority~~ to modify statutory or regulatory requirements that would lead to disclosure of a Safe at Home program participant's name and address. This administrative regulation establishes the procedures by which Safe at Home program participants may initially register to vote, update their voter registration, and request a mail-in absentee ballot so that their name and address are protected from disclosure.

Section 1. Modified Statutes.

(1) Under the authority given to the State Board of Elections by KRS 14.312, KRS 116.045(4) is ~~hereby~~ construed to exclude those voters who participate in the Safe at Home program from registering to vote by any means other than those prescribed through this administrative regulation.

(2) Under the authority given to the State Board of Elections by KRS 14.312, KRS 116.0452(2) is ~~hereby~~ construed to exclude those voters who participate in the Safe at Home program from being sent a notice of the disposition of their voter registration application.

(3) Under the authority given to the State Board of Elections by KRS 14.312, KRS 117.085(1) is ~~hereby~~ construed to require those voters who participate in the Safe at Home program to request a mail-in absentee ballot by means of telephone or in-person request, as allowed by KRS 117.085(1)(c) ~~and~~.

(4) Under the authority given to the State Board of Elections by KRS 14.312, KRS 117.086(4) is ~~hereby~~ construed to exclude those voters who participate in the Safe at Home program from being included in any list of voters required to be kept by a County Clerk.

Section 2. Voter Registration.

(1) Following a Safe at Home program participant registering a confidential address with the Secretary of State under either KRS 14.304(2)(c) or 14.304(11), the participant shall be offered an opportunity to register to vote pursuant to KRS 14.312, at their place of residence as determined by KRS 116.035, via use of a paper copy of the Commonwealth of Kentucky Voter Registration Application form, prescribed and furnished by the State Board of Elections under KRS 116.155. ~~If/Should~~ a participant ~~desires/desire~~ to update ~~his or her/their~~ voter registration with information other than an address change, the participant shall submit a new paper copy of the Commonwealth of Kentucky Voter Registration Application form to the office of the Secretary of State.

(2) A Commonwealth of Kentucky Voter Registration Application form completed by a Safe at Home program participant shall establish a prima facie determination by the Secretary of State that the State Board of Elections and the County Clerk of the county listed on the Commonwealth of Kentucky Voter Registration Application form have a bona fide statutory requirement for the use of the residential address listed on the Commonwealth of Kentucky Voter Registration Application form and that the residential address ~~shall~~will be used only for those statutory purposes.

(3) Following the receipt of a completed paper copy of the Commonwealth of Kentucky Voter Registration Application form from a Safe at Home program participant, the Secretary of State shall securely transmit the form to the State Board of Elections. Upon receipt of the form, the State Board of Elections shall see that the form is properly processed by the appropriate County Clerk into the electronic voter registration system established by 31 KAR 3:041, ~~Section 1~~2(3). After processing the form, the paper copy shall be immediately destroyed, with only a digital copy appended to the voter's file in the electronic voter registration system.

Section 3. Mail-in Absentee Ballot Request. A voter participating in the Safe at Home program shall request a mail-in absentee ballot by means of telephone or in-person request, as allowed by KRS 117.085(1)(c) ~~1~~. The mail-in absentee ballot shall be transmitted to the participant at either the address identified as the voter's residential address in the electronic voter registration system or to a mailing address identified by the participant voter and ~~so~~ recorded in the electronic voter registration system.

Section 4. Incorporation by Reference.

(1) ~~The following material is incorporated by reference:~~ "Commonwealth of Kentucky Voter Registration Application", Form SBE 01, 04/2024, 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 Walnut Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. This material is also available on the board's ~~website~~Web site at <https://elect.ky.gov>.

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