

HOUSE OF REPRESENTATIVES

KENTUCKY GENERAL ASSEMBLY AMENDMENT FORM  
2020 REGULAR SESSION  
**Unofficial Document**

Amend printed copy of **SB 2/HCS 1**

On page 28, line 19, after the period, insert "*If the person's name is not listed on the precinct list furnished by the State Board of Elections, the precinct election officer shall offer the person the opportunity to register as provided in Section 38 of this Act and to vote as otherwise provided in this chapter.*"; and

On page 64, after line 19, add the following:

" ➔ Section 38. KRS 116.025 is amended to read as follows:

- (1) Every person who is a resident of this state and the precinct in which he or she offers to vote on or before the day ~~of preceding the closing of the registration books for~~ any primary, general, or special election, who possesses on the day of any election the qualifications set forth in Section 145 of the Constitution, exclusive of the durational residency requirements, who is not disqualified under that section or under any other statute, and who is registered as provided in this chapter, may vote for all officers to be elected by the people and on all public questions submitted for determination at that election, in the precinct in which he or she is qualified to vote. Any person who shall have been convicted of any election law offense which is a felony shall not be permitted to vote until his or her civil rights have been restored by executive pardon.
- (2) Any person charged with or indicted for a crime, whether or not in custody for same, who has not yet been convicted of the offense and who is not otherwise ineligible to vote, may

Amendment No. \_\_\_\_\_

Rep. Rep. Lisa Willner

Committee Amendment \_\_\_\_\_

Signed: \_\_\_\_\_

Floor Amendment \_\_\_\_\_

LRC Drafter: \_\_\_\_\_

Adopted: \_\_\_\_\_

Date: \_\_\_\_\_

Rejected: \_\_\_\_\_

Doc. ID: XXXX

**Not for Filing**

# Unofficial Document

vote for all offices to be elected by the people and on all public questions submitted for determination at that election, in the precinct in which he or she is qualified to vote.

- (3) A registered voter who changes his or her place of residence from one (1) precinct to another within the same county while the registration books are closed shall be permitted to update the voting records and to vote in the present election at the appropriate precinct for the current address as set forth in KRS 116.085(3).
- (4) Notwithstanding any provision of law to the contrary, any registered voter who changes his or her place of residence from one (1) precinct to another within the same county prior to the closing of the registration books and who fails to transfer his or her registration with the county clerk prior to the date the registration books are closed shall be permitted to vote in the present election at the appropriate precinct for the current address as set forth in KRS 116.085(2).
- (5) Any registered voter who changes his or her place of residence to a different county while the registration books are closed shall be permitted to vote at the appropriate precinct for his or her former residence in the present election and shall thereafter transfer his or her voter registration.
- (6) Any registered voter who changes his or her place of residence to a different county and fails to register to vote in the county of current residence prior to the date the registration books are closed shall not be eligible to vote in the present election in the county of current residence or the county of former residence.
- (7) Any registered voter who changes his or her place of registration to a different state while the registration books are closed in the new state of residence before a presidential election shall be permitted to cast an absentee ballot for President and Vice President only, notwithstanding subsection (1) of this section, by mail or at the county clerk's office of the former residence or other place designated by the county board of elections and approved

by the State Board of Elections.

➔Section 39. KRS 116.045 is amended to read as follows:

- (1) Any person may:
  - (a) 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; or
  - (b) Register at the precinct on the day of a primary or an election as provided in subsection (9) of this section.
- (2) The county clerk shall cause all registration to be closed, except for registration under subsection (9) of this section, the fourth Tuesday preceding through the first Monday following any primary or 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)~~],~~ or who registers at the precinct under subsection (9) of this section, 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 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;
  - (d) By mail-in application form prescribed by the Federal Election Commission pursuant to the National Voter Registration Act of 1993; or
  - (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 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, or the precinct officer in the case of a person registering on the day of a primary or an election at the precinct under subsection (9) of this section, 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 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) (a) Any person who is not a registered voter, but who possesses all other qualifications to be a registered voter, may register at his or her precinct of residence on the day of a primary or an election.**
- (b) When a person applies to register to vote at the precinct on the day of a primary or an election, the voter shall be permitted to vote at the appropriate precinct if the person:**
- 1. Possesses all the qualifications required of voters in accordance with Section 1 of this Act;**
  - 2. Confirms his or her identity as required by Section 17 of this Act;**
  - 3. Completes the registration form, which shall include the voter's signature;**
  - 4. Completes the oath, if required by a voter whose right to vote is challenged, in accordance with Section 18 of this Act; and**
  - 5. Designates a party preference, if any, on his or her voter registration form, and he or she has not withdrawn his or her registration after December 31**

# Unofficial Document

**immediately preceding the primary.**

➔ Section 40. 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 any other case, if the valid voter registration form of the applicant is received by the appropriate county clerk, no later than 4 p.m. local time, before the registration books are closed.
- (2) **In the case of registration at the precinct on the day of a primary or an election, a voter registration application shall be deemed timely received if the valid voter registration form of the applicant is received by the precinct officer in the correct precinct of residence of the voter before the polls close on the primary or election day.**
- (3) The county clerk shall send notice to each applicant of the disposition of the application.
- ~~(4)~~(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.

~~(5)(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, **but the county clerk shall provide the State Board of Elections with a report of how many voters have registered to vote at the precincts on a primary or an election day.**

➔Section 41. KRS 116.055 is amended to read as follows:

- (1) **Except as provided in subsection (9) of Section 39 of this Act,** before a person shall be qualified to vote in a primary, he or she:
- (a) Shall possess all the qualifications required of voters in a regular election;
  - (b) Shall have been a registered member of the party in whose primary he or she seeks to vote on December 31 immediately preceding the primary; and
  - (c) Shall have remained continuously registered as a member of that party in whose primary he or she seeks to vote between December 31 immediately preceding the primary and the date set for the primary.
- (2) In the case of a new registration made after December 31 immediately preceding the primary, a voter shall have registered and remained continuously registered as a member of the party in whose primary he or she seeks to vote from the date of registration until the date set for the primary.
- (3) Any voter who withdraws his or her registration after December 31 immediately preceding the primary, and reregisters as a voter with a different party affiliation, during those periods

# Unofficial Document

that the registration books are open immediately preceding the primary, shall not be eligible to vote in the upcoming primary.

- (4) No person shall be allowed to vote for any party candidates or slates of candidates other than that of the party of which he or she is a registered member.
- (5) The qualifications shall be determined as of the date of the primary, without regard to the qualifications or disqualifications as they may exist at the succeeding regular election, except that minors seventeen (17) years of age who will become eighteen (18) years of age on or before the day of the regular election shall be entitled to vote in the primary if otherwise qualified. However, any registered voter, whether registered as a member of a party, political organization, political group, or as an independent, shall be qualified to vote in a primary for candidates listed in all nonpartisan races."