

**116.112 Voter registration purge program -- Inactive voter list.**

- (1) The State Board of Elections shall establish a voter registration purge program using the change-of-address information supplied by the United States Postal Service through its licensees or other sources to identify voters whose addresses may have changed.
- (2)
  - (a) If it appears from information provided by the postal service or other sources that a voter has moved to a different address in the same county in which the voter is currently registered, the State Board of Elections shall provide to the county board of elections the information necessary to change the registration records to show the new address and the State Board of Elections shall send to the new address a notice of the change by forwardable mail on a form prescribed by the State Board of Elections and a postage prepaid, pre-addressed return form by which the voter may verify or correct the address information.
  - (b) If the county board of elections requests authorization from the State Board of Elections to send address confirmation notices as provided in this subsection, the State Board of Elections shall grant the request.
- (3)
  - (a) If it appears from information provided by the postal service or other sources that a voter has moved to a different address not in the same county, the State Board of Elections shall send to the address from which the voter was last registered, by forwardable mail, a notice on a form prescribed by the State Board of Elections, with a postage prepaid and pre-addressed return card on which the voter may state his current address.
  - (b) If a county board of elections requests authorization from the state board to send address confirmation notices as provided in this subsection, the state board shall grant the request.
- (4) The state or county boards of elections shall not remove the name of a voter from the registration records on the ground that the voter has changed his residence unless the voter:
  - (a) Confirms in writing that the voter has changed residence to a place outside the county; or
  - (b)
    1. Has failed to respond to the notice described in subsection (3) of this section; and
    2. Has not voted or appeared to vote and, if necessary, correct the registration records of the voter's address in an election during the period beginning on the date of the notice and ending on the day after the date of the second general election for Federal office that occurs after the date of the notice.

If a county board of elections requests authorization from the state board to conduct purges of voters in its county in accordance with the provisions of this subsection, the state board shall grant the request.

- (5) The State Board of Elections shall establish an inactive list of all voters who fail to respond to the notice described in subsection (3) of this section and do not vote or

appear to vote in an election during the period beginning on the date of the notice and ending on the day after the date of the second general election for federal office that occurs after the date of the notice. If a county board of elections requests authorization from the state board to establish an inactive list of voters for its county, the state board shall grant the request.

- (6) The State Board of Elections shall complete, not later than ninety (90) days prior to the date of a primary or regular election, any program the purpose of which is to systematically remove the names of ineligible voters from the registration records.
- (7) Voters placed on an inactive list are to be counted only for purposes of voting and not for purposes of establishing or modifying precincts, calculating the amount of reimbursement of county clerks by the State Board of Elections for certain election-related expenses, or reporting official statistics, except as provided by the Election Assistance Commission's regulations promulgated pursuant to the National Voter Registration Act of 1993.
- (8)
  - (a) The State Board of Elections and county boards of elections shall maintain for at least two (2) years and shall make available for public inspection and, where available, photocopying at a reasonable cost, all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of the registration records, except to the extent that the records relate to the declination to register to vote or the identity of a voter registration agency through which any particular voter is registered.
  - (b) The records maintained pursuant to paragraph (a) of this subsection shall include lists of the names and addresses of all persons to whom notices described in subsection (3) are sent, and information concerning whether each person has responded to the notice as of the date that inspection of the records is made.

**Effective:** June 29, 2021

**History:** Amended 2021 Ky. Acts ch. 197, sec. 4, effective June 29, 2021. -- Amended 2002 Ky. Acts ch. 63, sec. 6, effective July 15, 2002. -- Amended 1996 Ky. Acts ch. 195, sec. 1, effective July 15, 1996. -- Amended 1994 Ky. Acts ch. 393, sec. 7, effective January 1, 1995. -- Amended 1990 Ky. Acts ch. 48, sec. 8, effective July 13, 1990. -- Created 1988 Ky. Acts ch. 341, sec. 7, effective July 15, 1988.

**Legislative Research Commission Note (7/15/94).** In Attorney General Opinion 94-42, it was concluded that 1994 Ky. Acts ch. 393, which amended this statute "will take effect on January 1, 1995, the date the National Voter Registration Act will take effect with respect to Kentucky."