

AN ACT relating to elections.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 116 IS CREATED TO READ AS FOLLOWS:

- (1) The State Board of Elections shall establish an electronic voter registration system through which a person may register or reregister to vote.*
- (2) The electronic voter registration system shall include the electronic equivalent of the registration application form prescribed and furnished by the State Board of Elections under KRS 116.155, including a warning relating to the potential penalties applicable to an applicant knowingly filing an application with untrue information and a voter declaration affirmation as required by KRS 116.065.*
- (3) The electronic voter registration system shall not allow an applicant to submit an application unless the entire application form, including the voter declaration affirmation, is completed by the applicant.*
- (4) The State Board of Elections may employ additional security measures to ensure the accuracy and integrity of electronic voter registration applications.*
- (5) Immediately upon the applicant's submission of a completed application, the State Board of Elections shall electronically forward the information provided in the application to the county clerk for the county in which the applicant resides. The applicant shall be immediately notified that his or her application has been electronically forwarded to the county clerk for the county in which he or she resides, but that the applicant will not be officially registered to vote or that changes to his or her existing registration will not be made until the application is received and processed by the county clerk.*
- (6) An electronic voter registration application shall be deemed to have been made as of the date the applicant is informed in accordance with subsection (5) of this section that his or her application has been electronically forwarded to the county*

clerk for the county in which he or she resides.

(7) Except as otherwise specifically provided, an electronic voter registration application electronically forwarded by the State Board of Elections shall be considered, for the purposes of this chapter, an application for registration by mail.

(8) The State Board of Elections may promulgate administrative regulations necessary to implement this section.

(9) Each county clerk shall maintain such statistical records on electronic voter registration applications as requested by the State Board of Elections.

(10) To the extent permitted by Section 102 of the Electronic Signatures in Global and National Commerce Act, Pub. L. No. 106-229, 15 U.S.C. sec. 7002, this chapter may modify or supersede provisions of that act.

➔Section 2. KRS 116.045 is amended to read as follows:

- (1) Any person may register as a voter during the period registration is open if he or she possesses, or will possess on the day of the next regular election, the qualifications set forth in KRS 116.025.
- (2) The county clerk shall cause all registration to be closed the fourth Tuesday preceding through the first Monday following any primary or ~~regular~~^{general} election, and the twenty-eight (28) days prior to and seven (7) days following any special election. If the last day of registration falls on a state or federal holiday, the period runs until the end of the next day which is not a Saturday or Sunday nor a state or federal holiday. During the period that registration is closed, the county clerk may accept and process registrations. Any voter who registers during the period that registration is closed, except for any registered voter who transfers his or her registration pursuant to KRS 116.085(2) or (3), shall not be permitted to vote in the upcoming election.
- (3) In all counties, the county clerk shall receive registrations, transfers, or changes of

party affiliation at branch offices at any place in the county during those periods that the registration books are open except for those transfers pursuant to KRS 116.085(2) or 116.085(3). However, notice in the manner provided by KRS Chapter 424 shall be given at least three (3), but not more than fourteen (14), days in advance of the time and place of any branch registration, and ten (10) days' written notice shall be given to the county executive committee of each major political party in the county in which the branch registration is to be held.

- (4) Any person may register to vote or may change his or her party affiliation in any of the following ways:
- (a) In person;
 - (b) By mail;
 - (c) **By electronic application under Section 1 of this Act;**
 - (d)** By means of the federal post card application, if the person is a resident of Kentucky and a member of the Armed Forces, or a dependent of members of the Armed Forces, or overseas citizen;
 - ~~**(e)**~~~~**(d)**~~ By mail-in application form prescribed by the Federal Election Commission pursuant to the National Voter Registration Act of 1993; or
 - ~~**(f)**~~~~**(e)**~~ By other methods of registration, or reregistration, approved by the State Board of Elections, including the use of voluntary interested groups and political parties, under the proper supervision and directions of the county clerk, which may include door to door canvassing.
- (5) Upon receipt of the **paper or electronic application** form prescribed by the State Board of Elections or the Federal Election Commission pursuant to the National Voter Registration Act of 1993, properly filled out and signed by the applicant, the county clerk shall register the applicant.
- (6) Any individual or group shall have access to a reasonable number of voter registration forms including the mail-in application form prescribed by the Federal

Election Commission pursuant to the National Voter Registration Act of 1993 in the county clerk's office. The individual or group shall act under the proper supervision and directions of the county clerk and shall return these completed forms to the county clerk for official registration by the county clerk.

- (7) No later than December 31, 1994, the Transportation Cabinet shall equip all driver's license agencies to comply with the provisions of the National Voter Registration Act of 1993. The Secretary of State shall provide assistance and interpretation to the Transportation Cabinet in determining the requirements of the National Voter Registration Act of 1993.
- (8) The county clerk shall enter the specific party identification of the voter with a political party, political organization, or political group as defined in KRS 118.015, or independent status, as indicated by the voter on the voter registration form, into the statewide voter registration system. The State Board of Elections shall promulgate administrative regulations under KRS Chapter 13A to provide for tracking of the registration of voters identifying with political organizations and political groups as defined in KRS 118.015, and voters of independent status.
- (9) No later than January 31, 2016, each county clerk's office shall post a permanent notice identifying the means by which a person may register to vote under subsection (4)(a) to (e) of this section, including notice that a person may register in the county clerk's office and through the electronic voter registration system established in Section 1 of this Act. The notice shall be printed in bold face type of sufficient point size to be read from a distance of at least three (3) feet. The notice shall be posted in a conspicuous place to ensure that every person who enters the county clerk's office will readily see the notice.**

➔Section 3. KRS 116.0452 is amended to read as follows:

- (1) For the purpose of determining whether a voter registration application is received during the period in which registration books are open under KRS 116.045(2), an

application shall be deemed timely received:

- (a) In the case of registration with a motor vehicle driver's license application, if the valid voter registration form of the applicant is accepted by the circuit clerk before the registration books are closed;
 - (b) In the case of registration by mail, if the valid voter registration form of the applicant is legibly postmarked before the registration books are closed;
 - (c) In the case of registration with a voter registration agency, if the valid voter registration form of the applicant is accepted at the voter registration agency before the registration books are closed;~~and~~
 - (d) **In the case of registration by electronic application under Section 1 of this Act, if the applicant receives confirmation that the electronic voter registration application form of the applicant has been forwarded to the appropriate county clerk before the registration books are closed; and**
 - (e) In any other case, if the valid voter registration form of the applicant is received by the appropriate county clerk before the registration books are closed.
- (2) The county clerk shall send notice to each applicant of the disposition of the application.
- (3) The name of a registered voter shall not be removed from the registration books except:
- (a) Upon request of the voter;
 - (b) As provided by KRS 116.113, upon notice of death, declaration of incompetency, or conviction of a felony; or
 - (c) Upon failure to respond to a confirmation mailing sent pursuant to KRS 116.112(3) and failure to vote or appear to vote and, if necessary, correct the registration record 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.

- (4) The identity of the voter registration agency or circuit clerk's office through which any particular voter is registered shall not be disclosed to the public.

➔Section 4. KRS 116.0455 is amended to read as follows:

- (1) (a) Each motor vehicle driver's license application, including any renewal application, submitted to the appropriate motor vehicle authority shall serve as an application for voter registration unless the applicant fails to sign the voter registration application.
 - (b) An application for voter registration submitted under paragraph (a) of this subsection shall be considered as updating any previous voter registration by the applicant.
- (2) No information relating to the failure of an applicant for a motor vehicle driver's license to sign a voter registration application may be used for any purpose other than voter registration.
- (3) (a) The Transportation Cabinet shall include a voter registration application form as part of an application for a motor vehicle driver's license.
 - (b) The voter registration application portion of an application for a motor vehicle driver's license shall comply with the requirements of Section 5 of Public Law 103-31, the National Voter Registration Act of 1993.
- (4) Any change of address form submitted for purposes of a motor vehicle driver's license shall serve as notification of change of address for voter registration for the registrant involved unless the registrant states on the form that the change of address is not for voter registration purposes.
- (5) (a) A completed voter registration portion of an application for a motor vehicle driver's license accepted by a circuit clerk shall be transmitted to the county clerk of the county of the applicant's voting residence not later than ten (10)

days after the date of acceptance.

- (b) If a voter registration application is accepted within five (5) days before the last day for registration to vote in an election, the application shall be transmitted to the county clerk of the county of the applicant's voting residence not later than five (5) days after the date of acceptance.
- (6) The circuit clerk shall provide to the county clerk a declination statement signed by an applicant if the applicant has declined to register to vote.

(7) No later than January 31, 2016, each circuit clerk's office and any satellite office that accepts motor vehicle driver's license applications shall post a permanent notice identifying the means by which a person may register to vote under subsection (4)(a) to (e) of Section 2 of this Act, including notice that a person may register in the circuit clerk's office and through the electronic voter registration system established in Section 1 of this Act. The notice shall be printed in bold face type of sufficient point size to be read from a distance of at least three (3) feet. The notice shall be posted in a conspicuous place to ensure that every person who enters the circuit clerk's office or satellite office will readily see the notice.

➔Section 5. KRS 116.048 is amended to read as follows:

- (1) The following agencies are designated as voter registration agencies in accordance with the National Voter Registration Act of 1993:
 - (a) Agencies that provide benefits under public assistance under Title IV-A of the Federal Social Security Act, the Special Supplemental Food Program for Women, Infants, and Children, the Kentucky Medical Assistance Program, or the Food Stamps Program;
 - (b) Armed Forces recruitment offices;
 - (c) Other agencies as the Secretary of State shall determine to be providing public assistance; and

- (d) Other agencies as the Secretary of State shall determine to be state-funded programs primarily engaged in providing services to persons with disabilities.
- (2) A voter registration agency that provides service or assistance in conducting voter registration shall:
- (a) Distribute with each application for its service or assistance, and with each recertification, renewal, or change of address form, the office's own voter registration application form that complies with the requirements of Section 7 of Public Law 103-31, the National Voter Registration Act of 1993;
 - (b) Provide a form that includes:
 - 1. The question, "If you are not registered to vote where you live now, would you like to apply to register to vote here today?";
 - 2. If the agency provides public assistance, the statement, "Applying to register or declining to register to vote will not affect the amount of assistance that you will be provided by this agency.";
 - 3. Boxes for the applicant to check to indicate whether the applicant would like to register or declines to register to vote (failure to check either box being deemed to constitute a declination to register for purposes of paragraph (c) of this subsection), together with the statement in close proximity to the boxes and in prominent type, "IF YOU DO NOT CHECK EITHER BOX, YOU WILL BE CONSIDERED TO HAVE DECIDED NOT TO REGISTER TO VOTE AT THIS TIME.";
 - 4. The statement, "If you would like help in filling out the voter registration application form, we will help you. The decision whether to seek or accept help is yours. You may fill out the application form in private."; and
 - 5. The statement, "If you believe that someone has interfered with your right to register or to decline to register to vote, your right to privacy in

deciding whether to register or in applying to register to vote, or your right to choose your own political party or other political preference, you may file a complaint with _____.", the blank being filled by the name, address, and telephone number of the appropriate official to whom a complaint should be addressed; and

- (c) Provide to each applicant who does not decline to register to vote the same degree of assistance with regard to the completion of the registration application form as is provided by the office with regard to the completion of its own forms, unless the applicant refuses assistance.
- (3) (a) At each voter registration agency, the following services shall be made available:
- 1. Distribution of mail voter registration forms;
 - 2. Assistance to applicants in completing voter registration application forms, unless the applicant refuses assistance; and
 - 3. Acceptance of completed voter registration application forms for transmittal to the county clerk of the county of the applicant's voting residence.
- (b) If a voter registration agency designated under subsection (1)(d) of this section provides services to a person with a disability at the person's home, the agency shall provide the services described in paragraph (a) of this subsection at the person's home.
- (4) A person who provides services described in subsection (3) of this section shall not:
- (a) Seek to influence an applicant's political preference or party registration;
 - (b) Display any material indicating the person's political preference or party allegiance;
 - (c) Make any statement to an applicant or take any action the purpose or effect of which is to discourage the applicant from registering to vote; or

- (d) Make any statement to an applicant or take any action the purpose or effect of which is to lead the applicant to believe that a decision to register or not to register to vote has any bearing on the availability of services or benefits.
- (5) The State Board of Elections may designate requirements for record keeping and document retention it deems necessary to comply with the National Voter Registration Act of 1993 and the provisions of this chapter.
- (6) (a) A completed registration application accepted at a voter registration agency shall be transmitted to the county clerk of the county of the applicant's voting residence or the State Board of Elections not later than ten (10) days after the date of acceptance.
- (b) If a registration application is accepted within five (5) days before the last day for registration to vote in an election, the application shall be transmitted to the county clerk of the county of the applicant's voting residence or the State Board of Elections not later than five (5) days after the date of acceptance.
- (7) (a) No later than January 31, 2016, each voter registration agency designated in this section shall post a permanent notice identifying the means by which a person may register to vote under subsection (4)(a) to (e) of Section 2 of this Act, including notice that a person may register in the designated voter registration agency and through the electronic voter registration system established in Section 1 of this Act. The notice shall be printed in bold face type of sufficient point size to be read from a distance of at least three (3) feet. The notice shall be posted in a conspicuous place to ensure that every person who enters the designated voter registration agency will readily see the notice.**
- (b) Any agency that is designated a voter registration agency after January 31, 2016, shall post the permanent notice required by paragraph (a) of this subsection no later than thirty (30) days following the day the agency is**

designated as a voter registration agency.

→Section 6. The State Board of Elections shall cause the electronic voter registration system required by Section 1 of this Act to be developed and implemented no later than January 1, 2016.