

1 AN ACT relating to elections.

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

3 ➔Section 1. KRS 116.025 is amended to read as follows:

- 4 (1) Every person who is a resident of this state and the precinct in which he or she
5 offers to vote on or before the day ~~of~~^{preceding the closing of the registration books}
6 ~~for~~ any primary, general, or special election, who possesses on the day of any
7 election the qualifications set forth in Section 145 of the Constitution, exclusive of
8 the durational residency requirements, who is not disqualified under that section or
9 under any other statute, and who is registered as provided in this chapter, may vote
10 for all officers to be elected by the people and on all public questions submitted for
11 determination at that election, in the precinct in which he or she is qualified to vote.
12 Any person who shall have been convicted of any election law offense which is a
13 felony shall not be permitted to vote until his or her civil rights have been restored
14 by executive pardon.
- 15 (2) Any person charged with or indicted for a crime, whether or not in custody for
16 same, who has not yet been convicted of the offense and who is not otherwise
17 ineligible to vote, may vote for all offices to be elected by the people and on all
18 public questions submitted for determination at that election, in the precinct in
19 which he or she is qualified to vote.
- 20 (3) A registered voter who changes his or her place of residence from one (1) precinct
21 to another within the same county while the registration books are closed shall be
22 permitted to update the voting records and to vote in the present election at the
23 appropriate precinct for the current address as set forth in KRS 116.085(3).
- 24 (4) Notwithstanding any provision of law to the contrary, any registered voter who
25 changes his or her place of residence from one (1) precinct to another within the
26 same county prior to the closing of the registration books and who fails to transfer
27 his or her registration with the county clerk prior to the date the registration books

1 are closed shall be permitted to vote in the present election at the appropriate
2 precinct for the current address as set forth in KRS 116.085(2).

3 (5) Any registered voter who changes his or her place of residence to a different county
4 while the registration books are closed shall be permitted to vote at the appropriate
5 precinct for his or her former residence in the present election and shall thereafter
6 transfer his or her voter registration.

7 (6) Any registered voter who changes his or her place of residence to a different county
8 and fails to register to vote in the county of current residence prior to the date the
9 registration books are closed shall not be eligible to vote in the present election in
10 the county of current residence or the county of former residence.

11 (7) Any registered voter who changes his or her place of registration to a different state
12 while the registration books are closed in the new state of residence before a
13 presidential election shall be permitted to cast an absentee ballot for President and
14 Vice President only, notwithstanding subsection (1) of this section, by mail or at the
15 county clerk's office of the former residence or other place designated by the county
16 board of elections and approved by the State Board of Elections.

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

18 (1) Any person may:

19 (a) Register as a voter during the period registration is open if he or she
20 possesses, or will possess on the day of the next regular election, the
21 qualifications set forth in KRS 116.025; or

22 (b) Register at the precinct on the day of the election as provided in subsection
23 (9) of this section, if he or she has not registered during the period
24 registration is open.

25 (2) The county clerk shall cause all registration to be closed, except for registration
26 under subsection (9) of this section, the fourth Tuesday preceding through the first
27 Monday following any primary or general election, and the twenty-eight (28) days

1 prior to and seven (7) days following any special election. If the last day of
2 registration falls on a state or federal holiday, the period runs until the end of the
3 next day which is not a Saturday or Sunday nor a state or federal holiday. During
4 the period that registration is closed, the county clerk may accept and process
5 registrations. Any voter who registers during the period that registration is closed,
6 except for any registered voter who transfers his or her registration pursuant to KRS
7 116.085(2) or (3), **or who registers at the precinct under subsection (9) of this**
8 **section**, shall not be permitted to vote in the upcoming election.

9 (3) In all counties, the county clerk shall receive registrations, transfers, or changes of
10 party affiliation at branch offices at any place in the county during those periods that
11 the registration books are open except for those transfers pursuant to KRS
12 116.085(2) or 116.085(3). However, notice in the manner provided by KRS Chapter
13 424 shall be given at least three (3), but not more than fourteen (14), days in
14 advance of the time and place of any branch registration, and ten (10) days' written
15 notice shall be given to the county executive committee of each major political
16 party in the county in which the branch registration is to be held.

17 (4) Any person may register to vote or may change his or her party affiliation in any of
18 the following ways:

19 (a) In person, **including registration or change of party affiliation on the day of**
20 **any election under subsection (9) of this section;**

21 (b) By mail;

22 (c) By means of the federal post card application, if the person is a resident of
23 Kentucky and a member of the Armed Forces, or a dependent of members of
24 the Armed Forces, or overseas citizen;

25 (d) By mail-in application form prescribed by the Federal Election Commission
26 pursuant to the National Voter Registration Act of 1993; or

27 (e) By other methods of registration, or reregistration, approved by the State

1 Board of Elections, including the use of voluntary interested groups and
2 political parties, under the proper supervision and directions of the county
3 clerk, which may include door to door canvassing.

4 (5) Upon receipt of the form prescribed by the State Board of Elections or the Federal
5 Election Commission pursuant to the National Voter Registration Act of 1993,
6 properly filled out and signed by the applicant, the county clerk, or the precinct
7 officer in the case of a person registering on the day of the election at the precinct
8 under subsection (9) of this section, shall register the applicant.

9 (6) Any individual or group shall have access to a reasonable number of voter
10 registration forms including the mail-in application form prescribed by the Federal
11 Election Commission pursuant to the National Voter Registration Act of 1993 in the
12 county clerk's office. The individual or group shall act under the proper supervision
13 and directions of the county clerk and shall return these completed forms to the
14 county clerk for official registration by the county clerk.

15 (7) No later than December 31, 1994, the Transportation Cabinet shall equip all driver's
16 license agencies to comply with the provisions of the National Voter Registration
17 Act of 1993. The Secretary of State shall provide assistance and interpretation to the
18 Transportation Cabinet in determining the requirements of the National Voter
19 Registration Act of 1993.

20 (8) The county clerk shall enter the specific party identification of the voter with a
21 political party, political organization, or political group as defined in KRS 118.015,
22 or independent status, as indicated by the voter on the voter registration form, into
23 the statewide voter registration system. The State Board of Elections shall
24 promulgate regulations under KRS Chapter 13A to provide for tracking of the
25 registration of voters identifying with political organizations and political groups as
26 defined in KRS 118.015, and voters of independent status.

27 (9) Any person who has not registered prior to the time the registration books are

1 closed under subsection (2) of this section and who possesses all other
 2 qualifications for registration may register or change party affiliation at his or
 3 her precinct of residence on the day of the election. When a person applies to
 4 register to vote at the precinct on election day, the voter shall be permitted to vote
 5 in the present election at the appropriate precinct for his or her current address
 6 upon affirmation of his or her current address. Before being permitted to vote,
 7 the voter shall confirm his or her identity as required by KRS 117.227 and
 8 complete the affidavit, which is required to be completed by a voter whose right to
 9 vote is challenged. The subscribed oaths shall be delivered to the county clerk and
 10 investigated in accordance with KRS 117.245.

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

- 12 (1) For the purpose of determining whether a voter registration application is received
 13 during the period in which registration books are open under KRS 116.045(2), an
 14 application shall be deemed timely received:
- 15 (a) In the case of registration with a motor vehicle driver's license application, if
 16 the valid voter registration form of the applicant is accepted by the circuit
 17 clerk before the registration books are closed;
- 18 (b) In the case of registration by mail, if the valid voter registration form of the
 19 applicant is legibly postmarked before the registration books are closed;
- 20 (c) In the case of registration with a voter registration agency, if the valid voter
 21 registration form of the applicant is accepted at the voter registration agency
 22 before the registration books are closed; and
- 23 (d) In any other case, if the valid voter registration form of the applicant is
 24 received by the appropriate county clerk, no later than 4 p.m. local time,
 25 before the registration books are closed.
- 26 (2) In the case of registration at the precinct on election day, a voter registration
 27 application shall be deemed timely received if the valid voter registration form of

1 *the applicant is received by the precinct officer in the correct precinct of residence*
 2 *of the voter before the polls close on election day.*

3 **(3)** The county clerk shall send notice to each applicant of the disposition of the
 4 application.

5 ~~**(4)**~~~~(3)~~ The name of a registered voter shall not be removed from the registration
 6 books except:

7 (a) Upon request of the voter;

8 (b) As provided by KRS 116.113, upon notice of death, declaration of
 9 incompetency, or conviction of a felony; or

10 (c) Upon failure to respond to a confirmation mailing sent pursuant to KRS
 11 116.112(3) and failure to vote or appear to vote and, if necessary, correct the
 12 registration record of the voter's address in an election during the period
 13 beginning on the date of the notice and ending on the day after the date of the
 14 second general election for Federal office that occurs after the date of the
 15 notice.

16 ~~**(5)**~~~~(4)~~ The identity of the voter registration agency or circuit clerk's office through
 17 which any particular voter is registered shall not be disclosed to the public, *but the*
 18 *county clerk shall provide the State Board of Elections with a report of how many*
 19 *voters have registered to vote at the precincts on election day.*

20 ➔Section 4. KRS 116.055 is amended to read as follows:

21 Before a person shall be qualified to vote in a primary election, he shall possess all the
 22 qualifications required of voters in a regular election. In addition, he shall be a registered
 23 member of the party in whose primary election he seeks to vote~~, and shall have been~~
 24 ~~registered as a member of that party on December 31 immediately preceding the primary~~
 25 ~~election, or, in the case of new registrations made after December 31 immediately~~
 26 ~~preceding the primary election, he shall have registered and remained registered as a~~
 27 ~~member of that party}. No person shall be allowed to vote for any party candidates or~~

1 slates of candidates other than that of the party of which he is a registered member. The
2 qualifications shall be determined as of the date of the primary, without regard to the
3 qualifications or disqualifications as they may exist at the succeeding regular election,
4 except that minors seventeen (17) years of age who will become eighteen (18) years of
5 age on or before the day of the regular election shall be entitled to vote in the primary if
6 otherwise qualified. However, any registered voter, whether registered as a member of a
7 party, political organization, political group, or as an independent, shall be qualified to
8 vote in a primary~~[elections]~~ for candidates listed in all nonpartisan races.

9 ➔Section 5. KRS 117.225 is amended to read as follows:

- 10 (1) Any person desiring to vote on election day shall give his name and address to the
11 clerk of the election. If the person's name is listed on the precinct list furnished by
12 the State Board of Elections as provided in KRS 117.025 and if no challenge is
13 made, he shall sign his name on the precinct list in the space opposite his printed
14 name. The voter's signature shall constitute his verification that he is a properly
15 registered and qualified voter. **If the person's name is not listed on the precinct list**
16 **furnished by the State Board of Elections, the precinct officer shall offer the**
17 **person the opportunity to register to vote as provided by Section 2 of this Act, and**
18 **the voter shall indicate his or her party registration on the form.** The voter shall
19 then retire alone to cast his vote on the voting machine. The county board of
20 elections may provide to each precinct the original registration form of each voter
21 entitled to vote in that precinct. These forms shall be used to compare signatures in
22 those precincts to which the forms are provided.
- 23 (2) If supplemental paper ballots are used, as provided in KRS 118.215, after voting on
24 the voting machine the voter shall take the supplemental paper ballot with the stub
25 intact and retire alone to the voting booth provided for voting paper ballots. After
26 voting the supplemental paper ballot, the voter shall remove the numbered stub,
27 hand the stub to an election official and deposit the voted ballot in the locked ballot

1 box.

2 →Section 6. KRS 117.365 is amended to read as follows:

3 Upon the first day a grand jury convenes after a primary, general election, or special
4 election, the county clerk shall present to the grand jury all voter assistance forms, all
5 applications for voter registration that are completed at the precinct, and all
6 applications for absentee ballots which shall have been completed in the immediately
7 preceding primary, general election, or special election. The county clerk may photocopy
8 applications for absentee ballots, applications for voter registration that are completed
9 at the precinct, and voter assistance forms, certify them as true copies of the originals,
10 and present the grand jury with those certified copies instead of the originals. The county
11 clerk shall retain all applications for absentee ballots, all applications for voter
12 registration that are completed at the precinct, and one (1) copy of each voter assistance
13 form as part of the records of the office and shall produce certified copies of any or all of
14 them, when required, to any subsequent grand jury.