

1 AN ACT relating to survivor protection.

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

3 ➔Section 1. KRS 14.260 is repealed, reenacted as a new section of KRS Chapter
4 196, and amended to read as follows:

- 5 (1) As funds are available, the ***director of the Division of Parole and Victim***
6 ***Services***~~[Secretary of State],~~ or designee, shall promulgate administrative
7 regulations to expand the address protection program to allow an applicant or
8 specified guardians to apply to have a substitute address designated to serve as the
9 address of the participant. Any program created under this section shall:
- 10 (a) Collaborate with the Kentucky Commission on Women;
- 11 (b) Establish criteria to prohibit certain individuals, including any individual
12 required to register as a sex offender, from participation in the program;
- 13 (c) Allow a participant to request that state and local agencies use the substitute
14 address as the address of the participant, but agencies may show that they have
15 a bona fide statutory or administrative requirement for the actual address;
- 16 (d) Be open to individuals that are victims of domestic violence and abuse,
17 stalking, any victim of an offense or an attempt to commit an offense defined
18 in KRS Chapter 510, 530.020, 530.064(1)(a), 531.310, or 531.320, or any
19 victim of a similar federal offense or a similar offense from another state or
20 territory;
- 21 (e) Allow an applicant to submit evidence, including a sworn statement ***or an***
22 ***order of protection as defined in KRS 403.720***, to show that he or she is a
23 victim of a qualifying offense; ***and***
- 24 ***Issue a residency letter, document, or card to a participant in the address***
25 ***protection program for that participant to offer as proof that he or she***
26 ***actually resides in a specific county.***
- 27 (2) Participation in any program established under this section shall not affect custody

1 or visitation orders in effect prior to or established during program participation, nor
2 shall it constitute evidence of any offense and shall not be considered for purposes
3 of making an order allocating parental responsibilities or parenting time.

4 (3) No actionable duty nor any right of action shall accrue against the state, any entity
5 operating an address protection program for the state, an individual operating in his
6 or her professional capacity on behalf of the confidential address protection
7 program established in this section, or an employee of the state or municipality in
8 the event of negligent acts that result in the disclosure of a program participant's
9 actual address.

10 (4) The address protection program fund is hereby created as a separate trust fund in the
11 State Treasury. The address protection program fund shall consist of amounts
12 received from fees collected pursuant to KRS 23A.208 and 24A.178, amounts
13 received from appropriations, and any other proceeds from gifts, grants, federal
14 funds, or any other funds, both public and private, made available for the purposes
15 of this section.

16 (5) The address protection program fund shall be administered by the *director of*
17 *Parole and Victim Services*~~[Secretary of State]~~ to operate and maintain the
18 confidential address protection program established in this section.

19 (6) Notwithstanding KRS 45.229, address protection program fund amounts not
20 expended at the close of a fiscal year shall not lapse but shall be carried forward
21 into the next fiscal year.

22 (7) Any interest earnings of the address protection program fund shall become a part of
23 the address protection program fund and shall not lapse.

24 (8) Moneys deposited in the address protection program fund are hereby appropriated
25 for the purposes set forth in this section and shall not be appropriated or transferred
26 by the General Assembly for any other purposes.

27 ➔Section 2. KRS 14.300 is repealed, reenacted as a new section of KRS Chapter

1 196, and amended to read as follows:

2 As used in Sections 1 to 11 of this Act~~[KRS 14.300 to 14.318]~~ unless the context
3 otherwise requires:

4 (1) "Address" means a residential street address, school address, or work address of an
5 individual, as specified on the application of an individual to be a program
6 participant under this section;

7 (2) "Applicant" means a person applying for certification in the address confidentiality
8 program under Sections 1 to 11 of this Act~~[KRS 14.300 to 14.318]~~;

9 (3) "Criminal offense against a victim who is a minor" has the same meaning as in KRS
10 17.500;

11 (4) "Domestic violence and abuse" has the same meaning as in KRS 403.720;

12 (5) "Program participant" means a person certified as a program participant under
13 Sections 1 to 11 of this Act~~[KRS 14.300 to 14.318]~~;

14 (6) "Sex crime" means an offense or an attempt to commit an offense defined in:

15 (a) KRS Chapter 510;

16 (b) KRS 530.020;

17 (c) KRS 530.064(1)(a);

18 (d) KRS 531.310;

19 (e) KRS 531.320; or

20 (f) Any criminal attempt to commit an offense specified in this subsection,
21 regardless of the penalty for the attempt;

22 (7) "Specified offense" means:

23 (a) Domestic violence and abuse;

24 (b) Stalking;

25 (c) A sex crime;

26 (d) A criminal offense against a victim who is a minor;

27 (e) A similar federal offense; or

1 (f) A similar offense from another state or territory; and

2 (8) "Stalking" means conduct prohibited under KRS 508.140 and 508.150.

3 ➔Section 3. KRS 14.302 is repealed, reenacted as a new section of KRS Chapter
4 196, and amended to read as follows:

5 (1) On or after July 1, ~~2017~~[2013], the **director of the Division of Parole and Victim**
6 **Services**[Secretary of State] shall create a crime victim address protection program.

7 (2) The crime victim address protection program shall be open to victims of a specified
8 offense who are United States citizens and residents of Kentucky, without any cost
9 to the program participant.

10 (3) The **director of the Division of Parole and Victim Services**[Secretary of State] shall
11 require that each person employed in the **Division of Parole and Victim**
12 **Services**[Office of the Secretary of State] directly responsible for the administration
13 of the crime victim address protection program submit his or her fingerprints to the
14 **Kentucky State Police**[Department of State]. The **Kentucky State**
15 **Police**[Department of State] shall exchange fingerprint data with the ~~Kentucky~~
16 ~~State Police and the~~ Federal Bureau of Investigation in order to conduct a criminal
17 history background check of each employee directly responsible for the
18 administration of the program.

19 ➔Section 4. KRS 14.304 is repealed, reenacted as a new section of KRS Chapter
20 196, and amended to read as follows:

21 (1) Upon the creation of the crime victim address protection program, an applicant, a
22 parent or guardian acting on behalf of a minor, a guardian acting on behalf of a
23 person who is declared incompetent, or a designee of an applicant or a parent or
24 guardian of a minor or a guardian of a person declared incompetent who cannot for
25 any reason apply themselves, may apply to the **director of the Division of Parole**
26 **and Victim Services**[Secretary of State] to have an address designated by the
27 **director of the Division of Parole and Victim Services**[Secretary of State] serve for

1 voting purposes as the address of the applicant, the minor, or the incompetent
2 person. The Secretary of State shall approve an application if it is filed in the
3 manner and on the form prescribed by the **director of the Division of Parole and**
4 **Victim Services**~~[Secretary of State]~~ by administrative regulation and if it contains:

5 (a) A sworn statement by the applicant that:

6 1. The applicant or the minor or the incompetent person on whose behalf
7 the application is made is a victim of a specified offense in an ongoing
8 criminal case or in a criminal case that resulted in a conviction by a
9 judge or jury or by a defendant's guilty plea;~~[-or]~~

10 2. The applicant or the minor or the incompetent person on whose behalf
11 the application is made has been granted an order of protection as
12 defined in KRS 403.720 and 456.010 by a court of competent
13 jurisdiction within the Commonwealth of Kentucky and the order is in
14 effect at the time of application; **or**

15 **3. The applicant or the minor or the incompetent person on whose behalf**
16 **the application is made is a participant in the address protection**
17 **program established in Section 1 of this Act;**

18 (b) A sworn statement by the applicant that disclosure of the address of the
19 applicant would endanger the safety of the applicant or the safety of the
20 children of the applicant, or the minor or incompetent person on whose behalf
21 the application is made.

22 (c) The mailing address and the phone number or numbers where the applicant
23 can be contacted by the **director of the Division of Parole and Victim**
24 **Services**~~[Secretary of State]~~;

25 (d) The new address or addresses that the applicant requests not be disclosed for
26 the reason that disclosure will increase the risk of a specified offense; and

27 (e) The signature of the applicant and of a representative of any office designated

1 under **Section 7 of this Act**~~[KRS 14.310]~~ as a referring agency who assisted in
2 the preparation of the application, and the date on which the applicant signed
3 the application.

4 (2) Applications shall be filed with the **Division of Parole and Victim Services**~~[Office~~
5 ~~of the Secretary of State]~~.

6 (3) Upon the filing of a properly completed application, the **director of the Division of**
7 **Parole and Victim Services**~~[Secretary of State]~~ shall certify the applicant as a
8 program participant if the applicant is not required to register as a sex offender or is
9 not otherwise prohibited from participating in the program.

10 (4) Applicants shall be certified for two (2) years following the date of filing unless the
11 certification is withdrawn or invalidated before that date. The **director of the**
12 **Division of Parole and Victim Services**~~[Secretary of State]~~ shall promulgate an
13 administrative regulation to establish a renewal procedure.

14 (5) A person who falsely attests in an application that disclosure of the address of the
15 applicant would endanger the safety of the applicant or the safety of the children of
16 the applicant, or the minor or incompetent person on whose behalf the application is
17 made, or who knowingly provides false or incorrect information upon making an
18 application may be found guilty of a violation of KRS 523.030.

19 (6) The addresses of individuals applying for entrance into the crime victim address
20 confidentiality program and the addresses of those certified as program participants
21 shall be exempt from disclosure under the Kentucky Open Records Act, KRS
22 61.870 to KRS 61.884.

23 (7) A program participant shall notify the **Division of Parole and Victim**
24 **Services**~~[Office of the Secretary of State]~~ of a change of address within seven (7)
25 days of the change of address.

26 ➔Section 5. KRS 14.306 is repealed, reenacted as a new section of KRS Chapter
27 196, and amended to read as follows:

- 1 (1) The **director of the Division of Parole and Victim Services**~~[Secretary of State]~~ may
2 cancel certification of a program participant if within fourteen (14) days:
- 3 (a) From the date of the program participant changing his or her name, the
4 program participant fails to notify the **director of the Division of Parole and**
5 **Victim Services**~~[Secretary of State]~~ that he or she has obtained a name change;
6 however, the program participant may reapply under his or her new name; or
- 7 (b) From the date of changing his or her address, the program participant fails to
8 notify the **director of the Division of Parole and Victim Services**~~[Secretary of~~
9 ~~State]~~ of the change of address.
- 10 (2) The **director of the Division of Parole and Victim Services**~~[Secretary of State]~~ shall
11 cancel certification of a program participant who applies using false information.
- 12 (3) The **director of the Division of Parole and Victim Services**~~[Secretary of State]~~ shall
13 send notice of certification cancellation to the program participant. The notice of
14 certification cancellation shall set out the reasons for cancellation. The program
15 participant has the right to appeal the decision within thirty (30) days under
16 procedures established by the **Division of Parole and Victim Services**~~[Office of the~~
17 ~~Secretary of State]~~ by administrative regulation.
- 18 (4) The **director of the Division of Parole and Victim Services**~~[Secretary of State]~~ shall
19 cancel certification of a program participant who is required to register as a sex
20 offender.
- 21 (5) A program participant may withdraw from the program by providing the **director of**
22 **the Division of Parole and Victim Services**~~[Secretary of State]~~ with notice of his or
23 her intention to withdraw from the program. The **director of the Division of Parole**
24 **and Victim Services**~~[Secretary of State]~~ shall promulgate by administrative
25 regulations a secure procedure by which to ensure that the program participant's
26 request for withdrawal is legitimate.
- 27 ➔Section 6. KRS 14.308 is repealed, reenacted as a new section of KRS Chapter

1 196, and amended to read as follows:

2 The **director of the Division of Parole and Victim Services**~~[Secretary of the State]~~ shall
3 not make available for inspection or copying any records in a file of a program
4 participant, other than the address designated by the **director of the Division of Parole**
5 **and Victim Services**~~[Secretary of State]~~, except under the following circumstances:

- 6 (1) If directed by a court order signed by a judge or justice of a court of competent
7 jurisdiction within the Commonwealth of Kentucky; or
- 8 (2) Upon written request by the chief law enforcement officer of a city or county, or the
9 commander of a Department of Kentucky State Police post or branch, if related to
10 an ongoing official investigation. Requests shall include the reason the information
11 is needed by the law enforcement agency.

12 ➔Section 7. KRS 14.310 is repealed, reenacted as a new section of KRS Chapter
13 196, and amended to read as follows:

14 The **director of the Division of Parole and Victim Services**~~[Secretary of State]~~ shall
15 establish a list of state and local agencies and nonprofit agencies that provide counseling
16 and shelter services to victims of a specified offense to assist persons applying to be
17 program participants. Any assistance and counseling rendered to applicants by the
18 **Division of Parole and Victim Services**~~[Office of the Secretary of State]~~ or its designees
19 shall in no way be construed as legal advice.

20 ➔Section 8. KRS 14.312 is repealed, reenacted as a new section of KRS Chapter
21 196, and amended to read as follows:

- 22 (1) A program participant who is otherwise qualified to vote may register to vote and
23 apply for and submit a mail-in absentee ballot under this section.
- 24 (2) Using the authority granted under **subsection (1) of Section 11 of this Act**~~[KRS~~
25 ~~14.318(1)]~~, the State Board of Elections shall design a system allowing a county
26 clerk to shield from public view all voting records of a program participant,
27 including the name and address of a program participant, and allowing a program

1 participant to vote by mail-in absentee ballot. This authority may be used to modify
2 statutory or regulatory requirements that would lead to disclosure of the program
3 participant's name and address, but shall not include authority to waive or modify
4 any other requirements relative to the program participant's qualifications to vote,
5 including age and geographic residency.

6 (3) The program participant may receive mail-in absentee ballots for all elections in the
7 jurisdiction in which that individual resides in the same manner as a person
8 requesting an absentee ballot under KRS 117.085(1)(a). The county clerk shall
9 transmit a mail-in absentee ballot to the program participant at the address
10 designated by the participant in his or her application.

11 (4) Neither the name nor the address of a program participant shall be included in any
12 list of registered voters available to the public, including any list inspected under
13 KRS 116.095.

14 ➔Section 9. KRS 14.314 is repealed, reenacted as a new section of KRS Chapter
15 196, and amended to read as follows:

16 Nothing in Sections 1 to 11 of this Act~~[this chapter]~~, nor participation in the program
17 created in Sections 1 to 11 of this Act~~[this chapter]~~, shall affect custody or visitation
18 orders in effect prior to or during program participation.

19 ➔Section 10. KRS 14.316 is repealed and reenacted as a new section of KRS
20 Chapter 196 to read as follows:

21 No actionable duty or any right of action shall accrue against the state, a county, a
22 municipality, an agency of the state or county or municipality, or an employee of the state
23 or county or municipality in the event of negligent disclosure of a program participant's
24 actual address.

25 ➔Section 11. KRS 14.318 is repealed, reenacted as a new section of KRS Chapter
26 196, and amended to read as follows:

27 (1) The State Board of Elections may promulgate administrative regulations to

1 implement **Section 8 of this Act**~~[KRS 14.312]~~ and 117.085.

2 (2) The **director of the Division of Parole and Victim Services**~~[Secretary of State]~~ may
3 promulgate administrative regulations to implement **Sections 1 to 7, 9, and 10 of**
4 **this Act**~~[KRS 14.300 to 14.310, 14.314, and 14.316]~~.

5 ➔Section 12. KRS 23A.208 is amended to read as follows:

6 (1) In addition to fees created by KRS 23A.205, 23A.206, and 23A.2065, an
7 administrative fee of thirty dollars (\$30) shall be added to the costs that the
8 defendant is required to pay for the following crimes:

9 (a) A sex crime, meaning an offense described in:

- 10 1. KRS Chapter 510;
- 11 2. KRS 530.020;
- 12 3. KRS 530.064(1)(a);
- 13 4. KRS 531.310; and
- 14 5. KRS 531.320;

15 (b) Stalking, meaning conduct prohibited under KRS 508.140 and 508.150;~~[and]~~

16 (c) **Any crime, the underlying factual basis of which has been found by the**
17 **court on the record to include an act of domestic violence and abuse as**
18 **defined in KRS 403.720; and**

19 **(d)** A criminal attempt, conspiracy, facilitation, or solicitation to commit the
20 crimes set forth in this subsection.

21 (2) The first one dollar and fifty cents (\$1.50) of each fee collected under this section
22 shall be placed into the general fund, and the remainder of the fee shall be allocated
23 by the clerk of the court on a quarterly basis to the address protection program fund
24 established in **Section 1 of this Act**~~[KRS 14.260]~~ to be used solely to establish,
25 operate, and maintain the confidential address protection program established in
26 **Section 1 of this Act**~~[KRS 14.260]~~.

27 (3) The court may waive all or any portion of the fee required by this section if the

1 court finds that a person subject to the surcharge is indigent or financially unable to
2 pay all or any portion of the surcharge. The court may waive only the portion of the
3 surcharge that the court finds the person is financially unable to pay.

4 ➔Section 13. KRS 24A.178 is amended to read as follows:

5 (1) In addition to fees created by KRS 24A.175, 24A.176, and 24A.1765, an
6 administrative fee of thirty dollars (\$30) shall be added to the costs that the
7 defendant is required to pay for the following crimes:

8 (a) A sex crime, meaning an offense described in:

- 9 1. KRS Chapter 510;
- 10 2. KRS 530.020;
- 11 3. KRS 530.064(1)(a);
- 12 4. KRS 531.310; and
- 13 5. KRS 531.320;

14 (b) Stalking, meaning conduct prohibited under KRS 508.140 and 508.150;~~and~~

15 (c) *Any crime, the underlying factual basis of which has been found by the*
16 *court on the record to include an act of domestic violence and abuse as*
17 *defined in KRS 403.720; and*

18 (d) A criminal attempt, conspiracy, facilitation, or solicitation to commit the
19 crimes set forth in this subsection.

20 (2) The first one dollar and fifty cents (\$1.50) of each fee collected under this section
21 shall be placed into the general fund, and the remainder of the fee shall be allocated
22 by the clerk of the court on a quarterly basis to the address protection program fund
23 established in *Section 1 of this Act*~~[KRS 14.260]~~ to be used solely to establish,
24 operate, and maintain the confidential address protection program established in
25 *Section 1 of this Act*~~[KRS 14.260]~~.

26 (3) The court may waive all or any portion of the fee required by this section if the
27 court finds that a person subject to the surcharge is indigent or financially unable to

1 pay all or any portion of the surcharge. The court may waive only the portion of the
2 surcharge that the court finds the person is financially unable to pay.

3 ➔Section 14. KRS 186.412 is amended to read as follows:

4 (1) (a) A person who was under the age of eighteen (18) years at the time of
5 application for an instruction permit and is eighteen (18) years of age or older
6 may apply for an operator's license to operate a motor vehicle, motorcycle, or
7 moped if the person has possessed the valid instruction permit for at least one
8 hundred eighty (180) days and has completed a driver training program under
9 KRS 186.410(4).

10 (b) A person who has attained the age of eighteen (18) years and is under the age
11 of twenty-one (21) at the time of application for an instruction permit may
12 apply for an operator's license to operate a motor vehicle, motorcycle, or
13 moped if the person has possessed the valid instruction permit for at least one
14 hundred eighty (180) days.

15 (c) A person who is at least twenty-one (21) years of age at the time of
16 application for an instruction permit may apply for an operator's license to
17 operate a motor vehicle, motorcycle, or moped if the person has possessed the
18 valid instruction permit for at least thirty (30) days.

19 (2) Except as provided in subsection (4) of this section, a person shall apply for an
20 operator's license in the office of the circuit clerk of the county where the person
21 lives. Except as provided in subsection (8)(b) and (c) of this section, the application
22 form shall require the person's:

23 (a) Full legal name and signature;

24 (b) Date of birth;

25 (c) Social Security number, federal tax identification number, a letter from the
26 Social Security Administration declining to issue a Social Security number, or
27 a notarized affidavit from the applicant to the Transportation Cabinet swearing

- 1 that the person either does not have a Social Security number, or refuses to
2 divulge his or her Social Security number, based upon religious convictions;
- 3 (d) Sex;
- 4 (e) Present Kentucky resident address, exclusive of a post office box address
5 alone, unless the person is a participant in the confidential address
6 protection program established in Sections 1 to 11 of this Act. If the person
7 is a participant in the confidential address program, the circuit clerk shall
8 accept the verified substitute address information issued pursuant to Section
9 1 of this Act by the agency operating the confidential address program for
10 the purposes of this section;
- 11 (f) Other information necessary to permit the application of United States citizens
12 to also serve as an application for voter registration;
- 13 (g) A brief physical description of the applicant;
- 14 (h) A statement if the person has previously been licensed as an operator in
15 another state;
- 16 (i) Proof of the person's Kentucky residency, including but not limited to a deed
17 or property tax bill, utility agreement or utility bill, or rental housing
18 agreement, If the person is a participant in the confidential address
19 protection program established in Sections 1 to 11 of this Act, then the
20 circuit clerk shall accept a verified substitute address issued pursuant to
21 Section 1 of this Act by the confidential address protection program; and
- 22 (j) Other information the cabinet may require by administrative regulation
23 promulgated under KRS Chapter 13A.
- 24 (3) A permanent resident shall present one (1) of the following documents issued by the
25 United States Department of Homeland Security, United States Bureau of
26 Citizenship and Immigration Services:
- 27 (a) An I-551 card with a photograph of the applicant; or

- 1 (b) A form with the photograph of the applicant or a passport with a photograph
2 of the applicant on which the United States Department of Homeland
3 Security, United States Bureau of Citizenship and Immigration Services has
4 stamped the following: "Processed for I-551. Temporary evidence of lawful
5 admission for permanent residence. Valid until -----. Employment authorized."
- 6 (4) If the person is not a United States citizen and has not been granted status as a
7 permanent resident of the United States, the person's application for an original
8 operator's license shall be submitted to either the Transportation Cabinet in
9 Frankfort or a Transportation Cabinet field office.
- 10 (a) The application form shall be accompanied by the person's documentation
11 issued by the United States Department of Homeland Security, United States
12 Bureau of Citizenship and Immigration Services, authorizing the person to be
13 in the United States and, if applicable, the person's international driving
14 permit. The application form of a special status individual with a K-1 status
15 shall be accompanied by an original or certified copy of the person's
16 completed marriage license signed by the official who presided over the
17 marriage ceremony and two (2) witnesses. The application form of a special
18 status individual with a K-1 status shall also include the person's petition to
19 enter the United States for the purpose of marriage that contains the name of
20 the prospective spouse. If the name of the prospective spouse on the petition
21 does not match the name of the spouse on the marriage license, the
22 Transportation Cabinet shall not be required to issue an operator's license.
- 23 (b) The Transportation Cabinet shall, within fifteen (15) days of receipt of the
24 application, review the person's documentation and determine if the person
25 will be issued a Kentucky operator's license. If the review of an application
26 will take longer than fifteen (15) days, the cabinet shall continue the review,
27 but the cabinet shall be required to make a determination in all cases within

1 thirty (30) days of receipt of the application.

2 (c) If the cabinet determines the person may be issued an operator's license, the
3 cabinet shall issue the person an official form that the person shall take to the
4 office of the circuit clerk of the county where the person resides. The circuit
5 clerk shall review the person's documentation and the official form issued by
6 the Transportation Cabinet. If the documentation is verified as accurate, and if
7 the person successfully completes the examinations required under KRS
8 186.480, the circuit clerk shall issue the person a Kentucky operator's license.

9 (d) Except as provided in paragraphs (e) and (f) of this subsection, a person who
10 is not a United States citizen and who has not been granted status as a
11 permanent resident of the United States shall apply to renew an operator's
12 license, or obtain a duplicate operator's license, in the office of the circuit
13 clerk in the county in which the person resides.

14 (e) If a person is renewing an operator's license or is applying for a duplicate
15 license after July 15, 2002, and the person's documentation issued by the
16 United States Department of Homeland Security, United States Bureau of
17 Citizenship and Immigration Services, has not been reviewed by the either the
18 Transportation Cabinet in Frankfort or a Transportation Cabinet field office
19 under the provisions of this subsection, the person shall be required to apply
20 for the renewal or duplicate with either the Transportation Cabinet in
21 Frankfort or a Transportation Cabinet field office.

22 (f) If a person has any type of change in the person's immigration status, the
23 person shall apply to renew an operator's license with either the Transportation
24 Cabinet in Frankfort or a Transportation Cabinet field office.

25 **(g) If the person is a participant in the confidential address protection program**
26 **established in Section 1 of this Act, then the circuit clerk shall accept a**
27 **verified substitute address issued pursuant to Section 1 of this Act by the**

1 **confidential address protection program.**

- 2 (5) The circuit clerk shall issue an operator's license bearing a color photograph of the
3 applicant and other information the cabinet may deem appropriate. The photograph
4 shall be taken by the circuit clerk so that one (1) exposure will photograph the
5 applicant and the application simultaneously. When taking the photograph, the
6 applicant shall be prohibited from wearing sunglasses or any other attire that
7 obscures any features of the applicant's face as determined by the clerk. The clerk
8 shall require an applicant to remove sunglasses or other obscuring attire before
9 taking the photograph required by this subsection. Any person who refuses to
10 remove sunglasses or other attire prohibited by this section as directed by the clerk
11 shall be prohibited from receiving an operator's license. The operator's license
12 issued by the cabinet shall not contain the applicant's Social Security number. The
13 cabinet shall promulgate administrative regulations pursuant to KRS Chapter 13A
14 that develop a numbering system that uses an identification system other than Social
15 Security numbers. If an applicant does not have a Social Security number, or the
16 applicant has submitted a notarized affidavit refusing to divulge his or her Social
17 Security number based upon religious convictions, the Transportation Cabinet shall
18 assign the applicant a unique identifying number. The license shall also designate
19 by color coding and use the phrase "under 21" if the licensee is under the age of
20 twenty-one (21); "CDL" if the license is issued pursuant to KRS Chapter 281A; or
21 "under 21 CDL" if the licensee holds a commercial driver's license issued pursuant
22 to KRS Chapter 281A and is under the age of twenty-one (21). **The cabinet shall**
23 **allow a participant in the confidential address protection program established in**
24 **Section 1 of this Act to submit his or her verified substitute address as the address**
25 **to be used on his or her operator's license for the purposes of this subsection.**
26 (6) Every applicant shall make oath to the circuit clerk as to the truthfulness of the
27 statements contained in the form.

- 1 (7) (a) Except as provided in subsection (8) of this section, the circuit clerk shall
2 issue a color photo personal identification card to any person who is a
3 Kentucky resident and who resides in the county who complies with the
4 provisions of this section and who applies in person in the office of the circuit
5 clerk. An application for a personal identification card shall be accompanied
6 by the same information as is required for an operator's license under
7 subsection (2) of this section, except if a person does not have a fixed,
8 permanent address, the person may use as proof of residency a signed letter
9 from a homeless shelter, health care facility, or social service agency currently
10 providing the person treatment or services and attesting that the person is a
11 resident of Kentucky.
- 12 (b) It shall be permissible for the application form for a personal identification
13 card to include as a person's most current resident address a mailing address,
14 post office box, verified substitute address issued by the confidential address
15 protection program established in Section 1 of this Act, or an address
16 provided on a voter registration card.
- 17 (c) Every applicant for a personal identification card shall make an oath to the
18 circuit clerk as to the truthfulness of the statements contained on the
19 application form. If the applicant is not the legal owner or possessor of the
20 address provided on the application form, the applicant shall swear that he or
21 she has permission from the legal owner, authorized agent for the legal owner
22 or possessor to use the address for purposes of obtaining the personal
23 identification card. The personal identification card shall designate by color
24 coding and by use of the phrase "under 21" if the applicant is under the age of
25 twenty-one (21).
- 26 (d) A personal identification card shall be valid for a period of four (4) years from
27 the date of issuance, except that if the personal identification card is issued to

1 a person who does not have a fixed, permanent address, then the personal
2 identification card shall be valid for one (1) year from the date of issuance.
3 Except as provided in this subsection, an initial or renewal personal
4 identification card issued to a person who is not a United States citizen and
5 who has not been granted status as a permanent resident of the United States
6 and who is not a special status individual, but who is a Kentucky resident,
7 shall be valid for a period equal to the length of time the person's
8 documentation from the United States Department of Homeland Security,
9 United States Bureau of Citizenship and Immigration Services is issued, or
10 four (4) years, whichever time period is shorter. An initial or renewal personal
11 identification card shall be valid for a period of two (2) years if the person is
12 not a special status individual and the person's documentation issued by the
13 United States Department of Justice, Immigration and Naturalization Service,
14 is issued for an indefinite period of time and does not have an expiration date.
15 The fee shall be the same as for a regular personal identification card.

16 (e) A personal identification card may be suspended or revoked if the person who
17 was issued the card presents false or misleading information to the cabinet
18 when applying for the card.

19 (8) (a) A person may be issued a personal identification card if the person currently
20 holds a valid Kentucky instruction permit or operator's license. If a person's
21 instruction permit or operator's license has been suspended or revoked, the
22 person may be issued a temporary personal identification card. A temporary
23 personal identification shall be renewed annually and may be surrendered
24 when the person applies to have his or her instruction permit or operator's
25 license reinstated.

26 (b) Upon receipt of proper documentation provided by the Department of
27 Corrections, the circuit clerk of the county in which a released felony offender

1 resides shall issue to any felony offender, if the felony offender is eligible,
2 released from the Department of Corrections on home incarceration, parole,
3 completed service of sentence, shock probation, or pardon, a personal
4 identification card or, if the felony offender is eligible, an operator's license.

5 Proper documentation under this paragraph shall consist of:

- 6 1. The offender's certificate of birth, except for offenders born outside this
7 state;
- 8 2. A copy of the offender's resident record card and parole certificate or
9 notice of discharge;
- 10 3. A photograph of the offender, printed on plastic card or paper; and
- 11 4. A release letter that shall contain the offender's:
 - 12 a. Full legal name, subject to the information available to the
13 Department of Corrections;
 - 14 b. Discharge/release date;
 - 15 c. Signature;
 - 16 d. Social Security number;
 - 17 e. Date of birth;
 - 18 f. Present Kentucky address where he or she resides; and
 - 19 g. Physical description.

20 The offender shall present this documentation to the circuit clerk within thirty
21 (30) calendar days from the date of the release letter and shall be responsible
22 for paying the fee for the personal identification card or operator's license
23 pursuant to KRS 186.531. The provisions of this paragraph shall apply only to
24 persons released on or after July 15, 2010.

- 25 (c) Upon receipt of proper documentation provided by the Department of
26 Corrections, the circuit clerk of the county in which a felony offender resides
27 shall issue to any felony offender, if the felony offender is eligible, probated or

1 conditionally discharged by the court and under the supervision of the
2 Division of Probation and Parole, a personal identification card or, if the
3 felony offender is eligible, an operator's license. Proper documentation under
4 this paragraph shall consist of:

- 5 1. The offender's certificate of birth, except for offenders born outside this
6 state;
- 7 2. The offender's sentencing order;
- 8 3. A photograph of the offender, printed on plastic card or paper; and
- 9 4. A notarized release letter, signed by the supervising officer verifying the
10 offender's status on supervision, that shall contain the offender's:
 - 11 a. Full legal name, subject to the information available to the
12 Division of Probation and Parole;
 - 13 b. Signature;
 - 14 c. Social Security number;
 - 15 d. Date of birth;
 - 16 e. Present Kentucky address where he or she resides; and
 - 17 f. Physical description.

18 The offender shall present this documentation to the circuit clerk within thirty
19 (30) calendar days from the date of the notarized release letter. The offender
20 shall be responsible for paying the fee for the personal identification card or
21 operator's license pursuant to KRS 186.531. The provisions of this paragraph
22 shall apply only to persons released on or after July 15, 2010.

- 23 (9) The Transportation Cabinet shall implement a voluntary statewide child
24 identification program. The program shall issue a color photo personal
25 identification card to a child two (2) to fifteen (15) years of age. Application for a
26 child identification card shall be accompanied by a Social Security card and a birth
27 certificate for the child or other proof of the child's date of birth as provided under

1 subsection (2) of this section. The card shall contain the child's name and the toll-
2 free number of the Kentucky Missing Persons Clearinghouse, Department of
3 Kentucky State Police. The card shall not contain the child's Social Security
4 number. The cabinet shall set a four dollar (\$4) fee for the child identification card.
5 Two dollars (\$2) of the fee shall be used to cover the cabinet's cost for equipment
6 and supplies. Two dollars (\$2) of the fee shall be an administrative fee of the circuit
7 clerk for issuing the card which shall be deposited by the Administrative Office of
8 the Courts into a trust and agency account for the circuit clerks and used for the
9 purposes of hiring additional deputy clerks and providing salary adjustments to
10 deputy clerks. The card shall expire every four (4) years on the child's birthday.
11 Within the time period that the child identification card is valid, the card may be
12 updated with a new photograph and information. The fee for an updated card shall
13 be four dollars (\$4), with two dollars (\$2) of the fee going to the cabinet and two
14 dollars (\$2) going to the Administrative Office of the Courts in the same manner as
15 the fee for an initial card as described in this subsection. The descriptive data and a
16 photo image of the child shall be stored in the Kentucky Driver's License
17 Information System and may be retrieved and used by public agencies subject to the
18 provisions of the Driver Privacy Protection Act, 18 U.S.C. sec. 2721, and may also
19 be used by the Kentucky Missing Persons Clearinghouse.

20 (10) If a citizen of the Commonwealth currently serving in the United States military is
21 stationed or assigned to a base or other location outside the boundaries of the
22 Commonwealth, the citizen may renew a Class D operator's license issued under
23 this section by mail. If the citizen was issued an "under 21" operator's license, upon
24 the date of his or her twenty-first birthday, the "under 21" operator's license may be
25 renewed for an operator's license that no longer contains the outdated reference to
26 being "under 21."

27 (11) A citizen of the Commonwealth renewing an operator's license by mail under

1 subsection (10) of this section may have a personal designee apply to the circuit
2 clerk on behalf of the citizen to renew the citizen's operator's license. An operator's
3 license being renewed by mail under subsection (10) of this section shall be issued a
4 license without a photograph. The license shall show in the space provided for the
5 photograph the legend "valid without photo and signature."

6 (12) (a) If a citizen of the Commonwealth has been serving in the United States
7 military stationed or assigned to a base or other location outside the
8 boundaries of the Commonwealth and has allowed his or her operator's license
9 to expire, he or she shall, within ninety (90) days of returning to the
10 Commonwealth, be permitted to renew his or her license without having to
11 take a written test or road test.

12 (b) A citizen who meets the criteria in paragraph (a) of this subsection shall not be
13 convicted or cited for driving on an expired license prior to license renewal
14 during the ninety (90) days after the person's return to the Commonwealth if
15 the person can provide proof of his or her out-of-state service and dates of
16 assignment.

17 (c) A citizen who meets the criteria in paragraph (a) of this subsection and who
18 does not renew his or her license within ninety (90) days of returning to the
19 Commonwealth shall be required to comply with the provisions of this chapter
20 governing renewal of a license that has expired.

21 (d) If a citizen of the Commonwealth has been issued an "under 21" or "under 21
22 CDL" operator's license and the person is unable to renew the license on the
23 date of his twenty-first birthday, the "under 21" or "under 21 CDL" operator's
24 license shall be valid for ninety (90) days beyond the date of the person's
25 twenty-first birthday.

26 (13) The cabinet shall provide on each license to operate motor vehicles, motorcycles,
27 and mopeds a space for the licensed driver's:

- 1 (a) Blood type;
- 2 (b) Medical insignia if the person provides evidence that a medical identification
3 bracelet noting specific physical ailments or a drug allergy is being worn or
4 other proof as may be required by the cabinet; and
- 5 (c) A statement whereby the owner of the license may certify in the presence of
6 two (2) witnesses his willingness to make an anatomical gift under KRS
7 311.1917.
- 8 (14) If the motor vehicle operator denotes a physical ailment or drug allergy on the
9 operator's license, he may apply for and shall receive, for a fee of two dollars (\$2)
10 paid to the circuit clerk, two (2) medical insignia decals that may be affixed to the
11 driver's side of the front windshield of a motor vehicle and to the driver's side of the
12 rear window of a motor vehicle.
- 13 (15) An operator's license pursuant to this section shall be designated a Class D license.
- 14 (16) A person shall not have more than one (1) license.
- 15 (17) Upon marriage, a woman applying for an operator's license or a color photo
16 personal identification card shall provide the circuit clerk with her marriage license
17 and complete an affidavit form provided by the circuit court clerk. She shall have
18 the following choices in regard to her full legal name as required in subsections (2)
19 and (7) of this section:
- 20 (a) Use her husband's last name;
- 21 (b) Retain her maiden name;
- 22 (c) Use her maiden name hyphenated with her husband's last name;
- 23 (d) Use her maiden name as a middle name and her husband's last name as her
24 last name; or
- 25 (e) In the case of a previous marriage, retain that husband's last name.
- 26 (18) Upon issuing an operator's license or personal identification card, the clerk shall
27 draw the recipient's attention to the location on the license relating to anatomical

1 gifts under subsection (13)(c) of this section and offer to allow personnel in the
2 clerk's office to serve as the witnesses to the recipient's certification of willingness
3 to make an anatomical gift if the recipient is the person to whom the license is
4 issued.

5 (19) Any person who served in the active Armed Forces of the United States,
6 including the Coast Guard of the United States, and was released, separated, discharged,
7 or retired therefrom under conditions other than dishonorable, may, at the time of initial
8 application or application for renewal or duplicate, request that an operator's license or a
9 personal identification card issued under this section bear the word "veteran" on the face
10 or the back of the license or personal identification card. The designation shall be in a
11 style and format considered appropriate by the Transportation Cabinet. Prior to obtaining
12 a designation requested under this subsection, the applicant shall present the circuit clerk
13 with an original or copy of his or her DD-214 or DD-2 form as proof of veteran status.
14 The circuit clerk shall not be liable for fraudulent or misread DD-214 or DD-2 forms
15 presented.

16 ➔Section 15. KRS 209A.030 is amended to read as follows:

17 (1) The secretary may promulgate administrative regulations in accordance with KRS
18 Chapter 13A to effect the purposes of this chapter. The secretary may offer or cause
19 to be offered protective services for safeguarding the welfare of an adult who has
20 experienced abuse or neglect inflicted or caused by a spouse. While the cabinet
21 shall continue to have primary responsibility for investigation and the provision of
22 protective services under this chapter, nothing in this chapter shall restrict the
23 powers of another authorized agency to act under its statutory authority.

24 (2) Any person, including but not limited to physician, law enforcement officer, nurse,
25 social worker, cabinet personnel, coroner, medical examiner, mental health
26 professional, alternate care facility employee, or caretaker, having reasonable cause
27 to suspect that an adult has suffered abuse or neglect, shall report or cause reports to

1 be made in accordance with the provisions of this chapter. Death of the adult does
2 not relieve one of the responsibility for reporting the circumstances surrounding the
3 death.

4 (3) An oral or written report shall be made immediately to the cabinet upon knowledge
5 of suspected abuse or neglect of an adult.

6 (4) Any person making such a report shall provide the following information, if known:

7 (a) The name and address of the adult;

8 (b) The age of the adult;

9 (c) The nature and extent of the abuse or neglect, including any evidence of
10 previous abuse or neglect;

11 (d) The identity of the perpetrator, if known;

12 (e) The identity of the complainant, if possible; and

13 (f) Any other information that the person believes might be helpful in
14 establishing the cause of abuse or neglect.

15 (5) Upon receipt of the report, the cabinet shall take the following action:

16 (a) Notify the appropriate law enforcement agency, if indicated;

17 (b) Initiate an investigation of the complaint; and

18 (c) Make a written report of the initial findings together with a recommendation
19 for further action, if indicated.

20 (6) Any representative of the cabinet may enter any health facility or health service
21 licensed by the cabinet at any reasonable time to carry out the cabinet's
22 responsibilities under this chapter.

23 (7) Any representative of the cabinet actively involved in the conduct of an abuse or
24 neglect investigation under subsection (5) of this section shall also be allowed
25 access to the mental and physical health records of the adult which are in the
26 possession of any individual, hospital, or other facility if necessary to complete the
27 investigation mandated by this section.

- 1 (8) Any representative of the cabinet may with consent of the adult enter any private
2 premises where any adult alleged to be abused or neglected is found in order to
3 investigate the need for protective services for the purpose of carrying out the
4 provisions of this chapter.
- 5 (9) If a determination has been made that protective services are necessary when
6 indicated by the investigation, the cabinet shall provide such services within
7 budgetary limitations, except in such cases where an adult chooses to refuse such
8 services.
- 9 (10) In the event the adult elects to accept the protective services to be provided by the
10 cabinet, no other person shall interfere with the cabinet when rendering such
11 services.
- 12 (11) Anyone knowingly or wantonly violating the provisions of subsection (2) of this
13 section shall be guilty of a Class B misdemeanor and penalized in accordance with
14 KRS 532.090. Each violation shall constitute a separate offense.
- 15 **(12) (a) For the purposes of this subsection, "application assistant" means a person**
16 **who provides counseling, shelter, or other services to victims of domestic**
17 **violence, sexual offenses, or stalking and has completed the training and**
18 **registration process required by the entity or agency operating the address**
19 **protection program established in Section 1 of this Act.**
- 20 **(b) Notwithstanding any provision of this section to the contrary, an application**
21 **assistant of the address protection program established in Section 1 of this**
22 **Act shall not be required to forward information regarding the abuse or**
23 **neglect of an adult to the cabinet if the failure to report will protect an**
24 **individual, including an applicant or a program participant, associated with**
25 **the address protection program established in Section 1 of this Act.**
- 26 **(c) An application assistant of the address protection program established in**
27 **Section 1 of this Act shall be required to forward information to the cabinet**

1 *in accordance with KRS Chapters 209 and 620.*

2 ➔Section 16. KRS 117.085 is amended to read as follows:

3 (1) All requests for an application for an absentee ballot may be transmitted by
4 telephone, facsimile machine, by mail, by electronic mail, or in person. Except as
5 provided in paragraph (b) of this subsection, all applications for an absentee ballot
6 shall be transmitted only by mail to the voter or in person at the option of the voter,
7 except that the county clerk shall hand an application for an absentee ballot to a
8 voter permitted to vote by absentee ballot who appears in person to request the
9 application, or shall mail the application to a voter permitted to vote by absentee
10 ballot who requests the application by telephone, facsimile machine, or mail. The
11 absentee ballot application may be requested by the voter or the spouse, parents, or
12 children of the voter, but shall be restricted to the use of the voter. Except for
13 qualified voters who apply pursuant to the requirements of KRS 117.075 and
14 117.077, those who are incarcerated in jail but have yet to be convicted, those who
15 are uniformed-service voters as defined in KRS 117A.010 that are confined to a
16 military base on election day, and persons who qualify under paragraph (a)7. of this
17 subsection, absentee ballots shall not be mailed to a voter's residential address
18 located in the county in which the voter is registered. In the case of ballots returned
19 by mail, the county clerk shall provide an absentee ballot, two (2) official envelopes
20 for returning the ballot, and instructions for voting to a voter who presents a
21 completed application for an absentee ballot as provided in this section and who is
22 properly registered as stated in his or her application.

23 (a) The following voters may apply to cast their votes by mail-in absentee ballot
24 if the application is received not later than the close of business hours seven
25 (7) days before the election:

- 26 1. Voters permitted to vote by absentee ballot pursuant to KRS 117.075;
- 27 2. Voters who are residents of Kentucky who are covered voters as defined

- 1 in KRS 117A.010;
- 2 3. Voters who are students who temporarily reside outside the county of
- 3 their residence;
- 4 4. Voters who are incarcerated in jail who have been charged with a crime
- 5 but have not been convicted of the crime;
- 6 5. Voters who change their place of residence to a different state while the
- 7 registration books are closed in the new state of residence before an
- 8 election of electors for President and Vice President of the United
- 9 States, who shall be permitted to cast an absentee ballot for electors for
- 10 President and Vice President of the United States only;
- 11 6. Voters who temporarily reside outside the state but who are still eligible
- 12 to vote in this state;
- 13 7. Voters who are prevented from voting in person at the polls on election
- 14 day and from casting an absentee ballot in person in the county clerk's
- 15 office on all days absentee voting is conducted prior to election day
- 16 because their employment location requires them to be absent from the
- 17 county all hours and all days absentee voting is conducted in the county
- 18 clerk's office; and
- 19 8. Voters who are program participants in the Secretary of State's crime
- 20 victim address confidentiality protection program as authorized by
- 21 *Section 8 of this Act*~~[KRS 14.312]~~.
- 22 (b) Residents of Kentucky who are covered voters as defined in KRS 117A.010
- 23 may apply for an absentee ballot by means of the federal post-card application,
- 24 which may be transmitted to the county clerk's office by mail, by facsimile
- 25 machine, or by means of the electronic transmission system established under
- 26 KRS 117A.030(4). The application may be used to register, reregister, and to
- 27 apply for an absentee ballot. If the federal post-card application is received at

1 any time not less than seven (7) days before the election, the county clerk shall
2 affix his or her seal to the application form upon receipt.

3 (c) Absentee voting shall be conducted in the county clerk's office or other place
4 designated by the county board of elections and approved by the State Board
5 of Elections during normal business hours for at least the twelve (12) working
6 days before the election. A county board of elections may permit absentee
7 voting to be conducted on a voting machine for a period longer than the
8 twelve (12) working days before the election.

9 (d) Any qualified voter in the county who is not permitted to vote by absentee
10 ballot under paragraph (a) of this subsection who will be absent from the
11 county on any election day may, at any time during normal business hours on
12 those days absentee voting is conducted in the county clerk's office, make
13 application in person to the county clerk to vote on a voting machine in the
14 county clerk's office or other place designated by the county board of elections
15 and approved by the State Board of Elections.

16 (e) The following voters may, at any time during normal business hours on those
17 days absentee voting is conducted in the county clerk's office, make
18 application in person to the county clerk to vote on a voting machine in the
19 county clerk's office or other place designated by the county board of elections
20 and approved by the State Board of Elections:

- 21 1. Voters who are residents of Kentucky who are covered voters as defined
22 in KRS 117A.010, who will be absent from the county on any election
23 day;
- 24 2. Voters who are students who temporarily reside outside the county of
25 their residence;
- 26 3. Voters who have surgery scheduled that will require hospitalization on
27 election day, and the spouse of the voter;

- 1 4. Voters who temporarily reside outside the state but who are still eligible
2 to vote in this state and who will be absent from the county on any
3 election day;
- 4 5. Voters who are residents of Kentucky who are uniformed-service voters
5 as defined in KRS 117A.010 confined to a military base on election day
6 and who learn of that confinement within seven (7) days or less of an
7 election and are not eligible for a paper absentee ballot under this
8 subsection; and
- 9 6. A voter who is a pregnant woman in her last trimester of pregnancy at
10 the time she wishes to vote under this paragraph. The application form
11 for a voter under this subparagraph shall be prescribed by the State
12 Board of Elections, which shall contain the woman's sworn statement
13 that she is in fact in her last trimester of pregnancy at the time she
14 wishes to vote.
- 15 (f) Voters who change their place of residence to a different state while the
16 registration books are closed in the new state of residence before a presidential
17 election shall be permitted to cast an absentee ballot for President and Vice
18 President only, by making application in person to the county clerk to vote on
19 a voting machine in the county clerk's office or other place designated by the
20 county board of elections and approved by the State Board of Elections.
- 21 (g) Any member of the county board of elections, any precinct election officer
22 appointed to serve in a precinct other than that in which he or she is registered,
23 any alternate precinct election officer, any deputy county clerk, any staff for
24 the State Board of Elections, and any staff for the county board of elections
25 may vote on a voting machine in the county clerk's office or other place
26 designated by the county board of elections, and approved by the State Board
27 of Elections, up to the close of normal business hours on the day before the

1 election. The application form for those persons shall be prescribed by the
2 State Board of Elections and, in the case of application by precinct election
3 officers, shall contain a verification of appointment signed by a member of the
4 county board of elections. If an alternate precinct election officer or a precinct
5 election officer appointed to serve in a precinct other than that in which he or
6 she is registered receives his or her appointment while absentee voting is
7 being conducted in the county, such officer may vote on a voting machine in
8 the county clerk's office or other place designated by the county board of
9 elections, and approved by the State Board of Elections, up to the close of
10 normal business hours on the day before the election. In case of such voters,
11 the verification of appointment shall also contain the date of appointment. The
12 applications shall be restricted to the use of the voter only.

13 (h) The members of the county board of elections or their designees who provide
14 equal representation of both political parties may serve as precinct election
15 officers, without compensation, for all absentee voting performed on a voting
16 machine in the county clerk's office or other place designated by the county
17 board of elections and approved by the State Board of Elections. If the
18 members of the county board of elections or their designees serve as precinct
19 election officers for the absentee voting, they shall perform the same duties
20 and exercise the same authority as precinct election officers who serve on the
21 day of an election. If the members of the county board of elections or their
22 designees do not serve as precinct election officers for the absentee voting, the
23 county clerk or deputy county clerks shall supervise the absentee voting.

24 (i) Any individual qualified to appoint challengers for the day of an election may
25 also appoint challengers to observe all absentee voting performed at the
26 county clerk's office or other place designated by the county board of
27 elections, and approved by the State Board of Elections, and those challengers

1 may exercise the same privileges as challengers appointed for observing
2 voting on the day of an election at a regular polling place.

3 (2) The clerk shall type the name of the voter permitted to vote by absentee ballot on
4 the application form for that person's use and no other. The absentee ballot
5 application form shall be in the form prescribed by the State Board of Elections,
6 shall bear the seal of the county clerk, and shall contain the following information:
7 name, residential address, precinct, party affiliation, statement of the reason the
8 person cannot vote in person on election day, statement of where the voter shall be
9 on election day, statement of compliance with residency requirements for voting in
10 the precinct, and the voter's mailing address for an absentee ballot. The form shall
11 be verified and signed by the voter. A notice of the actual penalty provisions in KRS
12 117.995(2) and (5) shall be printed on the application.

13 (3) If the county clerk finds that the voter is properly registered as stated in his or her
14 application and qualifies to receive an absentee ballot by mail, he or she shall mail
15 to the voter an absentee ballot, two (2) official envelopes for returning the ballot,
16 and instructions for voting. The county clerk shall complete a postal form for a
17 certificate of mailing for ballots mailed within the fifty (50) states, and it shall be
18 stamped by the postal service when the ballots are mailed. An absentee ballot may
19 be transmitted by facsimile machine or by the electronic transmission system
20 established under KRS 117A.030(4) to a covered voter as defined in KRS
21 117A.010. The covered voter shall be notified of the options for transmittal of the
22 absentee ballot, and the absentee ballot shall be transmitted by the method chosen
23 for receipt by the resident of Kentucky who is a covered voter.

24 (4) Absentee ballots which are requested prior to the printing of the ballots shall be
25 mailed or otherwise transmitted as provided in subsection (3) of this section by the
26 county clerk to the voter within three (3) days of the receipt of the printed ballots;
27 and absentee ballots which are requested subsequent to the receipt of the ballots by

- 1 the county clerk shall be mailed or otherwise transmitted as provided in subsection
2 (3) of this section to the voter within three (3) days of the receipt of the request.
- 3 (5) The clerk shall cause ballots to be printed fifty (50) days prior to each primary or
4 regular election, and forty-five (45) days prior to a special election.
- 5 (6) The outer envelope shall bear the words "Absentee Ballot" and the address and
6 official title of the county clerk and shall provide space for the voter's signature,
7 voting address, precinct number, and signatures of two (2) witnesses if the voter
8 signs the form with the use of a mark instead of the voter's signature. A detachable
9 flap on the inner envelope shall provide space for the voter's signature, voting
10 address, precinct number, signatures of two (2) witnesses if the voter signs the form
11 with the use of a mark instead of the voter's signature and notice of penalty provided
12 in KRS 117.995(5). The clerk shall type the voter's address and precinct number in
13 the upper left hand corner of the outer envelope and of the detachable flap on the
14 inner envelope immediately below the blank space for the voter's signature. The
15 inner envelope shall be blank. The clerk shall retain the application and the postal
16 form required by subsection (3) of this section for twenty-two (22) months after the
17 election.
- 18 (7) Any person who has received an absentee ballot by mail but who knows at least
19 seven (7) days before the date of the election that he or she will be in the county on
20 election day and who has not voted pursuant to the provisions of KRS 117.086 shall
21 cancel his or her absentee ballot and vote in person. The voter shall return the
22 absentee ballot to the county clerk's office no later than seven (7) days prior to the
23 date of the election. Upon the return of the absentee ballot, the clerk shall mark on
24 the outer envelope of the sealed ballot or the unmarked ballot the words "Canceled
25 because voter appeared to vote in person." Sealed envelopes so marked shall not be
26 opened. The clerk shall remove the voter's name from the list of persons who were
27 sent absentee ballots, and the voter may vote in the precinct in which he or she is

- 1 properly registered.
- 2 (8) Any voter qualified for a mail-in absentee ballot who does not receive a requested
3 mail-in ballot within a reasonable amount of time shall contact the county clerk,
4 who shall reissue a second ballot. The county clerk shall keep a record of the
5 absentee ballots issued and returned by mail, and the absentee voting that is
6 performed on the voting machine in the county clerk's office or other place
7 designated by the county board of elections and approved by the State Board of
8 Elections, to verify that only the first voted ballot to be returned by the voter is
9 counted. Upon the return of any ballot after the first ballot is returned, the clerk
10 shall mark on the outer envelope of the sealed ballot the words "Canceled because
11 ballot reissued."
- 12 (9) Any covered voter as defined in KRS 117A.010 who has received an absentee
13 ballot but who knows that he or she will be in the county on election day and who
14 has not voted pursuant to the provisions of KRS 117.086 shall cancel his or her
15 absentee ballot and vote in person. The voter shall return the absentee ballot to the
16 county clerk's office on or before election day. Upon the return of the absentee
17 ballot, the clerk shall mark on the outer envelope of the sealed ballot or the
18 unmarked ballot the words "Canceled because voter appeared to vote in person."
19 Sealed envelopes so marked shall not be opened. If the covered voter is unable to
20 return the absentee ballot to the county clerk's office on or before election day, at
21 the time he or she votes in person, he or she shall sign a written oath as to his or her
22 qualifications on the form prescribed by the State Board of Elections pursuant to
23 KRS 117.245. The clerk shall remove the voter's name from the list of persons who
24 were sent absentee ballots, provide the voter with written authorization to vote at
25 the precinct, and the voter may vote in the precinct in which he or she is properly
26 registered.
- 27 (10) Notwithstanding the provisions of the Kentucky Open Records Act, KRS 61.870 to

1 61.884, the information contained in an application for an absentee ballot shall not
2 be made public until after the close of business hours on the election day for which
3 the application applies. This subsection shall not prohibit at any time the disclosure,
4 upon request, of the total number of applications for absentee ballots that have been
5 filed, or the disclosure to the Secretary of State or the State Board of Elections, if
6 requested or if otherwise required by law, of any information in an application for
7 an absentee ballot.

8 ➔Section 17. The Secretary of State shall transfer all records relating to the
9 address protection program and address protection program fund to the director of the
10 Division of Parole and Victim Services within 60 days of the effective date of this Act.

11 ➔Section 18. This Act shall be known as the Survivor Protection Act.