U.S. ELECTION ASSISTANCE COMMISSION

2016 Election Administration & Voting Survey

Statutory Overview

In order to better understand state laws governing Federal elections, the U.S. Election Assistance Commission, as part of its biennial Election Administration and Voting Survey, is collecting information on state election laws and procedures. These answers will help EAC to better understand the quantitative data relating to the 2016 general election that we are collecting from all U.S. states and territories.

EAC understands that responding to this Statutory Overview may require significant staff time on the part of your office. Please be assured that we have attempted to minimize the burden, and we appreciate your cooperation in this very important project.

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DIRECTIONS AND EXAMPLE

As appropriate, please provide your state's legal citation for the responses to the questions beginning on the following page.

Please answer each question to the best of your ability. If a term or concept is ambiguous, please explain why. If a question is not applicable to your state, please explain why. If a definition or term lacks statutory reference in your state but is widely used in practice, please explain. If election procedures vary at the local level within your state, please explain these variations to the best of your ability.

The Statutory Overview data collection document has two columns below each question.

- On the left, we have provided you with the answer your state provided for the 2014 Statutory Overview. If there has not been a change in your state's laws or legal citation in the response to a question, please mark the box labeled **No Change since 2014** at the top of the left column.

- If the response has changed since 2014 – or your state has not answered this question previously for some reason— please mark the box labeled **Changed since 2014** at the top of the right column and then provide the new answer in the text box provided. If your response is too long to fit in the box, please make a note in the text box and place your response in the "Notes" page at the end of the document. Additionally, if a law was repealed in full, please answer "repealed in full" in the box.

If any of your state laws are currently enjoined or otherwise blocked from enforcement by a state or federal court or by executive decision, please specify.

Example:

A1. How does your state define the following terms related to votes and ballots? Please provide your state's legal citation defining these terms, where applicable.

a) Over-vote

☒ **No Change since 2014** ☐ **Changed since 2014**

State code 1.11 - An attempt to vote for a larger number of candidates than is allowed.

b) Under-vote

☐ **No Change since 2014** ☒ **Changed since 2014**

This term has no legal definition.

State code 1.12 - An attempt to vote for a smaller number of candidates than is allowed.

SECTION A: GENERAL

A1. How does your state define the following terms related to votes and ballots? Please provide your state's legal citation defining these terms, where applicable.

a) Over-vote

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

31 KAR 6:030, Section 1, (8) "Overvote" means a voter has made more than the permitted number of selections in a single race except when a voter casts a vote using a straight party option and votes for an opposing candidate in a particular race.

[Error in 2014 survey]

2016 Response:

b) Under-vote

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

No definition in Kentucky law.

2016 Response:

c) Blank ballot

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

KRS 117.375 (6) "Ballot" or "official ballot" means the voting machine ballot label, ballot cards, paper ballots, an absentee ballot, or a supplemental paper ballot which has been authorized for the use of voters in any primary, general or special election by the Secretary of State or the county clerk.

2016 Response:

d) Void/Spoiled ballot

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

KRS 117.255(11) If supplemental paper ballots have been approved, as provided in KRS 118.215, the voter shall vote his ballot in privacy in a booth provided for that purpose by the county clerk. If the voter spoils his ballot, he shall return the spoiled paper ballot to an election official who shall stamp the ballot "Spoiled," initial and place the spoiled ballot in an envelope provided for that purpose. The voter shall be issued a second supplemental paper ballot. Upon completion of voting, the voter shall remove the numbered stub from the ballot, hand the stub to an election official and deposit the voted ballot in the locked ballot box in the presence of precinct election officials.
KRS 117.381 Requirements for approval.
No electronic voting system shall, upon any examination or reexamination, be approved by the State Board of Elections unless it shall be established that such system, at the time of examination or reexamination:
(8)If it is of a type that registers the vote electronically, the voting system shall permit each voter to change his vote for any candidate or upon any question appearing on the official ballot up to the time that he takes the final step to register his vote and to have his vote computed. If it is of a type that uses paper ballots or ballot cards to register the vote and automatic tabulating equipment to compute such votes, the system shall

2016 Response:

e) Provisional/Challenged ballot

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

31 KAR 6:020, Section 1. Definitions. (1) "Provisional ballot" means a ballot cast in an election for federal office by an individual who resides in a voting precinct but whose eligibility to vote is in question or is not determinable on election day.

2016 Response:

f) Absentee

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Absentee not specifically defined; however the following statutes and administrative regulations provide the absentee voting process: KRS 117.075, 117.077, 117.079, 117.085, 117.0851, 117.0863, 117.086, 117.087, 117A.090, 117A.100, 117A.110, 117A.120; 31 KAR 4:040, 4:130, 4:140, 5:010.

2016 Response:

g) Early voting

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

No definition in Kentucky law.

2016 Response:

h) Active Voter

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

KRS 116. 013. “Voter” defined. Unless the context otherwise requires, the word “voter” means any name contained in any registration list.
[Clerical error in 2008 survey]
Voter eligibility requirements are covered by KRS 116.025.

2016 Response:

i) Inactive Voter

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

"Inactive Voter" not defined; however, KRS 116.112 describes the inactive process.

2016 Response:

j) Other terms (please specify) _____

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

2016 Response:

A2. Please provide the legal citation for any *significant* changes to election laws or procedures that have been enacted or adopted since the previous Federal election. "Significant" does not include routine or technical changes (such as changes to election district boundaries or polling place changes). However, EAC would like to learn about any new identification requirements for voters or registrants; changes in eligibility for voting or registering; adoption of alternative voting methods; and other changes that you believe represent a significant change in the way your state runs its elections.

☐ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:

July 2013:
Created KRS Chapter 117A and revised 31 KAR 4:040, 4:130, 4:140, and 5:010 to expand the class of voters eligible for military and overseas voting procedures; establish an electronic transmission system through which a covered voter may apply for and receive voter registration materials, military-overseas ballots, and other information; make military and overseas voting procedures available for all elections; and permit covered voters to register to vote and update their registration information online and use the Federal Write-in Absentee Ballot to register to vote and request an absentee ballot.

[Clerical error in 2013, 31 KAR 3:030 was promulgated to cover the procedures for assigning an address for voting purposes for an overseas voter whose last place of residence is no longer a recognized residential address.]

June 2011:
Revised 31 KAR 5:010 to permit use of the federal write-in absentee ballot in elections for federal office. Permits any absent voter to cast a ballot by use of the FWAB in any primary, regular, or special election for federal office.
2010 Legislative Session: HB 35 revised KRS 116.200; HB 152 revised KRS 116.055, 117.035, 117.045, 117.075, 117.085, 117.187, 117.265, 117.275, 117.295, 117.315, 117.355, 118.425(5).
August 2010:
Revised 31 KAR 4:130. Facsimile transmission of the Federal Post Card Application and delivery of the absentee ballot for military, their dependents, and overseas citizens.
Revised 31 KAR 4:140. Submitting a Federal Post Card Application and absentee ballot request electronically.
March 2010:
Revised 31 KAR 2:010. Preparation of ballots and voting systems prior to election day. Revised 31 KAR 2:020. Accuracy test and setting of voting systems prior to election day.
February 2010:
Revised 31 KAR 4:020. Election costs and county clerk reimbursement form.
Revised 31 KAR 4:030. Reporting forms.
Revised 31 KAR 6:010. State-based administrative complaint procedure.
February 2009: Revised 31 KAR 3:010 Current address of

2016 Response:

31 KAR 3:040 establishes an electronic voter registration system by which persons may register or reregister to vote or update voter registration information.

KRS 117.235 prohibits electioneering within 100 feet of the entrance to a polling place and provides a private property exemption.

KRS 117.227 sets out types of identification that a voter can produce to vote. An election officer can confirm the identity of a voter by personal acquaintance or by a driver's license, social security card, any identification card with picture and signature, any U.S. government-issued identification card, any Kentucky state government card with picture or a credit card.

SECTION B: VOTER REGISTRATION

B1. Is your state's voter registration database system best described as a bottom-up, a top-down, or a hybrid? (Note: A bottom-up system generally uploads information retained at the local level and compiled at regular intervals to form the statewide voter registration list. A top-down system is hosted on a single, central platform/mainframe and is generally maintained by the state with information supplied by local jurisdictions. A hybrid is some combination of both systems described above.)

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:	2016 Response:
Top down.	

If your state uses a bottom-up or hybrid system, how often do local jurisdictions transmit registration information to the state list?

☐ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:	2016 Response:
Not Applicable.	

B2. Please describe the process used in your state to move voters from the active list to the inactive list, and from the inactive list to the active list. Is a different process used for UOCAVA voters?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

See Appendix A

2016 Response:

B3. Please describe your state's process for removing voters from the voter registration rolls (not merely moving them from active to inactive). Please include information regarding notices and confirmations. Are these procedures the same for UOCAVA voters?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

KRS 116.0452 Standards for timely receipt of voter registration application -- Removal of names from registration books -- Confidentiality of registration location.
(2) The county clerk shall send notice to each applicant of the disposition of the application.
(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.
KRS 116.113 Removal of voter's name by state board upon notice of death, declaration of incompetency, or conviction of felony -- Notice to county clerk.
(1) Upon receipt of notification from the Cabinet for Health

2016 Response:

B4. Can your state's voter registration database (or equivalent) share information electronically with your state's driver's license agency (for example, to match records or trace changes in address)? Can your voter registration database be similarly linked with databases in any other state or Federal agencies? Please describe these links, including any use of database matching to verify voter registration applications.

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

See Appendix A

2016 Response:

B5. Please describe how your state uses National Change of Address (NCOA). What has been your state's experience with NCOA?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Kentucky does not use NCOA.

2016 Response:

B6. Please describe your state's voting eligibility requirements as they relate to individuals with a felony conviction. (For example, are convicted felons allowed to vote while in prison or while on parole or probation? Are voting rights automatically restored or does the individual have to apply for a pardon, certificate of eligibility or other similar certificate? Does an individual whose voting rights have been restored have to produce documentation of his/her status when registering to vote?)

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Ky Const § 145 Persons entitled to vote
Every citizen of the United States of the age of eighteen years who has resided in the state one year, and in the county six months, and the precinct in which he offers to vote sixty days next preceding the election, shall be a voter in said precinct and not elsewhere but the following persons are excepted and shall not have the right to vote.
1. Persons convicted in any court of competent jurisdiction of treason, or felony, or bribery in an election, or of such high misdemeanor as the General Assembly may declare shall operate as an exclusion from the right of suffrage, but persons hereby excluded may be restored to their civil rights by executive pardon.
2. Persons who, at the time of the election, are in confinement under the judgment of a court for some penal offense.

2016 Response:

B7. Does your state currently use the Internet in any way to facilitate voter registration? If yes, please describe how your state allows voters to use the Internet in the registration process (e.g., entire registration completed online; completed online but then must be printed, signed, and mailed by voter, etc.).

☐ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:

Kentucky allows individuals to complete an online voter registration form; however, the form must then be printed, signed, and then mailed.
For UOCAVA voters, Kentucky maintains a Kentucky-specific page on the Overseas Voter Foundations' website that allows UOCAVA voters to complete the FPCA online, print it, sign it, then scan it and email it directly to the local election official, pursuant to 31 KAR 4:140.
In addition, effective July 1, 2014, pursuant to KRS 117A.030(4) and 117A.050(1), covered voters may apply to register to vote by completing and transmitting the electronic equivalent of the FPCA via the electronic transmission system.

2016 Response:

31 KAR 3:040 establishes an electronic voter registration system by which persons may register or reregister to vote or update voter registration information.

SECTION C: ELECTION ADMINISTRATION

C1. Please describe how all votes cast at a place other than the voter's precinct of registration are tabulated (for example, please include descriptions of such votes as absentee ballots, mail-in ballots, votes cast at vote centers, provisional ballots, early voting locations, etc.).

a. Are the votes counted centrally or at the precincts?

☐ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:

Absentee Ballots (includes in-house and mail-in ballots):
KRS 117.087
(2) The county board of elections shall count the absentee ballots returned by mail and the votes cast on the voting machine in the county clerk's office or other place designated by the county board of elections and approved by the State Board of Elections. The board may appoint a central ballot counting board of not less than three (3) members, who shall

2016 Response:

KRS 117.087(3) provides that county boards of elections are required to meet to begin counting absentee ballots at 8:00 a.m. on election day.

b. If centrally tabulated, are the votes redirected to the appropriate precinct for reporting in the canvass?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Absentee Ballots (includes in-house and mail-in ballots):
KRS 117.087
(5) After the challenges have been made and all the blank inner envelopes have been placed in a ballot box, the box shall be thoroughly shaken to redistribute the absentee ballots in the box. The board shall open the ballot box, remove the absentee ballots from the inner envelopes, and count the ballots.

2016 Response:

c. Are the absentee, mail, etc., votes reported separately for each precinct, or are they added to the in-precinct results and reported as just a single number?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Reported as a single number.

2016 Response:

d. How are UOCAVA ballots counted and reported?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

All UOCAVA ballots, including FWABs, are included with the other absentee ballots before counting.

2016 Response:

C2. Does your state require a reason for voting absentee, or does your state allow no-excuse absentee voting? (If a reason is required, please provide the legal citation.)

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

See Appendix A

2016 Response:

C3. Does your state provide for in-person early voting? If so, how is early voting defined? When early voting is used, are the ballots counted at the precinct or at a central location? How are these votes reported?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Kentucky does not allow unexcused absentee or early voting.

2016 Response:

C4. Do any jurisdictions in your state use a vote-by-mail system to replace (and not merely supplement) at-the-precinct voting in any elections?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

No.

2016 Response:

C5. Please list each of the situations that require a provisional ballot in your state. Please provide the relevant legal citation for each situation.

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

31 KAR 6:020, Section 4. Procedures and Circumstances for Casting a Provisional Ballot.
(1) The individual shall sign a provisional ballot precinct signature roster, SBE 35, which contains the individual's Social Security number, name, address, signature, date of birth, political party affiliation, identification type, and precinct officer initials.
(2) The precinct election officer shall check the appropriate box next to the circumstance for issuing the provisional ballot.
(3) The circumstances for issuing the provisional ballot:
(a) Voter whose name does not appear on the precinct roster and whose registration status cannot be determined by the precinct officer;
(b) Voter whose name does not appear on the precinct roster and who has been verified as ineligible to vote;
(c) Voter who does not have identification;
(d) Voter who is voting as a result of a federal or state court order or any order under state law in effect ten (10) days prior to election day which extends polling hours; or
(e) Voter has been challenged by all four (4) precinct election officers.

2016 Response:

C6. Does your state count provisional ballots of voters who are registered in different precincts, or are those ballots automatically rejected? Please describe the process used by local election officials in determining whether to count a provisional ballot.

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

31 KAR 6:020, Section 4. Procedures and Circumstances for Casting a Provisional Ballot.
(12) The county board of elections shall determine the eligibility to vote of each individual casting a provisional ballot, in accordance with KRS Chapters 116 to 118 and 31 KAR Chapters 2 to 6.
(13) If the county board of elections determines the individual is eligible to vote in the precinct in the election, the vote shall be counted and the county board shall so indicate on the provisional ballot outer envelope.
(14) If the county board of elections determines the individual is ineligible to vote in the precinct in the election, the vote shall not be counted and the county board shall so indicate on the provisional ballot outer envelope.

2016 Response:

C7. Please describe your state's laws regarding post-election audits, if any. A post-election audit refers to hand-counting votes on paper records and comparing those counts to the corresponding vote counts originally reported, as a check on the accuracy of election results, and resolving discrepancies using accurate hand counts of the paper records as the benchmark.

If your state has post-election auditing, consider including in your response information such as the unit being audited (e.g., precincts, machines); the sampling method (e.g., fixed percentages); whether there is a specific trigger for the audit; the location of the random selection (e.g., state, county); and the races that can be audited.

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

See Appendix A

2016 Response:

C8. Please describe any state requirements for poll worker training.

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

KRS 117.187 Training regarding election laws for state and county officials -- Training and compensation for election officers and training for certified challengers.
(1) The State Board of Elections shall regularly provide special training regarding the election laws and methods of enforcement to all members of county boards of elections, county attorneys, Commonwealth's attorneys, and certain members of the Department of Kentucky State Police.
(2) The county board of elections shall provide special training before each primary and regular election, and any special election held during a year in which no elections are scheduled, to all election officers, alternates, and certified challengers regarding their duties and the penalties for failure to perform. Election officers, including alternates, and certified challengers shall attend the training session, unless excused by the county board of elections for reason of illness or other emergency. Any person who fails to attend a training session without being excused shall be prohibited from serving as an election officer or challenger for a period of five (5) years. The training provided by the county board of elections shall include but not be limited to the following:
(a) Operation of the voting machine or ballot cards;
(b) Posting of necessary signs and notices at the polling place;
(c) Voter assistance;
(d) Maintaining precinct rosters;
(e) Confirmation of a voter's identity;
(f) Challenge of a voter;
(g) Completing changes of address or name at the polling place;
(h) Qualifications for voting in a primary election;
(i) Electioneering and exit polling;
(j) Write-in voting procedures;
(k) Persons who may be in the voting room;
(l) Election violations and penalties;
(m) Assistance which may be provided by law enforcement officers;
(n) Election reports;
(o) Disability awareness;
(p) Provisional voting process;
(q) Election emergency contingency plan; and
® Elections and voting equipment security plan.
(3) The county attorney shall attend the training session for election officers to assist in explaining the duties and penalties for failure to perform.
(4) Compensation in the minimum amount of ten dollars ($10) for reimbursement of actual expenses shall be paid by the county to the election officers for attending the training session.

2016 Response:

SECTION D: ELECTION DAY ACTIVITIES

D1. Please describe your state's process for capturing "over-vote" and "under-vote" counts.

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Kentucky law does not allow for the counting of overvotes. 31 KAR 6:030, Section 4(3)(b). Furthermore, KRS 117.379 and 117.381 dictates the requirements for voting machines for use in Kentucky. KRS 117.381(6) prohibits an electronic voting system from allowing a voter to vote for more persons for any office than he is entitled to vote for or upon any question more than once. Undervotes on a ballot are not tallied, but this does not affect the remainder of a voter's ballot.

2016 Response:

D2. What identification does your state require from voters in the following situations:

a. registering to vote;

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

See Appendix A

2016 Response:

b. casting an in-person ballot;

☐ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:

KRS 117.227 Confirmation of voter's identity.
Election officers shall confirm the identity of each voter by personal acquaintance or by a document, such as a motor vehicle operator's license, Social Security card, or credit card. The election officer confirming the identity shall sign the precinct voter roster and list the method of identification.
31 KAR 4:010. Voter identification cards.
Section 1. In addition to the forms of identification specifically provided for by KRS 117.227, any identification card that bears both the picture and signature of the voter, or any identification card that has been issued by the county, and which has been approved in writing by the State Board of Elections, shall be acceptable for confirmation of the voter's identity.
Section 2. The method of identification used shall be recorded on the precinct voter roster by use of the following codes:
(1) Personal acquaintance - "PA"
(2) Motor vehicle operator's license - "DL"
(3) Social Security card - "SS"
(4) Credit card - "CC"
(5) Identification card with picture and signature (other identification) - "OI"

2016 Response:

KRS 117.227 sets out the types of identification that a voter can produce to vote. Election officers can confirm the identity of voters by personal acquaintance or by a driver's license, social security card, any identification card with picture and signature, any U.S. government-issued identification card, any Kentucky state government-issued identification card with picture, or credit card.

c. casting a mail-in or absentee vote;

☐ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:

In-house Absentee Voting:
Same as D2b. See KRS 117.227 and 31 KAR 4:010.
Mail-In Absentee Voting:
KRS 117.085 (Amended effective July 1, 2014)
(1) (a) The following voters may apply to cast their votes by mail-in absentee ballot if the application is received not later than the close of business hours seven (7) days before the election:
2. Voters who are residents of Kentucky who are covered voters as defined in KRS 117A.010;
(2)The clerk shall type the name of the voter permitted to vote by absentee ballot on the application form for that person's use and no other. The absentee ballot application form shall be in the form prescribed by the State Board of Elections, shall bear the seal of the county clerk, and shall contain the following information: name, residential address, precinct, party affiliation, statement of the reason the person cannot vote in person on election day, statement of where the voter shall be on election day, statement of compliance with residency requirements for voting in the precinct, and the voter's mailing address for an absentee ballot. The form shall be verified and signed by the voter. A notice of the actual

2016 Response:

KRS 117.227 sets out the types of identification that a voter can produce to vote. Election officers can confirm the identity of voters by personal acquaintance or by a driver's license, social security card, any identification card with picture and signature, any U.S. government-issued identification card, any Kentucky state government-issued identification card with picture, or credit card.

d. casting a ballot under UOCAVA;

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

See Appendix A

2016 Response:

e. any other stage in registration or voting process in which identification is required (please specify).

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

No.

2016 Response:

D3. Please describe your state's laws regarding access to the polling place for election observers. Election observers are people allowed inside the polling place who are not poll workers, election officials or voters. If decisions on access to observers are left to local jurisdictions, please explain.

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:	2016 Response:
See Appendix A	

SECTION E: OTHER

E1. Under HAVA, Section 402, states are required to establish and maintain administrative complaint procedures to remedy grievances. Has your state revised its administrative complaint procedures since they were first implemented? If so, how?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

See Appendix A

2016 Response:

E2. Please add any additional comments or information about your state's election administration processes that would help to inform the EAC's interpretation of your data.

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

2016 Response:

* The information collection associated with the Election Administration and Voting Survey is required for the EAC to meet its statutory requirements under the Help America Vote Act (HAVA) of 2002 (42 U.S.C. 15301), the National Voter Registration Act (NVRA) (42 U.S.C. 1973gg-1 et seq.), and the Uniformed and Overseas Citizens Absentee Voters Act (UOCAVA) (42 U.S.C. 1973ff-1). Respondent's obligation to reply to this information collection is mandatory as required under NVRA (42 U.S.C. 1973gg-1 et seq.) and UOCAVA (42 U.S.C. 1973ff-1). This part of the information collection is being requested to help the EAC to better understand state laws governing Federal elections. Respondents include the fifty states, the District of Columbia, and the U.S. Territories. This information will be made publicly available on the EAC website (www.eac.gov). According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is OMB Control No. 3265-0006 (expires 04/30/2017). The time required to complete this information collection is estimated to average 59 hours per state response. This estimate includes the time for reviewing the instructions, gathering information, and completing the form. Comments regarding this burden estimate should be sent the U.S. Election Assistance Commission – 2014 Election Administration and Voting Survey, 1335 East West Highway, Suite 4300, Silver Spring MD, 20910.

NOTES – please place longer responses below

B2. KRS 116.112 Voter registration purge program -- Inactive voter list.

(1) The State Board of Elections shall establish a voter registration purge program using the change-of-address information supplied by the United States Postal Service through its licensees or other sources to identify voters whose addresses may have changed.

(2) If it appears from information provided by the postal service or other sources that a voter has moved to a different address in the same county in which the voter is currently registered, the State Board of Elections shall provide to the county board of elections the information necessary to change the registration records to show the new address and the State Board of Elections shall send to the new address a notice of the change by forwardable mail on a form prescribed by the State Board of Elections and a postage prepaid, pre-addressed return form by which the voter may verify or correct the address information. If the county board of elections requests authorization from the State Board of Elections to send address confirmation notices as provided in this subsection, the State Board of Elections shall grant the request.

(3) If it appears from information provided by the postal service or other sources that a voter has moved to a different address not in the same county, the State Board of Elections shall send to the address from which the voter was last registered, by forwardable mail, a notice on a form prescribed by the State Board of Elections, with a postage prepaid and pre-addressed return card on which the voter may state his current address. If a county board of elections requests authorization from the state board to send address confirmation notices as provided in this subsection, the state board shall grant the request.

(4) The state or county boards of elections shall not remove the name of a voter from the registration records on the ground that the voter has changed his residence unless the voter:

(a) Confirms in writing that the voter has changed residence to a place outside the county; or

(b) 1. Has failed to respond to the notice described in subsection (3) of this section; and

2. Has not voted or appeared to vote and, if necessary, correct the registration records 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.

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

(5) The State Board of Elections shall establish an inactive list of all voters who fail to respond to the notice described in subsection (3) of this section and do not vote or appear to vote 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. If a county board of elections requests authorization from the state board to establish an inactive list of voters for its county, the state board shall grant the request.

(6) The State Board of Elections shall complete, not later than ninety (90) days prior to the date of a primary or general election, any program the purpose of which is to systematically remove the names of ineligible voters from the registration records.

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

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

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

B4. Yes, Kentucky's voter registration database shares information electronically with the state's driver's license agency.

KRS 116.0455 Voter registration through motor vehicle driver's license application.

(1) (a) Each motor vehicle driver's license application, including any renewal application, submitted to the appropriate motor vehicle authority shall serve as an application 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 failure of an applicant for a motor vehicle driver's license to sign a voter registration application may be used for any purpose other than voter registration.

(3) (a) The Transportation Cabinet shall include a voter registration application form as part of an application for a motor vehicle driver's license.

(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 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 voter registration portion of an application for a motor vehicle driver's license accepted by a circuit clerk 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 voter 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 not later than five (5) days after the date of acceptance.

(6) The circuit clerk shall provide to the county clerk a declination statement signed by an applicant if the applicant has declined to register to vote.

Yes, Kentucky's voter registration database currently links with state public assistance agencies.

KRS 116.048 Voter registration agencies.

(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) Armed Forces recruitment offices;

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

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

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

(a) Distribute with each application for its service or assistance, and with each recertification, renewal, or change of address form, the 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 a 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.";

3. 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. The statement, "If you would like help in filling out the voter registration 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

5. The statement, "If you believe that someone has interfered with your right to register or to decline to register to vote, 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 register to vote 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;

2. Assistance to applicants in completing voter registration application forms, unless the applicant refuses assistance; and

3. Acceptance of completed voter registration application forms for transmittal to the county clerk of the county of the applicant's voting residence.

(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.

(4) 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.

(5) 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.

(6) (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.

Kentucky has never been approached to link with federal agencies.

Kentucky chooses not to use database matching to verify voter registration applications.

42 USC 15483, Sec. 303(a)(5)(D) Special Rule for Certain States.—In the case of a State which is permitted to use social security numbers, and provides for the use of social security numbers, on applications for voter registration , in accordance with section 7 of the Privacy Act of 1974 (5 USC 552a note), the provisions of the paragraph shall be optional.

C2. KRS 117.075 Absentee ballots for voters with disabilities.

(1) Any qualified voter who has not been declared mentally disabled by a court of competent jurisdiction, and who, on account of age, disability or illness, is not able to appear at the polls on election day may vote in the following manner. At least seven (7) days prior to the date of the election and prior to the close of normal business hours, he shall present to the clerk by mail or in person his application for an absentee ballot containing a verified statement that his inability to appear is due to age, disability, or illness. The request for the application may be made by telephone, facsimile machine, mail, or in person. Within three (3) days of receipt of the request, the clerk shall mail to the voter an absentee ballot and envelopes, and the voter shall cast his vote in accordance with KRS 117.086. The ballot shall be returned by the voter to the county clerk by mail.

(2) Ballots furnished pursuant to the provisions of this section shall include the names of all candidates for which the voter is entitled to vote.

KRS 117.077 Absentee ballot for medical emergencies.

In case of a medical emergency within fourteen (14) days or less of an election, a registered voter and the registered voter's spouse may apply for an absentee ballot. The application shall state that the emergency condition occurred within the fourteen (14) day period. The application shall be notarized. The application form may be requested by and delivered by the voter or the spouse, parents, or children of the voter. If the voter has no spouse, parents, or children, the application form may be requested by and delivered by the brother, sister, niece, nephew, or designee of the voter. The application form shall be restricted to the use of the voter. Upon receipt of the application and verification, the county clerk shall issue an absentee ballot.

KRS 117.079 Administrative regulations for absentee voting by overseas Kentucky military personnel and other citizens.

(Amended effective July 1, 2014)

The provisions of KRS 117.085 and 117.086, and Chapter 117A notwithstanding, the State Board of Elections shall, as circumstances warrant and with the concurrence of the Attorney General, promulgate necessary administrative regulations to preserve the absentee voting rights of residents of Kentucky who are covered voters as defined in KRS 117A.010.

KRS 117.085 Application for mail-in absentee ballot -- In-person absentee voting in the clerk's office -- Supervision of and challengers for absentee voting -- Form of ballot -- Cancellation of absentee ballot. (Amended effective July 1, 2014)

(1) (a) The following voters may apply to cast their votes by mail-in absentee ballot if the application is received not later than the close of business hours seven (7) days before the election:

1. Voters permitted to vote by absentee ballot pursuant to KRS 117.075;

2. Voters who are residents of Kentucky who are covered voters as defined in KRS 117A.010;

3. Voters who are students who temporarily reside outside the county of their residence;

4. Voters who are incarcerated in jail who have been charged with a crime but have not been convicted of the crime;

5. Voters who change their place of residence to a different state while the registration books are closed in the new state of residence before an election of electors for President and Vice President of the United States, who shall be permitted to cast an absentee ballot for electors for President and Vice President of the United States only;

6. Voters who temporarily reside outside the state but who are still eligible to vote in this state; and

7. Voters who are prevented from voting in person at the polls on election day and from casting an absentee ballot in person in the county clerk's office on all days absentee voting is conducted prior to election day because their employment location requires them to be absent from the county all hours and all days absentee voting is conducted in the county clerk's office.

(b) Residents of Kentucky who are covered voters as defined in KRS 117A.010 may apply for an absentee ballot by means of the federal post-card application, which may be transmitted to the county clerk's office by mail, by facsimile machine, or by means of the electronic transmission system established under KRS 117A.030(4). The application may be used to register, reregister, and to apply for an absentee ballot. If the federal post-card application is received at any time not less than seven (7) days before the election, the county clerk shall affix his or her seal to the application form upon receipt.

(c) Absentee voting shall be conducted in the county clerk's office or other place designated by the county board of elections and approved by the State Board of Elections during normal business hours for at least the twelve (12) working days before the election. A county board of elections may permit absentee voting

to be conducted on a voting machine for a period longer than the twelve (12) working days before the election.

(d) Any qualified voter in the county who is not permitted to vote by absentee ballot under paragraph (a) of this subsection who will be absent from the county on any election day may, at any time during normal business hours on those days absentee voting is conducted in the county clerk's office, make application in person to the county clerk to vote on a voting machine in the county clerk's office or other place designated by the county board of elections and approved by the State Board of Elections.

(e) The following voters may, at any time during normal business hours on those days absentee voting is conducted in the county clerk's office, make application in person to the county clerk to vote on a voting machine in the county clerk's office or other place designated by the county board of elections and approved by the State Board of Elections:

1. Voters who are residents of Kentucky who are covered voters as defined in KRS 117A.010, who will be absent from the county on any election day;

2. Voters who are students who temporarily reside outside the county of their residence;

3. Voters who have surgery scheduled that will require hospitalization on election day, and the spouse of the voter;

4. Voters who temporarily reside outside the state but who are still eligible to vote in this state and who will be absent from the county on any election day;

5. Voters who are residents of Kentucky who are uniformed-service voters as defined in KRS 117A.010 confined to a military base on election day and who learn of that confinement within seven (7) days or less of an election and are not eligible for a paper absentee ballot under this subsection; and

6. A voter who is a pregnant woman in her last trimester of pregnancy at the time she wishes to vote under this paragraph. The application form for a voter under this subparagraph shall be prescribed by the State Board of Elections, which shall contain the woman's sworn statement that she is in fact in her last trimester of pregnancy at the time she wishes to vote.

(f) Voters who change their place of residence 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, by making application in person to the county clerk to vote on a voting machine in the county clerk's office or other place designated by the county board of elections and approved by the State Board of Elections.

(g) Any member of the county board of elections, any precinct election officer appointed to serve in a precinct other than that in which he or she is registered, any alternate precinct election officer, any deputy county clerk, any staff for the State Board of Elections, and any staff for the county board of elections may vote on a voting machine in the county clerk's office or other place designated by the county board of elections, and approved by the State Board of Elections, up to the close of normal business hours on the day before the election. The application form for those persons shall be prescribed by the State Board of Elections and, in the case of application by precinct election officers, shall contain a verification of appointment signed by a member of the county board of elections. If an alternate precinct election officer or a precinct election officer appointed to serve in a precinct other than that in which he or she is registered receives his or her appointment while absentee voting is being conducted in the county, such officer may vote on a voting machine in the county clerk's office or other place designated by the county board of elections, and approved by the State Board of Elections, up to the close of normal business hours on the day before the election. In case of such voters, the verification of appointment shall also contain the date of appointment. The applications shall be restricted to the use of the voter only.

(h) The members of the county board of elections or their designees who provide equal representation of both political parties may serve as precinct election officers, without compensation, for all absentee

voting performed on a voting machine in the county clerk's office or other place designated by the county board of elections and approved by the State Board of Elections. If the members of the county board of elections or their designees serve as precinct election officers for the absentee voting, they shall perform the same duties and exercise the same authority as precinct election officers who serve on the day of an election. If the members of the county board of elections or their designees do not serve as precinct election officers for the absentee voting, the county clerk or deputy county clerks shall supervise the absentee voting.

(i) Any individual qualified to appoint challengers for the day of an election may also appoint challengers to observe all absentee voting performed at the county clerk's office or other place designated by the county board of elections, and approved by the State Board of Elections, and those challengers may exercise the same privileges as challengers appointed for observing voting on the day of an election at a regular polling place.

C7. KRS 117.305 Recanvass of votes -- Test of machines -- Candidates and representatives of political parties and news media to observe recanvass -- Forms for reporting recanvassed vote -- Administrative regulations for recanvass procedures.

(1) The canvass and returns provided for in KRS 117.275 shall constitute the official returns of the precinct, unless before 4 p.m. on the Tuesday following a primary or regular election, or before 4 p.m. on the day following a special election held for the purpose of filling a vacancy, the county clerk or county board of elections takes notice of a discrepancy in the tally of votes cast in any precinct or number of precincts, or a candidate makes a written request to the county board of elections in the case of a candidate who has filed with the county clerk, or the Secretary of State in the case of a candidate who has filed with the Secretary of State, to check and recanvass the voting machines and absentee ballots of any precinct or any number of precincts involving his race. After this time period has elapsed and notice is taken, the county election board shall assemble at 9 a.m. on the Thursday following the filing deadline to request a recanvass, and not sooner, and recheck and recanvass each machine and make a proper return thereof to the county clerk, and the canvass and return shall become the official returns for the election. In making the recanvass, the board shall make a record of the number of the seal upon the voting machine and, without unlocking the machine against voting, recanvass the vote cast thereon. If, after a recanvass, it is found that the original canvass of the returns has been correctly made from the machine, and that there still remains a discrepancy unaccounted for, this discrepancy shall be noted. If, upon recanvass, it appears that the original canvass of the returns by the election officers was incorrect, the returns and all papers being prepared by the board shall be corrected accordingly. The county board of elections shall, immediately upon receipt of a request for a recanvass, notify each candidate for the office of the time and place of the recanvass. At the recanvass, each political party represented on the board may appoint a representative there to be its governing body, and also each candidate to be voted for may be present, either in person or by a representative or both. The county board of elections shall authorize representatives of the news media to observe the recanvass of the votes cast on the voting machine in each precinct. Nothing in this section shall prohibit an individual from requesting, in addition to a recanvass, a recount as authorized by KRS Chapter 120.

(2) The State Board of Elections shall prescribe forms to be used by county boards of election to report all recanvassed votes. The form shall include the following information:

(a) The name of the county in which the recanvass was conducted;

(b) The date of the report;

(c) The date of the election;

(d) The office for which the recanvass was conducted;

(e) The names of each candidate for the office being recanvassed; and

(f) The machine votes, absentee votes, and vote totals for each candidate, as well as write-in votes cast in a regular or special election for candidates whose names did not appear on the ballot.

The report shall be signed by each member of the county board of elections.

(3) The county board of elections shall file its recanvass report as prescribed in administrative regulations promulgated by the State Board of Elections in conformity with KRS Chapter 13A.

(4) The State Board of Elections shall promulgate administrative regulations in accordance with KRS Chapter 13A to establish the proper procedures for conducting a recanvass for each type of voting system approved by the State Board of Elections and in use in Kentucky.

31 KAR 4:070. Recanvass procedures.

(Amended effective Jan. 3, 2014)

Section 1. (1) The Recanvass of Official Count and Record of Election Totals form, SBE 49A, shall be used by the county board of elections to report all recanvassed votes, except for local option elections.

(2) The Recanvass of Official County and Record of Election Totals for Local Option Election form, SBE 49B, shall be used by the county board of elections to report recanvassed votes for local option elections.

(3) The county board of elections shall state the name of the county in which the recanvass is being conducted, the date of the report, the date of the election, the office for which the recanvass is being made, the name of each candidate for the office being recanvassed, and the machine votes, absentee votes, provisional votes and total votes for each candidate. The report shall be signed by each member of the county board of elections.

(4) For a recanvass of a local option election, the county board of elections shall state the name of the county in which the recanvass is being conducted, the date of the report, the date of the local option election, the proposition for which the recanvass is being made, the names of the leaders of the committees favoring or opposing the proposition being recanvassed, and the machines votes, absentee votes, and vote totals for “yes” or “no” votes. The report shall be signed by each member of the county board of elections.

Section 2. (1) The county board of elections shall file its recanvass report, SBE 49A, immediately upon completion of the recanvass for those vote totals reported to the Secretary of State, pursuant to KRS 118.425(3).

(2) The county board of elections shall file its recanvass report, SBE 49A, immediately upon completion of the recanvass for the vote totals reported to the county clerk, pursuant to 118.425(2).

(3) The county board of elections shall file its recanvass report for a local option election, SBE 49B, immediately upon completion of the recanvass for the vote totals reported to the county clerk, pursuant to KRS 242.110.

Section 3. If KRS 117.305(1) or KRS 242.120(2)(a) requires a recanvass, the provisions established in this section shall apply.

(1) In a general election, the county board of elections shall only check and tabulate the votes of the candidate requesting a recanvass and each opposing candidate seeking the same office.

(2) In a partisan primary election, the county board of elections shall only check and tabulate the votes of the candidate requesting a recanvass and each opposing candidate of the same political party seeking the same office.

(3) In a nonpartisan election, the county board of elections shall only check and tabulate the votes of the candidate requesting a recanvass and each opposing candidate seeking the same office.

(4) In a local option election, the county board of elections shall check and tabulate the “yes” and “no” votes.

Section 4. A county board of elections shall recanvass the votes recorded depending on the machine and voting method utilized, as follows:

(1) If an electronic voting system with a central tabulation system is used, the recanvass shall be taken:

(a) By clearing the system, such as by setting the tabulation system to zero and retabulating the votes recorded on the memory cartridges on election day by using the central tabulation system; or

(b) By comparing the results printout printed from each voting machine on election day with the county-wide recapitulation sheet.

(2) If an electronic voting system without a central tabulation system is used, the recanvass shall be taken by comparing the results printout printed from each voting machine on election day with the county-wide recapitulation sheet.

(3) Paper ballots, which were judged to be valid by the county board of elections on election day and which were not counted using a central tabulation system but were hand-counted on election day, shall be recanvassed by utilizing the same procedure actually used to count those paper ballots on election day following the procedures for the uniform definition of a vote established by 31 KAR 6:030.

Section 5. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "Recanvass of Official Count and Record of Elections Totals", SBE 49A, December 2003 edition; and

(b) “Recanvass of Official Count and Record of Election Totals for Local Option Election”, SBE 49B, August 2013 edition.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the State Board of Elections, 140 Walnut Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. (18 Ky.R. 555; Am. 1320; eff. 11-1-91; 22 Ky.R. 1662; eff. 5-16-96; 27 Ky.R. 3129; 28 Ky.R. 66; eff. 7-16-2001; 32 Ky.R. 1315; 1608; eff. 3-31-06; 40 Ky.R. 882; eff. 1-3-2014.)

D2. KRS 116.045 Voter registration, transfer, or change of party affiliation -- Availability of forms.

(1) Any person may 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.

(2) The county clerk shall cause all registration to be closed 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), 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 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.

KRS 117A.050. Registration to vote – Postcard application or equivalent – Declaration accompanying federal ballot – Electronic transmission system.

(Effective July 1, 2014)

(1) To apply to register to vote, in addition to any other approved method, a covered voter may use a federal postcard application, or the application's electronic equivalent.

(2) A covered voter may use the declaration accompanying a federal write-in absentee ballot to apply to register to vote simultaneously with the submission of the federal writein absentee ballot, if the declaration is received during the period registration is open under KRS 116.0145. If the declaration is received after the last day of registration under KRS 116.045, it shall be treated as an application to register to vote for subsequent elections.

(3) The Secretary of State shall ensure that the electronic transmission system described in KRS 117A.030(4) is capable of accepting both a federal postcard application and any other approved electronic

registration application sent to the appropriate election official. The voter may use the electronic transmission system or any other approved method to register to vote.

D2d. KRS 117.085(1) (b) Residents of Kentucky who are covered voters as defined in KRS 117A.010 may apply for an absentee ballot by means of the federal post-card application, which may be transmitted to the county clerk's office by mail, by facsimile machine, or by means of the electronic transmission system established under KRS 117A.030(4). The application may be used to register, reregister, and to apply for an absentee ballot. If the federal post-card application is received at any time not less than seven (7) days before the election, the county clerk shall affix his or her seal to the application form upon receipt.

KRS 117A.030(6) The Secretary of State shall prescribe the form and content of a declaration for use by a covered voter to swear or affirm specific representations pertaining to the voter's identity, eligibility to vote, status as a covered voter, and timely and proper completion of a military-overseas ballot. The declaration shall be based on the declaration prescribed to accompany a federal write-in absentee ballot, as modified to be consistent with this chapter. The Secretary of State shall ensure that a form for the execution of the declaration, including an indication of the date of execution of the declaration, is a prominent part of all balloting materials for which the declaration is required.

KRS 117A.060. Application by covered voter – Declaration – informing election official that voter is covered.

(Effective July 1, 2014)

(1) A covered voter who is registered to vote in the Commonwealth of Kentucky may apply for a military-overseas ballot using either the regular absentee ballot application in use in the voter's jurisdiction under KRS 117.085 or the federal postcard application or the application's electronic equivalent.

(2) A covered voter who is not registered to vote in the Commonwealth of Kentucky may use a federal postcard application or the application's electronic equivalent to apply simultaneously to register to vote under KRS 117A.050 and for a militaryoverseas ballot.

(3) The Secretary of State shall ensure that the electronic transmission system described in KRS 117A.030(4) is capable of accepting the submission of both a federal postcard application and any other approved electronic military-overseas ballot application sent to the appropriate election official. The covered voter may use the electronic transmission system or any other approved method to apply for a military-overseas ballot.

(4) A covered voter may use the declaration accompanying a federal write-in absentee ballot as an application for a military-overseas ballot simultaneously with the submission of the federal write-in absentee ballot, if the declaration is received by the appropriate election official by the close of business hours seven (7) days before the election.

(5) To receive the benefits of this chapter, a covered voter shall inform the appropriate election official that the voter is a covered voter. Methods of informing the appropriate election official that a voter is a covered voter include:

(a) The use of a federal postcard application or federal write-in absentee ballot; and

(b) The use of the electronic transmission system established under KRS 117A.030(4).

(6) This chapter does not preclude a covered voter from voting using the regular absentee ballot provisions under KRS 117.075, 117.077, 117.085, and 117.086.

KRS 117A.120. Declaration concerning material misstatement of fact.

(Effective July 1, 2014)

A military-overseas ballot shall include or be accompanied by a declaration signed by the voter that a material misrepresentation of fact in completing the ballot may be grounds for a conviction of perjury under the laws of the United States or the Commonwealth of Kentucky.

See also answer to D2c for Mail-in Absentee Voting: KRS 117.085(1)(a)(2), (2), (3), and (6).

D3. KRS 117.235 Persons permitted in voting room -- Prohibited activities -- Exit polls permitted -- Maintenance of order -- Mock elections for school children.

(1) No person, other than the election officers, challengers, person assisting voters in accordance with KRS 117.255(3), and a minor child in the company of a voter, shall be permitted within the voting room while the vote is being polled, except as follows:

(a) For the purpose of voting;

(b) By authority of the election officers to keep order and enforce the law;

(c) With the express approval of the county board of elections to repair or replace voting equipment that is malfunctioning and to provide additional voting equipment; or

(d) At the voter's discretion, a minor child in the company of a voter may accompany the voter into a voting booth or other private area provided for casting a vote.

KRS 117.315 Appointment of challengers and inspectors.

(1) Each political party is entitled to have not exceeding two (2) challengers at each precinct during the holding of the primary election. Any group of bona fide candidates, as defined in KRS 118.176, of the same political party equal to twenty-five percent (25%) of all the candidates for that party to be voted for in a county in any primary, including state, district, and all other candidates, may recommend to the county committee or governing authority of the party for the county a list of persons whom they desire to have appointed as challengers in each precinct in the county. If more than two (2) such lists are furnished, the committee or governing authority, in making appointments of challengers, shall alternate between the several lists so furnished so as to give to each list an equal amount or proportion of the appointments, but in no event shall there be appointed more than one (1) challenger for any precinct from any one (1) list. The list of challengers shall be presented to the chair or secretary of the party committee of the county on or before the third Friday in April preceding the primary, and the committee or the chairman thereof shall make the appointments, certify to same, and present a list of certified challengers to the county clerk at least twenty (20) days before the date on which the primary is held. The appointment of challengers shall be certified in all respects as challengers at regular elections, except as otherwise provided in this section. The challengers shall be registered voters of the county in which the primary is held and shall be subject to the same penalties and possess the same rights and privileges as challengers at regular elections, except that the challengers of one political party shall not be entitled to challenge persons who offer to vote for candidates of any other party in the primary. The provisions of this section shall be enforceable against the chair of the political party committees by a mandatory summary proceeding instituted in the Circuit Court. The order of the court may be reviewed by the Court of Appeals as provided for the granting or dissolving of temporary injunctions.

(2) Any school board candidate, any independent ticket or candidate for city office, any nonpartisan city candidate, or candidate for an office of the Court of Justice at the primary or regular election may designate not more than one (1) challenger to be present at and witness the holding of primaries or

elections in each precinct in the county. A candidate who designates a challenger shall present the county clerk with the name of the challenger at least twenty (20) days preceding the primary or regular election. The challenger shall be entitled to stay in the room or at the door. The challenger shall be a registered voter of the county in which the primary or election is held, shall be appointed in writing by the chair of the committee, independent candidate, or candidates representing a ticket, and shall produce written appointment on demand of any election officer.

(3) The county executive committee of any political party having a ticket to elect at any regular election may designate not more than two (2) challengers to be present at and witness the holding of the election in each precinct in the county. The challengers shall be entitled to stay in the room or at the door. The challengers shall be registered voters of the county in which the election is held, shall be appointed in writing signed by the chair of the committee, and shall produce written appointments on demand of any election officer. The committee or chair shall present the county clerk with a list of designated challengers at least twenty (20) days preceding a regular election and at least fifteen (15) days preceding a special election.

(4) Except as provided in KRS Chapter 242, not later than the fourth Tuesday preceding an election at which constitutional amendments or other public questions are to be submitted to the vote of the people, any committee that in good faith advocates or opposes an amendment or public question may file a petition with the clerk of the county asking that the petitioners be recognized as the committee entitled to nominate challengers to serve at the election at which the constitutional amendment or public question is to be voted on. If more than one (1) committee alleging itself to advocate or oppose the same amendment file such a petition, the county board of elections shall decide, and announce by certified mail, return receipt requested, to each committee not less than the third Tuesday preceding the election, which committee is entitled to nominate the challengers. The decision shall not be final, but any aggrieved party may institute proceedings with the county judge/executive and upon hearing the county judge/executive shall determine which of the committees shall be recognized as the one to select challengers at the election.

(5) The committee shall file the names of the persons nominated by it with the clerk of the county at least twenty (20) days before the primary and regular elections and not less than fifteen (15) days preceding the date of a special election. The county board of elections shall, not later than the Thursday preceding the election, certify the nominees of the committee for the respective precincts to serve as challengers at the election where any constitutional amendment or public question is to be voted upon. If more than one (1) amendment or question is to be voted upon, the county board of elections may designate, on the petition of the committee, one (1) person for each amendment and question to serve as challenger at the election.

(6) The challengers shall perform their duties in the same manner and be subject to the same privileges as other challengers at an election.

See also

KRS 117.316 Duties of Challenger

KRS 117.317 Acts prohibited to challengers.

KRS 117.318 Ordering of challengers from polling places.

E1. This regulation was revised in February 2010. See below for the specific changes:

31 KAR 6:010. State-based administrative complaint procedure.

Section 1. Definitions. (1) "Board" means the State Board of Elections or their designee as defined in KRS 117.015 and 117.025.

(2) "Complainant" means the person who files a complaint under this administrative regulation.

(3) "Federal election" means a primary, general, or special election at which a federal office appears on the ballot.

(4) "Presiding officer" means the person appointed by the executive director of the board to conduct a hearing on a complaint.

(5) "Respondent" means any state or local election official whose actions are alleged, in a written complaint, to be in violation of Title III of the Help America Vote Act of 2002, 42 U.S.C. 15481.

(6) "State or local election official" means the Secretary of State, the State Board of Elections, a county clerk, a county board of elections, or any officer, agent, or appointee thereof.

(7) "Title III" means Title III of the Help America Vote Act of 2002, Pub.L. 107-252, codified at 42 U.S.C. 15481.

Section 2. Applicability. This administrative regulation shall be applicable to elections for federal office.

Section 3. Complaint Process. (1) Any person who believes there has been a violation of any provision of Title III of the Act by any election official may file a written complaint with the executive director of the board.

(2) All complaints shall:

(a) Be limited to violations of the requirements placed upon the states by Title III, which are limited to claims for violations of the following:

1. Standards for voting systems;

2. Requirements for provisional voting and voting information; and

3. Requirements for computerized statewide voter registration lists and for voters who register by mail.

(b) Be submitted in writing on the Complaint and Affidavit for Violation of Title III of the Help America Vote Act of 2002, and signed by the complainant under oath or affirmation before an officer authorized to administer oaths.

(c) Include the full name, address, and telephone number of the complainant.

(d) Include a description of the alleged violation sufficient to apprise the board and the respondent of the nature and specific allegations of the complaint.

(e) Be sent by mail or by delivery to the Offices of the State Board of Elections at 140 Walnut Street, Frankfort, Kentucky 40601.

(f) Be filed within ninety (90) days of the alleged violation of Title III.

Section 4. Processing the Complaint and Response. (1) The executive director of the board may refuse to accept a complaint if the complaint does not comply with the requirements of

Section 3 of this administrative regulation.

(2) If a complaint does not comply with Section 3 of this administrative regulation, the executive director of the board shall, within three (3) days of receipt of the complaint, send the complainant a notice explaining the areas of noncompliance in the complaint.

(3) The complainant shall correct a deficiency within seven (7) days of receipt of notice of the deficiency. If the complainant fails to correct a deficiency or fails to state a violation of Title III, the board shall dismiss the complaint.

(4) If a complaint complies with Section 3 of this administrative regulation and states on its face a Title III violation, the board shall accept the complaint and the complaint shall be deemed filed on the date of receipt at the offices of the board.

(5) Upon receipt of a complaint and after a determination that the complaint complies with Section 3 of this administrative regulation, the board shall immediately send a copy to the respondent along with a request for a response.

(6) The respondent shall send a response to the board within ten (10) days of the date the respondent received notice from the board of the filed complaint.

(7) Upon receipt of the respondent's response, the board shall within three (3) days, send the complainant a copy of the respondent's response and a notice explaining the complaint may be resolved informally by agreement of the parties or the complainant may request a hearing. The complainant shall have ten (10) days from the date the notice is received to request an informal resolution or a hearing.

(8) The executive director of the board shall be responsible for arranging the date, time, and place for hearings, and appoint a qualified individual to serve as the presiding officer.

(9) If at any time during the proceedings, the board believes that the person appointed by the executive director of the board is not performing his or her duties as presiding officer in the interest of justice and to ensure the fair administration of the Act, the board may withdraw the appointment of the presiding officer and appoint another qualified individual to serve as presiding officer.

(10) The executive director shall send a notice of the identity of the presiding officer, time, date, and location of the hearing to the parties at least seven (7) days before the date scheduled for the hearing.

(11) The board shall make a final determination of the complaint within ninety (90) days of the receipt of the complaint, unless the complainant agrees in writing to an extension.

Section 5. Consolidation. Upon its own motion, or upon motion of any party, the board or the presiding officer may consolidate multiple complaints into a single proceeding if there exist common parties, common questions of law or fact, or both, or such other circumstances as justice and the administration of the Act require.

Section 6. Severance. Upon its own motion, or upon motion of any party, the board or the presiding officer may, for good cause, order any proceeding severed with respect to some or all issues or parties.

Section 7. Hearings. (1) Hearings shall be conducted in accordance with KRS Chapter 13B.

(2) Hearings shall be recorded. A transcript of the hearing shall not be made except upon request of a party who shall bear the cost of transcription. Any other party may request a copy of the transcript at his or her own expense.

(3) Hearings may be held and testimony taken by teleconference or video conference with notice to the parties.

(4) If any party fails, without good cause, to attend the hearing, they may be held in default and have a determination made against them.

(5) All testimony shall be taken under oath or affirmation.

(6) The complainant shall have the burden of proof.

Section 8[6]. Presiding officer's Findings of Fact, Conclusions of Law, and Recommended Order. (1) Within fourteen (14) days of the completion of the hearing, [if] the presiding officer shall issue a findings of fact, conclusions of law, and recommended order to the board setting forth any findings of a past, present, or potential of Title III, if supported by the evidence presented, and a recommended remedy.

(2) The recommended remedy shall be directed at the improvement of processes or procedures governed by Title III, consistent with federal and state law.

(3) The recommended remedy shall not include money damages, costs, or attorney fees and shall be limited to bringing the election practice or election system referred to in the complaint into compliance with Title III.

Section 9. Final Determination. (1) The board shall review the presiding officer's findings of fact, conclusions of law, and recommended order at the next scheduled meeting of the board.

(2) The board may adopt the presiding officer's findings of fact, conclusions of law, and recommended order as its final determination or issue its own findings of fact, conclusions of law, and final determination based on the evidence presented.

(3) The board shall issue a final determination within thirty (30) days of receipt of the recommended order or within ninety (90) days of receipt of the complaint, whichever is shorter, unless the complainant agrees in writing to an extension of time.

Section 10. Alternative Dispute Resolution. (1) If a final determination of a complaint is not made within ninety (90) days of the filing of the complaint, and the complainant did not agree to an extension, then the complaint shall be referred to a review panel comprised of three (3) members of the board.

(2) The review panel shall issue a final determination on the complaint within sixty (60) days of the referral.

(3) The review panel shall make its determination on the record of the hearing conducted under this administrative regulation and shall not conduct any further proceedings.

(4) If the hearing was not conducted or completed, then the review panel shall conduct a hearing under this administrative regulation.

Section 11. Publication of Final Determinations. All final determinations shall be posted on the internet homepage of the board[, www.kysos.com/Index/Main/elecdiv.asp,] and retained in the permanent archival records of the board by attaching to the minutes of the monthly meeting of the board for the month the final determination was issued.

Section 12. Incorporation by Reference. (1) "Complaint and Affidavit for Violation of Title III of the Help America Vote Act of 2002," SBE 21, December 2003, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Offices of the State Board of Elections, 140 Walnut Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.