

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~~<sup>preceding the closing of the registration books</sup>  
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 a primary or an election as provided in  
23 subsection (9) of this section.

24 (2) The county clerk shall cause all registration to be closed, except for registration  
25 under subsection (9) of this section, the fourth Tuesday preceding through the first  
26 Monday following any primary or general election, and the twenty-eight (28) days  
27 prior to and seven (7) days following any special election. If the last day of

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

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

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

18 (a) In person;

19 (b) By mail;

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

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

25 (e) By other methods of registration, or reregistration, approved by the State  
26 Board of Elections, including the use of voluntary interested groups and  
27 political parties, under the proper supervision and directions of the county

1 clerk, which may include door to door canvassing.

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

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

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

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

25 (9) (a) Any person who is not a registered voter, but who possesses all other  
26 qualifications to be a registered voter, may register at his or her precinct of  
27 residence on the day of a primary or an election.

1       **(b) When a person applies to register to vote at the precinct on the day of a**  
 2       **primary or an election, the voter shall be permitted to vote at the appropriate**  
 3       **precinct if the person:**

4       **1. Possesses all the qualifications required of voters in accordance with**  
 5       **Section 1 of this Act;**

6       **2. Confirms his or her identity as required by KRS 117.227;**

7       **3. Completes the registration form, which shall include the voter's**  
 8       **signature;**

9       **4. Completes the oath, if required by a voter whose right to vote is**  
 10       **challenged, in accordance with KRS 117.245; and**

11       **5. Designates a party preference, if any, on his or her voter registration**  
 12       **form, and he or she has not withdrawn his or her registration after**  
 13       **December 31 immediately preceding the primary.**

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

15       (1) For the purpose of determining whether a voter registration application is received  
 16       during the period in which registration books are open under KRS 116.045(2), an  
 17       application shall be deemed timely received:

18       (a) In the case of registration with a motor vehicle driver's license application, if  
 19       the valid voter registration form of the applicant is accepted by the circuit  
 20       clerk before the registration books are closed;

21       (b) In the case of registration by mail, if the valid voter registration form of the  
 22       applicant is legibly postmarked before the registration books are closed;

23       (c) In the case of registration with a voter registration agency, if the valid voter  
 24       registration form of the applicant is accepted at the voter registration agency  
 25       before the registration books are closed; and

26       (d) In any other case, if the valid voter registration form of the applicant is  
 27       received by the appropriate county clerk, no later than 4 p.m. local time,

1 before the registration books are closed.

2 (2) **In the case of registration at the precinct on the day of a primary or an election, a**  
 3 **voter registration application shall be deemed timely received if the valid voter**  
 4 **registration form of the applicant is received by the precinct officer in the correct**  
 5 **precinct of residence of the voter before the polls close on the primary or election**  
 6 **day.**

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

9 ~~(4)~~~~(3)~~ The name of a registered voter shall not be removed from the registration  
 10 books, except:

11 (a) Upon request of the voter;

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

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

20 ~~(5)~~~~(4)~~ The identity of the voter registration agency or circuit clerk's office through  
 21 which any particular voter is registered shall not be disclosed to the public, **but the**  
 22 **county clerk shall provide the State Board of Elections with a report of how many**  
 23 **voters have registered to vote at the precincts on a primary or an election day.**

24 →Section 4. KRS 116.055 is amended to read as follows:

25 (1) **Except as provided in subsection (9) of Section 2 of this Act,** before a person shall  
 26 be qualified to vote in a primary, he or she:

27 (a) Shall possess all the qualifications required of voters in a regular election;

1 (b) Shall have been a registered member of the party in whose primary he or she  
2 seeks to vote on December 31 immediately preceding the primary; and

3 (c) Shall have remained continuously registered as a member of that party in  
4 whose primary he or she seeks to vote between December 31 immediately  
5 preceding the primary and the date set for the primary.

6 (2) In the case of a new registration made after December 31 immediately preceding the  
7 primary, a voter shall have registered and remained continuously registered as a  
8 member of the party in whose primary he or she seeks to vote from the date of  
9 registration until the date set for the primary.

10 (3) Any voter who withdraws his or her registration after December 31 immediately  
11 preceding the primary, and reregisters as a voter with a different party affiliation,  
12 during those periods that the registration books are open immediately preceding the  
13 primary, shall not be eligible to vote in the upcoming primary.

14 (4) No person shall be allowed to vote for any party candidates or slates of candidates  
15 other than that of the party of which he or she is a registered member.

16 (5) The qualifications shall be determined as of the date of the primary, without regard  
17 to the qualifications or disqualifications as they may exist at the succeeding regular  
18 election, except that minors seventeen (17) years of age who will become eighteen  
19 (18) years of age on or before the day of the regular election shall be entitled to vote  
20 in the primary if otherwise qualified. However, any registered voter, whether  
21 registered as a member of a party, political organization, political group, or as an  
22 independent, shall be qualified to vote in a primary for candidates listed in all  
23 nonpartisan races.

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

25 (1) Any person desiring to vote on election day shall give his name and address to the  
26 clerk of the election. If the person's name is listed on the precinct list furnished by  
27 the State Board of Elections as provided in KRS 117.025 and if no challenge is

1 made, he shall sign his name on the precinct list in the space opposite his printed  
2 name. The voter's signature shall constitute his verification that he is a properly  
3 registered and qualified voter. **If the person's name is not listed on the precinct list**  
4 **furnished by the State Board of Elections, the precinct officer shall offer the**  
5 **person the opportunity to register and to vote as provided in Section 2 of this Act.**

6 The voter shall then retire alone to cast his vote on the voting machine. The county  
7 board of elections may provide to each precinct the original registration form of  
8 each voter entitled to vote in that precinct. These forms shall be used to compare  
9 signatures in those precincts to which the forms are provided.

10 (2) If supplemental paper ballots are used, as provided in KRS 118.215, after voting on  
11 the voting machine the voter shall take the supplemental paper ballot with the stub  
12 intact and retire alone to the voting booth provided for voting paper ballots. After  
13 voting the supplemental paper ballot, the voter shall remove the numbered stub,  
14 hand the stub to an election official and deposit the voted ballot in the locked ballot  
15 box.

16 ➔Section 6. KRS 117.365 is amended to read as follows:

17 Upon the first day a grand jury convenes after a primary, general election, or special  
18 election, the county clerk shall present to the grand jury all voter assistance forms, **all**  
19 **applications for voter registration that are completed at the precinct,** and all  
20 applications for absentee ballots which shall have been completed in the immediately  
21 preceding primary, general election, or special election. The county clerk may photocopy  
22 applications for absentee ballots, **applications for voter registration that are completed**  
23 **at the precinct,** and voter assistance forms, certify them as true copies of the originals,  
24 and present the grand jury with those certified copies instead of the originals. The county  
25 clerk shall retain all applications for absentee ballots, **all applications for voter**  
26 **registration that are completed at the precinct,** and one (1) copy of each voter assistance  
27 form as part of the records of the office and shall produce certified copies of any or all of



- 1 them, when required, to any subsequent grand jury.