AN ACT relating to voter registration.

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

Section 1. 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 any primary, regular election, 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 has been convicted of a felony shall not be permitted to vote until his or her civil rights have been restored by executive pardon, or until his or her voting rights have been restored by executive order. Any person who has been convicted of an 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 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.

(8) Any registered voter who withdraws his or her registration while the registration books are closed shall not be eligible to reregister and vote as provided under subsection (10) of Section 2 of this Act, and shall be subject to KRS 116.055(3) for voting in a primary.

Section 2. 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 the election as provided in subsection (10) of this section, if:

1. He or she has not registered during the period registration is open; or
2. He or she has not withdrawn his or her registration while the registration books are closed.

(2) The county clerk shall cause all registration to be closed, except for registration at the precinct under subsection (10) of this section, the fourth Tuesday preceding through the first Monday following any primary or regular [general] election, and the twenty-eight (28) days prior to and seven (7) days following any special election. If the last day of registration falls on a state or federal holiday, the period runs until the end of the next day which is not a Saturday or Sunday, or a state or federal holiday.

(3) The county clerk may accept and process voter registrations 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 shall not be permitted to vote in the upcoming primary or election[, except for:

(a) Any] registered voter who transfers his or her registration pursuant to KRS 116.085(2) or (3); or

(b) A voter who registers at the precinct under subsection (10) of this section[, shall not be permitted to vote in the upcoming election].

(4)[(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.

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.

Upon receipt of the form prescribed by the State Board of Elections, the
United States Election Assistance Commission, or the Federal Election
Commission pursuant to the National Voter Registration Act of 1993, properly
filled out and signed by the applicant, the county clerk shall register the applicant.

Any individual or group shall have access to a reasonable number of voter
registration forms, including the mail-in application form prescribed by the United
States Election Assistance Commission or 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.

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.

(9)[(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.

(10) (a) Any person who was not a registered voter in this state before the registration books were closed under subsection (2) of this section, and who possesses, or will possess on the day of the next regular election if registering on the day of a primary, the qualifications set forth in Section 1 of this Act, may register at the precinct of his or her residence on the day of an election.

(b) When a person applies to register to vote at the precinct on election day, the voter shall be permitted to vote in the present election at the precinct of his or her residence upon:

1. Affirmation of the voter's current address;

2. Confirmation of the voter's identity as required by KRS 117.227; and

3. Completion of the affidavit required to be completed by a voter whose right to vote is challenged. The subscribed oaths shall be delivered to the county clerk and investigated in accordance with KRS 117.245.

(c) All registration forms received at the precinct shall be returned to the county clerk by the precinct officer.
Section 3. KRS 116.0452 is amended to read as follows:

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

(a) In the case of registration with a motor vehicle driver's license application, if the valid voter registration form of the applicant is accepted by the Transportation Cabinet 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 election day, 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 precinct of the voter's residence before the polls close on election day.

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

(4) The county clerk shall provide the State Board of Elections with a report of those voters who registered to vote on election day on a form established by the State Board of Elections in administrative regulations promulgated under KRS Chapter 13A.

(5) 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 regular [general] election for Federal office that occurs after the date of the notice.

The identity of the voter registration agency or Transportation Cabinet office through which any particular voter is registered shall not be disclosed to the public.

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

(1) Each motor vehicle driver's license application, including any renewal application, submitted to the appropriate motor vehicle authority shall serve as a simultaneous [an] application for voter registration, or as an update to any previous voter registration, and shall contain the following statements:

(a) "By signing and submitting this application, you are authorizing the Transportation Cabinet to transmit this application to the county clerk and to the State Board of Elections for voter registration purposes. YOU MAY DECLINE TO REGISTER. YOU ARE REQUIRED TO DECLINE TO REGISTER IF YOU DO NOT MEET THE ELIGIBILITY REQUIREMENTS SET OUT BELOW. No information relating to your decision of whether or not to register or update a voter registration record may be used for any purpose other than voter registration."

(b) "In order to be registered to vote, you must:

1. Be a United States citizen;

2. Be a current resident of Kentucky;
3. Be at least eighteen (18) years of age on or before the next regular election;

4. Have not been convicted of a felony or, if you have been convicted of a felony, your civil rights have been restored by executive pardon, or your voting rights have been restored by executive order;

5. Have not been declared mentally incompetent in a court of law; and

6. Not claim the right to vote anywhere outside Kentucky.

By allowing this application to serve as a simultaneous application for voter registration you are swearing or affirming that you meet all the requirements to vote."; and

(c) "If you choose to decline to have this motor vehicle driver's application serve as a simultaneous application for voter registration or update to an existing voter registration record or if you do not meet the eligibility requirements to register to vote, YOU ARE REQUIRED TO CHECK THE BOX BELOW confirming that you decline.".

{for voter registration unless the applicant fails to sign the voter registration application.

(b) An application for voter registration submitted under paragraph (a) of this subsection shall be considered as updating any previous voter registration by the applicant.}

(2) No information relating to the declination of an applicant to have any application in subsection (1) of this section considered as a simultaneous application for voter registration or an update to a previous voter registration may be used for any purpose other than voter registration.

(3) (a) The Transportation Cabinet shall include all information required in a voter registration application form as part of an application for a motor vehicle
The State Board of Elections shall approve the voter registration portion of the application prior to its implementation by the Transportation Cabinet and no amendments to the application affecting voter registration requirements shall be made without the approval of the State Board of Elections; and

(b) The voter registration application portion of an application for a motor vehicle driver's license shall comply with the requirements of Section 5 of Pub. L. No. [Public Law] 103-31, the National Voter Registration Act of 1993.

(4) Any change of address form submitted for purposes of a motor vehicle driver's license shall serve as notification of change of address for voter registration for the registrant involved unless the registrant states on the form that the change of address is not for voter registration purposes.

(5) (a) A completed copy of the voter registration portion of an application for a motor vehicle driver's license accepted by the Transportation Cabinet shall be transmitted to the county clerk of the county of the applicant's voting residence not later than ten (10) days after the date of acceptance.

(b) If a motor vehicle driver's license application includes a completed voter registration application and is accepted within five (5) days before the last day for registration to vote in an election, the application shall be transmitted to the county clerk of the county of the applicant's voting residence not later than five (5) days after the date of acceptance.

(6) The Transportation Cabinet shall provide to the county clerk all declination notifications[statement] signed by an applicant if the applicant has declined to have the motor vehicle driver's license application serve as a simultaneous application for voter registration or to have an existing voter registration record updated[register to vote].

Section 5. KRS 116.048 is amended to read as follows:
(1) The following agencies are designated as voter registration agencies in accordance
with the National Voter Registration Act of 1993:

(a) Agencies that provide benefits under public assistance under Title IV-A of the
Federal Social Security Act, the Special Supplemental Food Program for
Women, Infants, and Children, the Kentucky Medical Assistance Program, or
the Food Stamps Program;

(b) Office of Vocational Rehabilitation and Office for the Blind within the
Education and Workforce Development Cabinet;

(c) Commission for Children with Special Health Care Needs within the
Cabinet for Health and Family Services;

(d) Department of Aging and Independent Living within the Cabinet for Health
and Family Services;

(e) Department of Behavioral Health, Developmental and Intellectual
Disabilities within the Cabinet for Health and Family Services;

(f) HIV/AIDS Branch of the Division of Epidemiology and Health Planning of
the Department of Public Health within the Cabinet for Health and Family
Services;

(g) Armed Forces recruitment offices;

(h) Other agencies as the Secretary of State shall determine are providing public assistance; and

(i) Other agencies as the Secretary of State shall determine are state-funded programs primarily engaged in providing services to persons with

(2) A voter registration agency that provides service or assistance in conducting voter
registration shall:

(a) Include in each application for its service or assistance, and
with each recertification, renewal, or change of address form, the following
statements:

1. "By signing and submitting this application, you are authorizing this agency to transmit this application to the county clerk and to the State Board of Elections for voter registration purposes. YOU MAY DECLINE TO REGISTER. YOU ARE REQUIRED TO DECLINE TO REGISTER IF YOU DO NOT MEET THE ELIGIBILITY REQUIREMENTS SET OUT BELOW. No information relating to your decision of whether or not to register or update a voter registration record may be used for any purpose other than voter registration.";

2. "In order to be registered to vote, you must:
   a. Be a United States citizen;
   b. Be a current resident of Kentucky;
   c. Be at least eighteen (18) years of age on or before the next regular election;
   d. Have not been convicted of a felony or, if you have been convicted of a felony, your civil rights have been restored by executive pardon, or your voting rights have been restored by executive order;
   e. Have not been declared mentally incompetent in a court of law;
      and
   f. Not claim the right to vote anywhere outside Kentucky.

By allowing this application to serve as a simultaneous application for voter registration you are swearing or affirming that you meet all of the requirements to vote. If you do not meet the requirements, you are required to decline."; and

3. "If you choose to decline to have this application serve as a
simultaneous application for voter registration or update to an existing voter registration record or if you do not meet the eligibility requirements to register to vote, YOU ARE REQUIRED TO CHECK THE BOX BELOW confirming that you decline.'[office's own voter registration application form that complies with the requirements of Section 7 of Public Law 103-31, the National Voter Registration Act of 1993];

(b) Provide an additional form that includes:

1. [The question, "If you are not registered to vote where you live now, would you like to apply to register to vote here today?";]

2. If the agency provides public assistance, the statement, "Applying to register or declining to register to vote will not affect the amount of assistance that you will be provided by this agency.";

2[13] Boxes for the applicant to check to indicate whether the applicant would like to register or declines to register to vote (failure to check either box being deemed to constitute a declination to register for purposes of paragraph (c) of this subsection), together with the statement in close proximity to the boxes and in prominent type, "IF YOU DO NOT CHECK EITHER BOX, YOU WILL BE CONSIDERED TO HAVE DECIDED NOT TO REGISTER TO VOTE AT THIS TIME.';]

4[1] The statement, "If you would like help in filling out the voter registration portion of the application form, we will help you. The decision whether to seek or accept help is yours. You may fill out the application form in private.'; and

3[5] The statement, "If you believe that someone has interfered with your right to register or to decline to register to vote or to update your existing voter registration record, your right to privacy in deciding
whether to register or in applying to register to vote, or your right to
choose your own political party or other political preference, you may
file a complaint with ________________", the blank being filled by
the name, address, and telephone number of the appropriate official to
whom a complaint should be addressed; and

(c) Provide to each applicant who does not decline to use the agency application
as an application to register to vote or to update an existing voter
registration record the same degree of assistance with regard to the
completion of the registration application form as is provided by the office
with regard to the completion of its own forms, unless the applicant refuses
assistance.

(3) (a) At each voter registration agency, the following services shall be made
available:

1. Distribution of mail voter registration forms should the applicant
decline to have the application serve as a simultaneous application for
voter registration and request a mail voter registration form;

2. Assistance to applicants in completing the voter registration portion of
the application form[forms], unless the applicant refuses assistance; and

3. Acceptance of completed[ voter registration] application forms that do
not include a declination of the application serving as a simultaneous
application to register to vote or update an existing voter registration
record for transmittal to the county clerk of the county of the applicant's
voting residence or the State Board of Elections.

(b) If a voter registration agency designated under subsection (1)(d) of this
section provides services to a person with a disability at the person's home, the
agency shall provide the services described in paragraph (a) of this subsection
at the person's home.
A person who provides services described in subsection (3) of this section shall not:

(a) Seek to influence an applicant's political preference or party registration;

(b) Display any material indicating the person's political preference or party allegiance;

(c) Make any statement to an applicant or take any action the purpose or effect of which is to discourage the applicant from registering to vote; or

(d) Make any statement to an applicant or take any action the purpose or effect of which is to lead the applicant to believe that a decision to register or not to register to vote has any bearing on the availability of services or benefits.

The voter registration portion of any application used by any agency that has been designated as a voter registration agency under subsection (1) of this section shall comply with the requirements of Section 7 of Pub. L. No. 103-31, the National Voter Registration Act of 1993.

The State Board of Elections may designate requirements for record keeping and document retention it deems necessary to comply with the National Voter Registration Act of 1993 and the provisions of this chapter in administrative regulations promulgated under KRS Chapter 13A.

(a) A completed registration application accepted at a voter registration agency shall be transmitted to the county clerk of the county of the applicant's voting residence or the State Board of Elections not later than ten (10) days after the date of acceptance.

(b) If a registration application is accepted within five (5) days before the last day for registration to vote in an election, the application shall be transmitted to the county clerk of the county of the applicant's voting residence or the State Board of Elections not later than five (5) days after the date of acceptance.

The agency shall provide to the county clerk all declination notifications signed by an applicant if the applicant has declined to have the agency application served.
as a simultaneous application for voter registration or to have an existing voter registration record updated.

Section 6. KRS 116.085 is amended to read as follows:

(1) When a voter changes his or her place of residence to another location within the county, the clerk shall, upon application of the voter in person, by mail, through a voter registration agency under Section 5 of this Act, or through the Transportation Cabinet, transfer the voter's registration record to the proper precinct.

(2) When a registered voter changes his or her place of residence from one (1) precinct to another within the same county before the registration books are closed and fails to transfer his or her registration with the county clerk prior to the date the registration books are closed, the voter shall be permitted to update the voting records and to vote in the present election at the appropriate precinct for the current address upon affirmation of the voter's current address and signing the precinct list as set forth in KRS 117.225. Before being permitted to vote, the voter shall also confirm his or her identity as required in KRS 117.227 and complete the affidavit which is required to be completed by a voter whose right to vote has been challenged. The subscribed oaths shall be delivered to the county clerk and investigated in accordance with KRS 117.245.

(3) When a registered voter changes his or her place of residence from one (1) precinct to another precinct within the same county after the registration books close, the voter shall be permitted to vote in the present election at the appropriate precinct for the current address upon affirmation of the voter's current address and signing the precinct list as set forth in KRS 117.225. Before being permitted to vote, the voter shall confirm his or her identity as required by KRS 117.227 and complete the affidavit which is required to be completed by a voter whose right to vote is challenged. The subscribed oaths shall be delivered to the county clerk and
investigated in accordance with KRS 117.245.

(4) When the boundaries of a precinct are changed by law, placing a registered voter in a new or different precinct, the clerk shall automatically transfer the voter's registration record to the proper precinct and mail the voter a notice of the change.

(5) A voter who has changed his or her name may indicate the change at the precinct on election day by completing the form provided for this purpose by the State Board of Elections. The form shall be returned by the precinct officer to the county clerk who shall make the necessary change on the voter's registration record.

Section 7. KRS 117.225 is amended to read as follows:

(1) Any person desiring to vote on election day shall give his or her name and address to the clerk of the election and shall provide proof of identification as defined in KRS 117.375.

(2) A voter who votes in person at a precinct polling place that is located at a state-licensed care facility where the voter resides is not required to provide proof of identification, as defined in KRS 117.375, before voting in a primary or an election.

(3) If the voter's name is listed on the precinct list furnished by the State Board of Elections as provided in KRS 117.025, the voter provides proof of identification, the voter is exempt pursuant to subsection (2) of this section, or the voter otherwise satisfies the requirements of KRS 117.228, and if no challenge is made, then the voter shall sign his or her name on the precinct list in the space opposite the printed name. The voter's signature shall constitute the voter's verification that the voter is a properly registered and qualified voter. If the person's name is not listed on the precinct list furnished by the State Board of Elections, and the person meets the qualifications under Section 1 of this Act, the precinct officer shall offer the person the opportunity to register to vote as provided by Section 2 of this Act, and the voter shall indicate his or her party affiliation on the form. The voter shall then retire alone to cast his or her vote on
the voting machine. The county board of elections may provide to each precinct the
original registration form of each voter entitled to vote in that precinct. These forms
shall be used to compare signatures in those precincts to which the forms are
provided.

(4) If supplemental paper ballots are used, as provided in KRS 118.215, after voting on
the voting machine the voter shall take the supplemental paper ballot with the stub
intact and retire alone to the voting booth provided for voting paper ballots. After
voting the supplemental paper ballot, the voter shall remove the numbered stub,
hand the stub to an election officer and deposit the voted ballot in the locked
supplemental paper ballot box in the presence of a precinct election officer.

Section 8. KRS 117.365 is amended to read as follows:

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