

116.116 Agreements between State Board of Elections and federal government to identify registered voters who are deceased or are noncitizens -- Required provisions -- Notice to identified individuals -- Procedure to verify citizenship - - Purge of noncitizens from roster of qualified voters. (Effective January 1, 2028)

- (1) The State Board of Elections is authorized to enter into agreements with agencies of the federal government to identify individuals who are deceased or who are not citizens of the United States but are registered to vote in this state.
- (2)
 - (a) Any agreement entered into in order to identify individuals who are not citizens of the United States but are registered to vote in this state shall have its terms agreed to in a written memorandum of understanding or similar document signed by individuals authorized to do so from the federal agency and the State Board of Elections.
 - (b) The document agreed to shall contain, at a minimum, provisions guaranteeing the following:
 1. The federal agency shall be provided with a copy of the roster of all qualified registered voters within the state maintained by the State Board of Elections pursuant to KRS 117.025;
 2. The copy of the roster that is provided to the federal agency shall include only the name, date of birth, and last four (4) digits of the Social Security number, if available, of registered voters within the state;
 3. The copy of the roster that is provided to the federal agency shall not include any other information, including but not limited to the residential or mailing address, driver's license number, voting history, or political party affiliation of registered voters within the state; and
 4. The federal agency shall be prohibited from acquiring a copy of the roster under KRS 117.025(3)(i).
- (3) For all individuals who are identified as being a noncitizen through an agreement authorized by this section, the State Board of Elections shall:
 - (a) Mark the individual's registration in the roster of all qualified registered voters maintained pursuant to KRS 117.025(3)(a) in such a way that indicates on the voter registration system and any e-poll book that the individual has been identified as a noncitizen; and
 - (b) Mail the individual a notice stating that he or she has been identified by the federal government as being a noncitizen who is registered to vote in the Commonwealth, and informing the individual of the steps he or she must take before he or she may cast a ballot again.
- (4) An individual identified as a noncitizen on the roster of qualified voters shall not cast a ballot until his or her United States citizenship is verified. To verify his or her United States citizenship, he or she shall present one (1) or more of the following at the office of his or her county clerk:
 - (a) A United States birth certificate that meets all the following requirements:
 1. Is issued by the city, county, or state of birth;

2. Lists the applicant's full name, date of birth, and place of birth;
 3. Lists the applicant's parent or parents and their full names;
 4. Has the signature of the city, county, or state registrar;
 5. Has the date it was filed with the registrar's office; and
 6. Has the seal or stamp of the city, county, or state in which it was issued;
- (b) An undamaged United States passport that is or was valid for ten (10) years for adults or five (5) years for children under sixteen (16) and does not contain a United States National endorsement;
 - (c) A Consular Report of Birth Abroad or Certification of Birth;
 - (d) A Certificate of Naturalization; or
 - (e) A Certificate of Citizenship.
- (5) If an individual identified as a noncitizen on the roster of qualified voters presents documentation verifying his or her United States citizenship at his or her county clerk's office, the county clerk shall make a copy of the documentation presented and record the copy in the voter registration system. The county clerk shall then immediately notify the State Board of Elections of the presented documentation and the board shall remove the mark from the voter's registration that indicates he or she was identified as a noncitizen on the roster of qualified voters.
 - (6) If an individual identified as a noncitizen on the roster of qualified voters appears at a voting location to vote, the election officer shall allow the voter to cast a provisional ballot only after the voter has attested under penalty of perjury that he or she is a United States citizen on a form provided by the State Board of Elections.
 - (7) An individual identified as a noncitizen on the roster of qualified voters shall be purged from the roster of qualified voters if the individual does not verify his or her United States citizenship before the day after the date of the second general election for federal office that occurs after the individual was identified as a noncitizen on the roster of qualified voters.
 - (8) The voter registration of all individuals who are identified as being a noncitizen through an agreement authorized by this section shall be forwarded by the State Board of Elections to the Unit of Election Investigations and Security within the Office of the Attorney General. If the citizenship of an individual identified as a noncitizen is later verified by the applicable federal agency or through the procedures in this section, the State Board of Elections shall notify the Unit of Election Investigations and Security within the Office of the Attorney General of that fact.

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