

117.245 Procedure when voter's right to vote disputed.

- (1) The fact that a person is registered constitutes only prima facie evidence of his or her right to vote and does not prevent the officers of any election from refusing to allow him or her to vote for cause.
- (2) When the officers of an election disagree as to the qualifications of a voter or if his or her right to vote is disputed by a challenger, other than for failure to provide proof of identification as defined in KRS 117.001, the voter shall sign a written oath as to his or her qualifications before he or she is permitted to vote. The oath shall be in such form prescribed and furnished by the State Board of Elections pursuant to administrative regulations promulgated under KRS Chapter 13A. Twenty (20) printed copies of these oaths shall be included in the election supplies of each precinct.
- (3) The subscribed oaths shall be returned to the county clerk who shall deliver them to the Commonwealth's attorney.
- (4) The Commonwealth's attorney and county attorney shall investigate each of the oaths and cause to be summoned before the grand jury the witnesses they or either of them, deem proper, and the grand jury shall make a thorough investigation of all votes so cast, and return indictments against all persons illegally voting. The foreman of the grand jury shall return to the county clerk all of the oaths upon which no indictments are found. The county clerk shall safely keep them as a part of the records of his or her office, and shall produce any or all of them, when required, to any subsequent grand jury.

Effective: June 29, 2021

History: Amended 2021 Ky. Acts ch. 197, sec. 33, effective June 29, 2021. -- Amended 2020 Ky. Acts ch. 89, sec. 17, effective July 15, 2020. -- Amended 1982 Ky. Acts ch. 394, sec. 15, effective July 15, 1982. -- Amended 1976 (1st Extra. Sess.) Ky. Acts ch. 14, sec. 130, effective January 2, 1978. -- Created 1974 Ky. Acts ch. 130, sec. 38, effective June 21, 1974.