



Helping Voters Register Under Kentucky Law

Important: Voter registration drives in Kentucky have to follow certain state laws and rules, such as a rule about paying voter registration drive workers, and rules about providing incentives to register to vote. It is important to review **all** relevant information regarding voter registration drives before beginning a voter registration program.

About this guide: The guide is broken up into five parts: 1) Eligibility, 2) Frequently Asked Eligibility/Residency Questions, 3) Filling out an Application, 4) Voter Registration Deadline, and 5) Voter Registration Drive Rules. Voter Registration Drive laws and rules are often more complicated than the summary table used for quick reference, so, if appropriate, a more detailed explanation is below the table. Sometimes the detailed explanation may not answer all the questions. Therefore, as a best practice, Project Vote recommends that voter registration drive organizers meet with their local election officials before beginning their programs. Election officials may be able to clarify rules and may also have their own interpretation or perspective that you will want to understand when starting your drive.

Need assistance? Project Vote offers training in running voter registration programs and best practices. Contact us at (202) 546-4173, www.projectvote.org, info@projectvote.org.

PART 1: ELIGIBILITY

In Kentucky, an individual may register to vote and vote if, on Election Day, the person:¹

- Is a U.S. citizen;
- Is a resident of Kentucky and the precinct in the which the person offers to vote by the closing the registration books for any election (not less than 28 days before the election);
 - A voter's residence is deemed to be at the place where his or her habitation is, and to which, when absent, he or she has the intention of returning²
- Will be at least 18 years of age by the date of the next general election
 - An individual who is otherwise qualified who will be 18 years old on or before the date of a general election may register and vote in the primary election (May primary) immediately preceding that general election.³
- not be a convicted felon (or, if so, have civil rights restored by executive pardon);
- not have been judged mentally incompetent in a court of law and have voting rights removed;
- not claim the right to vote anywhere outside Kentucky

PART 2: FREQUENTLY ASKED ELIGIBILITY/RESIDENCY QUESTIONS:

Homeless Applicants: Kentucky election law does not have specific provisions regarding homeless voters. In general, a "voter's residence shall be deemed to be at the place where his or her habitation is, and to which, when absent, he or she has the intention of returning."⁴ Homeless voters may register in the precinct where they reside, regardless of whether that is a traditional residence. Homeless applicants should include enough information on the form regarding their residence for the election official to assign the person a precinct. Questions should be directed to the county clerk.⁵

Felony Convictions: Persons convicted of a felony must have their civil rights restored by executive pardon before they can register and vote.⁶

College Students: Kentucky law does not have provisions specific to college students. In general, a “voter's residence shall be deemed to be at the place where his or her habitation is, and to which, when absent, he or she has the intention of returning.”⁷ Questions should be directed to the county clerk.

PART 3: FILLING OUT AN APPLICATION

Kentucky’s state voter registration form has fields for the following information to be provided, and does not designate them as optional:⁸

- Checkboxes for citizenship and age
- Whether the application is a new registration or change
- Full Social Security number
 - Applicants who do not provide a social security number may not be rejected.⁹
- Date of birth
- County of residence
- Phone numbers
- Gender
- Name
- Address of residence
- Mailing address, if different
- Party registration¹⁰
 - Voters who do not affiliate with a party are not eligible to vote in partisan primary elections but may vote in primaries for nonpartisan races
 - Already-registered voters who change their party affiliation must do so by December 31 of the year before a partisan primary to be eligible to vote in that party’s primary
- Signature of applicant, affirming eligibility
 - Two witnesses are required if a person provides a “mark” in lieu of a signature
- Date of application

PART 4: VOTER REGISTRATION DEADLINE

- Applications must be submitted by the 29th day before the 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.¹¹
- For the purpose of determining whether a voter registration is timely, mail applications are considered received on time if the valid voter registration form of the applicant is legibly postmarked before the registration books are closed, or if the valid voter registration form of the applicant is received by the appropriate county clerk before the registration books are closed.¹²

PART 5: SUMMARY OF STATE VOTER REGISTRATION DRIVE RULES

<i>Does the state require organizations conducting voter registration drives to register?</i>	No.
<i>Are there restrictions on getting voter</i>	The State Board of Elections Check List for

<i>registration forms?</i>	Voter Registration drives indicates that drives should request cards from their local county clerk, or for a substantial number of cards, should contact the State Board of Elections. The Check List also indicates they can direct voters to the website to print out the on-line voter registration card. ¹³ Groups are required to act under the proper supervision and directions of the county clerk, see additional information in question A below.
<i>Does the state have any restrictions on using pre-filled voter registration forms or other rules for mailing forms to potential applicants?</i>	Kentucky election law does not address this issue.
<i>Does the state require any training in order to conduct voter registration drives?</i>	No.
<i>Does the state have restrictions on who may help others register to vote?</i>	No.
<i>Does the state have restrictions on paying drive workers?</i>	Yes, there is a restriction on paying compensation based on the total number of voters a person registers, or based on the total number a person registers in a party, political group, political organization, or voters of independent status. See additional details in question B below.
<i>Are there restrictions on the voter registration drive offering something of value to a person in exchange for completing a voter registration application?</i>	Yes. See question C below for details.
<i>Must the registration drive worker sign her name to the completed voter registration application, and/or must the drive or canvasser place other information on applications?</i>	Kentucky election law does not address this issue, except that a person who provides a mark in lieu of a signature must have the mark witnessed by two people. ¹⁴
<i>Does the state have a rule requiring a receipt or other tracking information to be provided to the applicant?</i>	No.

<i>Are voter registration groups prohibited from putting identifying marks on completed voter registration applications or subject to other rules regarding information added to registration applications?</i>	Kentucky election law does not address this issue.
<i>Are there restrictions on copying completed voter registration applications prior to submitting them to the election official, or other restrictions on data entry or disclosure?</i>	Kentucky election law does not address this issue.
<i>Is there a time limit for voter registration groups to submit the voter registration applications they collect?</i>	Applications must be turned in to the appropriate county clerk at least twenty-nine days before any election for the applicant to vote in that election. ¹⁵
<i>What are the consequences for failing to submit applications on time?</i>	It is a Class D felony to willfully fail to return a completed form to the county clerk for official registration. There are additional rules on interfering with registration. See additional information in question D below. ¹⁶
<i>If an application is incomplete, may the voter registration drive write the missing information on the application with the applicant's consent?</i>	Kentucky law does not directly address changes made with the applicant's consent, however, the state board's check list for drives indicates it is a class D felony to fraudulently or unlawfully alter any registration records. ¹⁷ There are other rules about alteration of the form, see question E below.
<i>How will an applicant know whether the election official received the application?</i>	The county clerk must send notice to each applicant of the disposition of the application. ¹⁸ If the applicant is registered, the person will receive an acknowledgement card in the mail from the county clerk with the voter's precinct name and voting location address. ¹⁹
<i>How may an applicant correct an incomplete application after it has been submitted to election officials?</i>	Kentucky law does not address this issue.
<i>Who investigates and enforces the state rules?</i>	Election officers, commonwealth's attorney and attorney general, see question F below.

State Voter Registration Drive Rules: Detailed Explanations

BEFORE THE DRIVE

A. *Are there restrictions on getting voter registration forms?*

Any individual or group is required to have access to a reasonable number of voter registration forms including the federal form in the county clerk's office. The individual or group must 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.²⁰

The State Board of Elections Check List for Voter Registration drives indicates that drives should request cards from their local county clerk, or for a substantial number of cards, should contact the State Board of Elections. The Check List also indicates they can direct voters to the website to print out the on-line voter registration card.²¹

B. *Does the state have restrictions on paying drive workers?*

Yes. It is a Class B misdemeanor for any person to provide compensation or make any such expenditure as payment or consideration for registering voters that is based upon the total number of voters a person registers or the total number of voters a person registers in a particular party, political group, political organization, or voters of independent status.²²

C. *Are there restrictions on the voter registration drive offering something of value to a person in exchange for completing a voter registration application?*

Federal law states that whoever "pays or offers to pay or accepts payment either for registration to vote or for voting shall be fined not more than \$10,000 or imprisoned not more than five years."²³ At least one federal appellate court has interpreted "payment" as "intended to include forms of pecuniary value offered or given directly to an individual voter, and indicated the value should be based on "an assessment of the monetary worth of an item from the perspective of the voter receiving the item." That case held that food vouchers could be "payment."²⁴

Another example is California's Secretary of State's interpretation of the federal law to mean that "[a]ny type of incentive is considered 'payment,' even things as seemingly innocent as cookies or admission to an entertainment event."²⁵

DURING THE DRIVE

D. *What are the consequences for failing to submit voter registration applications on time?*

Kentucky election law does not specifically address voter registration drives, however, any individual who forges or fraudulently alters a form completed by the prospective registrant, who willfully destroys a completed registration form or who willfully fails to return a completed form to the county clerk for official registration by the county clerk is subject to the penalties described for Class D felonies.²⁶ In addition, any person who attempts to or forcibly prevents any person from registering, or in any way unlawfully interferes with any person registering, or prevents or interferes with a clerk or registration officer in carrying out his duties with relation to the registration of voters, shall be guilty of a Class A misdemeanor.²⁷

E. If a voter registration application is incomplete, may the voter registration drive write the missing information on the application with the consent of the applicant?

Kentucky law does not address directly changes made with the applicant's consent, however, any individual who forges or fraudulently alters a form completed by the prospective registrant, who willfully destroys a completed registration form or who willfully fails to return a completed form to the county clerk for official registration by the county clerk shall be subject to the penalties described for Class D felonies.²⁸

In addition, the state board's checklist for drives indicates that it is a class D felony to fraudulently or unlawfully alter any registration records.²⁹ Under this law any person who fraudulently or unlawfully alters any registration record, or fraudulently adds any name thereto, or willfully secretes, suppresses, mutilates or destroys any registration record, or makes or uses any false or fraudulent registration record, and any person who aids or abets in the commission of such act, shall be subject to the penalties prescribed for Class D felonies.³⁰

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F. Who is responsible for investigating and enforcing the state rules?

Election officers must give information of all infractions of the election laws to the grand jury, Commonwealth's attorney, Attorney General and the Registry of Election Finance. The election officers must cooperate in any investigation or prosecution of election law violations. When there is reason to fear that an offender will escape out of the county before indictment, any election officer may procure his immediate apprehension.³¹

WEB PAGE OF STATUTE

<http://elect.ky.gov/laws/Pages/default.aspx>

For more information, contact:

Project Vote

1420 K Street NW
Suite 700
Washington, DC 20005
(888) 546-4173
www.projectvote.org

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DISCLAIMER

The information contained in this document is for general guidance only. It should not be used as a substitute for consultation with professional legal or other competent advisers. Project Vote is not responsible for any errors or omissions, or for the results obtained from the use of this information.

¹ Ky. Rev. Stat. § 116.025; Ky. Const. § 145; Ky. Board of Elections, Check List for Voter Registration Drive, <http://elect.ky.gov/voterinfo/Pages/checklistforvoterregistrationdrive.aspx> (last visited Feb. 27, 2016).

² Ky. Rev. Stat. Ann. § 116.035

³ Ky. Rev. Stat. 116.055

⁴ Ky. Rev. Stat. § 116.035

⁵ Conversation with State Board of Elections Staff, August 11, 2015.

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- ⁶ Ky. Voter Reg. Form,
<http://elect.ky.gov/SiteCollectionDocuments/Register%20to%20Vote/Kentucky%20Voter%20Registration%20Card.pdf>
- ⁷ Ky. Rev. Stat. § 116.035
- ⁸ Ky. Voter Reg. Form,
<http://elect.ky.gov/SiteCollectionDocuments/Register%20to%20Vote/Kentucky%20Voter%20Registration%20Card.pdf>; Ky. Board of Elections, Check List for Voter Registration Drive,
<http://elect.ky.gov/voterinfo/Pages/checklistforvoterregistrationdrive.aspx> (last visited Feb. 27, 2016).
- ⁹ Ky. Rev. Stat. § 116.155
- ¹⁰ Ky. Rev. Stat. § 116.055
- ¹¹ Ky. Rev. Stat. § 116.045
- ¹² Ky. Rev. Stat. § 116.0452
- ¹³ Ky. Board of Elections, Check List for Voter Registration Drive,
<http://elect.ky.gov/voterinfo/Pages/checklistforvoterregistrationdrive.aspx> (last visited Mar. 4, 2016).
- ¹⁴ Ky. Voter Reg. Form,
<http://elect.ky.gov/SiteCollectionDocuments/Register%20to%20Vote/Kentucky%20Voter%20Registration%20Card.pdf>
- ¹⁵ Check List for Voter Registration Drive,
<http://elect.ky.gov/voterinfo/Pages/checklistforvoterregistrationdrive.aspx> (last visited Mar. 4, 2016).
- ¹⁶ Ky. Rev. Stat. Ann. § 116.047
- ¹⁷ Check List for Voter Registration Drive,
<http://elect.ky.gov/voterinfo/Pages/checklistforvoterregistrationdrive.aspx> (last visited Mar. 4, 2016) (citing Ky. Rev. Stat. § 119.035).
- ¹⁸ Ky. Rev. Stat. § 116.0452
- ¹⁹ Check List for Voter Registration Drive,
<http://elect.ky.gov/voterinfo/Pages/checklistforvoterregistrationdrive.aspx> (last visited Mar. 4, 2016).
- ²⁰ Ky. Rev. Stat. § 116.045
- ²¹ Ky. Board of Elections, Check List for Voter Registration Drive,
<http://elect.ky.gov/voterinfo/Pages/checklistforvoterregistrationdrive.aspx> (last visited Mar. 4, 2016).
- ²² Ky. Rev. Stat. § 119.207
- ²³ 52 U.S.C. § 10307(c)
- ²⁴ *United States v. Garcia*, 719 F.2d 99, 102-103 (5th Cir. 1983).
- ²⁵ California Secretary of State, Guide to Voter Registration Drives 11, available at <http://elections.cdn.sos.ca.gov/guides/guide-to-vr-drives.pdf> (last revised Jan. 2016)
- ²⁶ Ky. Rev. Stat. Ann. § 116.047
- ²⁷ Ky. Rev. Stat. Ann. § 119.045
- ²⁸ Ky. Rev. Stat. Ann. § 116.047
- ²⁹ Check List for Voter Registration Drive,
<http://elect.ky.gov/voterinfo/Pages/checklistforvoterregistrationdrive.aspx> (last visited Mar. 4, 2016) (citing Ky. Rev. Stat. § 119.035).
- ³⁰ Ky. Rev. Stat. § 119.035
- ³¹ Ky. Rev. Stat. § 119.305