

1 AN ACT relating to elections.

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

3 ➔Section 1. KRS 116.045 is amended to read as follows:

- 4 (1) Any person may register as a voter during the period registration is open if he or she
5 possesses, or will possess on the day of the next regular election, the qualifications
6 set forth in KRS 116.025.
- 7 (2) The county clerk shall cause all registration to be closed the fourth Tuesday
8 preceding through the first Monday following any primary or general election, and
9 the twenty-eight (28) days prior to and seven (7) days following any special
10 election. If the last day of registration falls on a state or federal holiday, the period
11 runs until the end of the next day which is not a Saturday or Sunday nor a state or
12 federal holiday. During the period that registration is closed, the county clerk may
13 accept and process registrations. Any voter who registers during the period that
14 registration is closed, except for any registered voter who transfers his or her
15 registration pursuant to KRS 116.085(2) or (3), shall not be permitted to vote in the
16 upcoming election.
- 17 (3) In all counties, the county clerk shall receive registrations, transfers, or changes of
18 party affiliation at branch offices at any place in the county during those periods
19 that the registration books are open except for those transfers pursuant to KRS
20 116.085(2) or 116.085(3). However, notice in the manner provided by KRS Chapter
21 424 shall be given at least three (3), but not more than fourteen (14), days in
22 advance of the time and place of any branch registration, and ten (10) days' written
23 notice shall be given to the county executive committee of each major political
24 party in the county in which the branch registration is to be held.
- 25 (4) Any person may register to vote or may change his or her party affiliation in any of
26 the following ways:
- 27 (a) In person;

- 1 (b) By mail;
- 2 (c) By means of the federal post card application, if the person is a resident of
3 Kentucky and a member of the Armed Forces, or a dependent of members of
4 the Armed Forces, or overseas citizen;
- 5 (d) By mail-in application form prescribed by the Election Assistance
6 Commission pursuant to the National Voter Registration Act of 1993; or
- 7 (e) By ~~other methods of registration, or reregistration, approved by the State~~
8 ~~Board of Elections, including~~ the use of voluntary interested groups and
9 political parties, under the proper supervision and directions of the county
10 clerk, which may include door to door canvassing.

11 **(5) Any public office, official, or employee authorized to assist a person in**
12 **registering, transferring, or changing party affiliation shall not:**

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

14 **(b) Display any material indicating a political preference or party allegiance;**

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

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

22 ~~(6)~~~~(5)~~ Upon receipt of the form prescribed by the State Board of Elections or the
23 Election Assistance Commission pursuant to the National Voter Registration Act of
24 1993, properly filled out and signed by the applicant, the county clerk shall register
25 the applicant.

26 ~~(7)~~~~(6)~~ Any individual or group shall have access to a reasonable number of voter
27 registration forms, including the mail-in application form prescribed by the Election

1 Assistance Commission pursuant to the National Voter Registration Act of 1993 in
2 the county clerk's office. The individual or group shall act under the proper
3 supervision and directions of the county clerk and shall return these completed
4 forms to the county clerk for official registration by the county clerk. **Electronic**
5 **access to voter registration records shall be restricted to the county clerk, and**
6 **employees of the county clerk, of the county in which the registration occurs, and**
7 **other individuals or groups shall not be permitted to access voter registration**
8 **records by electronic means.**

9 ~~(8)~~~~(7)~~ No later than December 31, 1994, the Transportation Cabinet shall equip all
10 driver's license agencies to comply with the provisions of the National Voter
11 Registration Act of 1993. The Secretary of State shall provide assistance and
12 interpretation to the Transportation Cabinet in determining the requirements of the
13 National Voter Registration Act of 1993.

14 ~~(9)~~~~(8)~~ The county clerk shall enter the specific party identification of the voter with
15 a political party, political organization, or political group as defined in KRS
16 118.015, or independent status, as indicated by the voter on the voter registration
17 form, into the statewide voter registration system. The State Board of Elections
18 shall promulgate regulations under KRS Chapter 13A to provide for tracking of the
19 registration of voters identifying with political organizations and political groups as
20 defined in KRS 118.015, and voters of independent status.

21 ~~(10)~~~~(9)~~ For purposes of voter registration, no county clerk, governmental body of any
22 city, county, urban-county government, consolidated local government, unified
23 local government, charter county government, or any employee thereof, shall accept
24 any private monetary funds to assist with voter registration activities unless
25 accepted as part of a valid contract for goods and services.

26 ➔Section 2. KRS 116.048 is amended to read as follows:

27 (1) The following agencies are designated as voter registration agencies in accordance

1 with the National Voter Registration Act of 1993:

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

6 (b) Armed Forces recruitment offices;

7 (c) Other agencies as the Secretary of State shall determine to be providing public
8 assistance; and

9 (d) Other agencies as the Secretary of State shall determine to be state-funded
10 programs primarily engaged in providing services to persons with disabilities.

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

13 (a) Distribute with each application for its service or assistance, and with each
14 recertification, renewal, or change of address form, the office's own voter
15 registration application form that complies with the requirements of Section 7
16 of Public Law 103-31, the National Voter Registration Act of 1993;

17 (b) Provide a form that includes:

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

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

23 3. Boxes for the applicant to check to indicate whether the applicant would
24 like to register or declines to register to vote (failure to check either box
25 being deemed to constitute a declination to register for purposes of
26 paragraph (c) of this subsection), together with the statement in close
27 proximity to the boxes and in prominent type, "IF YOU DO NOT

1 CHECK EITHER BOX, YOU WILL BE CONSIDERED TO HAVE
2 DECIDED NOT TO REGISTER TO VOTE AT THIS TIME.";

3 4. The statement, "If you would like help in filling out the voter
4 registration application form, we will help you. The decision whether to
5 seek or accept help is yours. You may fill out the application form in
6 private."; and

7 5. The statement, "If you believe that someone has interfered with your
8 right to register or to decline to register to vote, your right to privacy in
9 deciding whether to register or in applying to register to vote, or your
10 right to choose your own political party or other political preference,
11 you may file a complaint with _____.", the blank being
12 filled by the name, address, and telephone number of the appropriate
13 official to whom a complaint should be addressed; and

14 (c) Provide to each applicant who does not decline to register to vote the same
15 degree of assistance with regard to the completion of the registration
16 application form as is provided by the office with regard to the completion of
17 its own forms, unless the applicant refuses assistance.

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

- 20 1. Distribution of mail voter registration forms;
- 21 2. Assistance to applicants in completing voter registration application
22 forms, unless the applicant refuses assistance; and
- 23 3. Acceptance of completed voter registration application forms for
24 transmittal to the county clerk of the county of the applicant's voting
25 residence.

26 (b) If a voter registration agency designated under subsection (1)(d) of this
27 section provides services to a person with a disability at the person's home,

1 the agency shall provide the services described in paragraph (a) of this
2 subsection at the person's home.

- 3 (4) A person who provides services described in subsection (3) of this section shall not:
- 4 (a) Seek to influence an applicant's political preference or party registration;
- 5 (b) Display any material indicating the person's political preference or party
6 allegiance;
- 7 (c) Make any statement to an applicant or take any action the purpose or effect of
8 which is to discourage the applicant from registering to vote; or
- 9 (d) Make any statement to an applicant or take any action the purpose or effect of
10 which is to lead the applicant to believe that a decision to register or not to
11 register to vote has any bearing on the availability of services or benefits.

12 (5) The State Board of Elections may designate requirements for record keeping and
13 document retention it deems necessary to comply with the National Voter
14 Registration Act of 1993 and the provisions of this chapter.

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

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

23 ➔Section 3. KRS 116.112 is amended to read as follows:

24 (1) **Each county**~~[The State]~~ board of elections shall establish a voter registration purge
25 program using the change-of-address information supplied by the United States
26 Postal Service through its licensees or other sources to identify voters whose
27 addresses may have changed.

- 1 (2) ~~{(a)}~~ If it appears from information provided by the postal service or other sources
2 that a voter has moved to a different address in the same county in which the
3 voter is currently registered, the county~~[State Board of Elections shall provide~~
4 ~~to the county board of elections the information necessary to change the~~
5 ~~registration records to show the new address and the State]~~ board of elections
6 shall send to the new address a notice of the change by forwardable mail on a
7 form prescribed by the State Board of Elections and a postage prepaid, pre-
8 addressed return form by which the voter may verify or correct the address
9 information~~].~~
- 10 ~~(b) If the county board of elections requests authorization from the State Board of~~
11 ~~Elections to send address confirmation notices as provided in this subsection,~~
12 ~~the State Board of Elections shall grant the request].~~
- 13 (3) ~~{(a)}~~ If it appears from information provided by the postal service or other sources
14 that a voter has moved to a different address not in the same county, the
15 county~~[State]~~ board of elections shall send to the address from which the
16 voter was last registered, by forwardable mail, a notice on a form prescribed
17 by the State Board of Elections, with a postage prepaid and pre-addressed
18 return card on which the voter may state his or her current address~~].~~
- 19 ~~(b) If a county board of elections requests authorization from the state board to~~
20 ~~send address confirmation notices as provided in this subsection, the state~~
21 ~~board shall grant the request].~~
- 22 (4) The state or county boards of elections shall not remove the name of a voter from
23 the registration records on the ground that the voter has changed his or her
24 residence unless the voter:
- 25 (a) Confirms in writing that the voter has changed residence to a place outside the
26 county; or
- 27 (b) 1. Has failed to respond to the notice described in subsection (3) of this

1 section; and

2 2. Has not voted or appeared to vote and, if necessary, correct the
3 registration records of the voter's address in an election during the
4 period beginning on the date of the notice and ending on the day after
5 the date of the second general election for Federal office that occurs
6 after the date of the notice.

7 ~~[If a county board of elections requests authorization from the state board to~~
8 ~~conduct purges of voters in its county in accordance with the provisions of this~~
9 ~~subsection, the state board shall grant the request.]~~

10 (5) **Each county**~~[The State]~~ board of elections shall establish an inactive list of all
11 voters who fail to respond to the notice described in subsection (3) of this section
12 and do not vote or appear to vote in an election during the period beginning on the
13 date of the notice and ending on the day after the date of the second general election
14 for federal office that occurs after the date of the notice.~~[If a county board of~~
15 ~~elections requests authorization from the state board to establish an inactive list of~~
16 ~~voters for its county, the state board shall grant the request.]~~

17 (6) **A county**~~[The State]~~ board of elections shall complete, not later than ninety (90)
18 days prior to the date of a primary or regular election, any program the purpose of
19 which is to systematically remove the names of ineligible voters from the
20 registration records.

21 (7) Voters placed on an inactive list are to be counted only for purposes of voting and
22 not for purposes of establishing or modifying precincts, calculating the amount of
23 reimbursement of county clerks by the State Board of Elections for certain election-
24 related expenses, or reporting official statistics, except as provided by the Election
25 Assistance Commission's regulations promulgated pursuant to the National Voter
26 Registration Act of 1993.

27 **(8) Each county board of elections shall report by the fifth day of each month its**

1 **voter registration information to the State Board of Elections.**

2 ~~(9)~~~~(8)~~ (a) The State Board of Elections and county boards of elections shall
 3 maintain for at least two (2) years and shall make available for public
 4 inspection and, where available, photocopying at a reasonable cost, all records
 5 concerning the implementation of programs and activities conducted for the
 6 purpose of ensuring the accuracy and currency of the registration records,
 7 except to the extent that the records relate to the declination to register to vote
 8 or the identity of a voter registration agency through which any particular
 9 voter is registered.

10 (b) The records maintained pursuant to paragraph (a) of this subsection shall
 11 include lists of the names and addresses of all persons to whom notices
 12 described in subsection (3) **of this section** are sent, and information
 13 concerning whether each person has responded to the notice as of the date that
 14 inspection of the records is made.

15 ➔Section 4. KRS 116.113 is amended to read as follows:

16 (1) Upon receipt of notification from the Cabinet for Health and Family Services or
 17 other reliable sources of the death of a person, the **county clerk**~~[State Board of~~
 18 ~~Elections]~~ shall within five (5) days cause the removal of the name of that person
 19 from the voter registration records~~[it maintains]~~, except that no voter's name may
 20 be removed during the period of time the registration books are closed for any
 21 primary, general, or special election.

22 (2) Upon receipt of notification from the circuit clerk that a person has been declared
 23 incompetent, the **county clerk**~~[State Board of Elections]~~ shall within five (5) days
 24 cause the removal of the name of that person from the voter registration records~~[it~~
 25 ~~maintains]~~, except that no voter's name may be removed during the period of time
 26 the registration books are closed for any primary, general, or special election.

27 (3) Upon receipt of notification from the Administrative Office of the Courts that a

1 person has been convicted of a felony offense, the county clerk~~[State Board of~~
2 ~~Elections]~~ shall within five (5) days cause the removal of the name of that person
3 from the voter registration records~~[it maintains]~~, except that no voter's name may
4 be removed during the period of time the registration books are closed for any
5 primary, general, or special election.

6 (4) Upon receipt of notification from a local or state jurisdiction that a voter has
7 registered to vote in the new local or state jurisdiction outside of the
8 Commonwealth, the county clerk~~[State Board of Elections]~~ shall within five (5)
9 days cause the removal of the name of that person from the voter registration
10 records~~[that it maintains]~~, except that no voter's name may be removed during the
11 period of time the registration books are closed for any primary, regular election, or
12 special election.

13 (5) Following the purge of a name from the records of the county clerk~~[State Board of~~
14 ~~Elections, the state board shall notify the clerk of the county in which the voter~~
15 ~~lived of the action; and]~~ the county clerk shall within ten (10) days update the
16 county voter registration files to reflect the necessary change. If a protest is filed by
17 the voter, the county board shall hear it at its next regular monthly meeting. If the
18 county board decides in favor of the protesting voter, the voter's registration record
19 shall be restored, including his or her voting record. If the protest is filed while the
20 registration books are closed and the county board decides in favor of the protesting
21 voter, the county board shall issue the voter an "Authorization to Vote" for the
22 upcoming election and the voter's record shall be restored when the registration
23 books open following the election.