STATE BOARD OF ELECTIONS

(Amended at ARRS Committee)

31 KAR 3:050. Cancellation of voter registration following notification of new registration by Kentucky voter outside of the Commonwealth.

RELATES TO: KRS 116.113(5)

STATUTORY AUTHORITY: KRS 117.015(1)(a)

CERTIFICATION STATEMENT: This certifies that this administrative regulation complies with the requirements of 2025 RS HB 6, Section 8.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 117.015(1)(a) authorizes the State Board of Elections to promulgate administrative regulations necessary to administer the election laws of the state. KRS 116.113(5) requires that the Board, "[u]pon receipt of notification from a local or state jurisdiction that a voter has registered to vote in the new local or state jurisdiction outside of the Commonwealth,. .. shall within five (5) days cause the removal of the name of that person from the voter registration records that it maintains, except that no voter's name may be removed during the period of time the registration books are closed for any primary, regular election, or special election." This ***administrative*** regulation provides for the determination of whether the notification from the local or state jurisdiction outside of Kentucky has in fact identified a Kentucky voter who is now registered to vote in a jurisdiction outside of Kentucky and provides for the process for ***[such]***removal following that determination.

Section 1. Procedure.

(1) Upon receipt of notification from a local or state jurisdiction that a person identified by that jurisdiction as a registered Kentucky voter has subsequently registered to vote in that local or state jurisdiction outside of Kentucky, the State Board of Elections shall first search Kentucky's electronic voter registration system to determine whether the individual identified by the local or state jurisdiction outside of Kentucky shares the same first name and last name of a voter registered to vote in Kentucky.

(2) If the first name and last name of a registered Kentucky voter exactly match the first name and last name of the registered voter identified by the local or state jurisdiction outside of Kentucky and the remaining name-related data fields, including middle name or initial and suffixes, do not contain inconsistent information, the registered Kentucky voter shall only be removed from Kentucky's voter rolls under KRS 116.113(5) if one ***(1)*** of the following is true:

(a) The notification from a local or state jurisdiction outside of Kentucky and a single record in the Kentucky electronic voter registration system share an exact match of an address, email address, or phone number and at least one ***(1)*** of the following identifiers:

1. ***[(i)]*** The last four ***(4)*** digits of the Social Security number;

2. Date of birth ***[(ii) Month, day, and year of birth]***; or

3. ***[(iii)]*** Driver's license number; or

(b) Both the notification from a local or state jurisdiction and a single record in the Kentucky electronic voter registration system share an exact match of at least two ***(2)*** of the following identifiers:

1. The last four ***(4)*** digits of the Social Security Number ("SSN");
2. Date of birth; or
3. Driver's license number.

(3) If the notification from a local or state jurisdiction outside of Kentucky and the record in Kentucky's electronic voter registration system do not meet the requirements of ***subsections[subparagraphs]*** (1) and (2) of this section, the State Board of Elections shall

consider the record match to be inconclusive and shall not remove the Kentucky voter from the Commonwealth's voter rolls under KRS 116.113(5).

(4) Notwithstanding a match of the minimum criteria specified under subsection (2), the Board shall not remove a registered Kentucky voter from the rolls if review of any other data field indicates that the person identified by the local or state jurisdiction outside of Kentucky is not the Kentucky voter whose information matches under ***subsection*~~[paragraph]~~** (2). Notwithstanding a match of the minimum criteria under ***subsection*~~[paragraph]~~** (2), no Kentucky voter shall be removed under KRS 116.113(5) unless the notification from the jurisdiction outside Kentucky reflects a registration date for the person identified as a Kentucky voter by the jurisdiction outside of Kentucky, which is subsequent to the most recent voter activity or voter registration activity associated with the registered Kentucky voter in Kentucky.

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