

1 AN ACT relating to voter registration.

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

3 ➔Section 1. KRS 116.0455 is amended to read as follows:

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

8 **1. "By signing and submitting this application, you are authorizing the**
9 **circuit clerk and the Transportation Cabinet to transmit this**
10 **application to the county clerk and to the State Board of Elections for**
11 **voter registration purposes. YOU MAY DECLINE TO REGISTER.**
12 **YOU MUST DECLINE TO REGISTER IF YOU DO NOT MEET**
13 **THE ELIGIBILITY REQUIREMENTS SET OUT BELOW. No**
14 **information relating to your decision of whether or not to register or**
15 **update a voter registration record may be used for any purpose other**
16 **than voter registration.";**

17 **2. "In order to be registered to vote you must:**

18 **a. Be a United States citizen;**

19 **b. Be a current resident of Kentucky;**

20 **c. Be at least eighteen (18) years of age on or before the next**
21 **regular election;**

22 **d. Have not been convicted of a felony or, if you have been**
23 **convicted of a felony, your civil rights have been restored by**
24 **executive pardon;**

25 **e. Have not been declared mentally incompetent in a court of law;**
26 **and**

27 **f. Not claim the right to vote anywhere outside Kentucky.**

1 *Failure to decline to register is an attestation that you meet the*
 2 *requirements to vote.*"; and

3 3. *"If you choose to decline to have this motor vehicle driver's*
 4 *application serve as a simultaneous application for voter registration*
 5 *or update to an existing voter registration record or if you do not meet*
 6 *the eligibility requirements to register to vote, YOU MUST CHECK*
 7 *THE BOX BELOW confirming your declination.*".

8 [~~for voter registration unless the applicant fails to sign the voter registration~~
 9 ~~application.~~

10 [~~(b) An application for voter registration submitted under paragraph (a) of this~~
 11 ~~subsection shall be considered as updating any previous voter registration by~~
 12 ~~the applicant.~~]

13 (2) No information relating to the *declination*[~~failure~~] of an applicant *to have any*
 14 *application in subsection (1)(a) of this section considered as a simultaneous*
 15 *application for voter registration or an update to a previous voter registration*[~~for~~
 16 ~~a motor vehicle driver's license to sign a voter registration application]] may be used
 17 for any purpose other than voter registration.~~

18 (3) (a) The Transportation Cabinet shall include *all information contained in* a voter
 19 registration application form as part of an application for a motor vehicle
 20 driver's license. *The State Board of Elections shall approve the voter*
 21 *registration portion of the application prior to its implementation by the*
 22 *Transportation Cabinet and no amendments to the application affecting*
 23 *voter registration requirements shall be made without the approval of the*
 24 *State Board of Elections; and*

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

- 1 (4) Any change of address form submitted for purposes of a motor vehicle driver's
 2 license shall serve as notification of change of address for voter registration for the
 3 registrant involved unless the registrant states on the form that the change of address
 4 is not for voter registration purposes.
- 5 (5) (a) A completed **copy of the** voter registration portion of an application for a
 6 motor vehicle driver's license accepted by a circuit clerk shall be transmitted
 7 to the county clerk of the county of the applicant's voting residence not later
 8 than ten (10) days after the date of acceptance.
- 9 (b) If a **motor vehicle driver's license application includes a completed** voter
 10 registration application **and** is accepted within five (5) days before the last day
 11 for registration to vote in an election, the application shall be transmitted to
 12 the county clerk of the county of the applicant's voting residence not later than
 13 five (5) days after the date of acceptance.
- 14 (6) The circuit clerk shall provide to the county clerk ~~all~~ declination
 15 ~~notifications~~ signed by an applicant if the applicant has declined to **have**
 16 **the motor vehicle driver's license application serve as a simultaneous application**
 17 **for voter registration or to have an existing voter registration record updated**
 18 ~~register to vote~~.
- 19 ➔Section 2. KRS 116.048 is amended to read as follows:
- 20 (1) The following agencies are designated as voter registration agencies in accordance
 21 with the National Voter Registration Act of 1993:
- 22 (a) Agencies that provide benefits under public assistance under Title IV-A of the
 23 Federal Social Security Act, the Special Supplemental Food Program for
 24 Women, Infants, and Children, the Kentucky Medical Assistance Program, or
 25 the Food Stamps Program;
- 26 (b) Armed Forces recruitment offices;
- 27 (c) Other agencies as the Secretary of State shall determine **that provide** ~~to be~~

1 ~~providing~~ public assistance; and

2 (d) Other agencies as the Secretary of State shall determine ~~are~~~~[to be]~~ state-
3 funded programs primarily engaged in providing services to persons with
4 disabilities.

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

7 (a) **Include in**~~[Distribute with]~~ each application for its service or assistance, and
8 with each recertification, renewal, or change of address form, the **following**
9 **statements:**

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

18 **2. "In order to be registered to vote you must:**

19 **a. Be a United States citizen;**

20 **b. Be a current resident of Kentucky;**

21 **c. Be at least eighteen (18) years of age on or before the next**
22 **regular election;**

23 **d. Have not been convicted of a felony or, if you have been**
24 **convicted of a felony, your civil rights have been restored by**
25 **executive pardon;**

26 **e. Have not been declared mentally incompetent in a court of law;**
27 **and**

- 1 *f. Not claim the right to vote anywhere outside Kentucky.*
- 2 *Failure to decline to register is an attestation that you meet the*
- 3 *requirements to vote.'; and*
- 4 *3. 'If you choose to decline to have this application serve as a*
- 5 *simultaneous application for voter registration or update to an*
- 6 *existing voter registration record or if you do not meet the eligibility*
- 7 *requirements to register to vote, YOU MUST CHECK THE BOX*
- 8 *BELOW confirming your declination.'*~~office's own voter registration~~
- 9 ~~application form that complies with the requirements of Section 7 of~~
- 10 ~~Public Law 103-31, the National Voter Registration Act of 1993];~~
- 11 (b) Provide *an*~~[a]~~ *additional* form that includes:
 - 12 1. ~~{The question, "If you are not registered to vote where you live now,~~
 - 13 ~~would you like to apply to register to vote here today?";~~
 - 14 2. ~~—}If the agency provides public assistance, the statement, "Applying to~~
 - 15 ~~register or declining to register to vote will not affect the amount of~~
 - 16 ~~assistance that you will be provided by this agency.";~~
 - 17 *2.*~~[3. Boxes for the applicant to check to indicate whether the applicant would~~
 - 18 ~~like to register or declines to register to vote (failure to check either box~~
 - 19 ~~being deemed to constitute a declination to register for purposes of~~
 - 20 ~~paragraph (c) of this subsection), together with the statement in close~~
 - 21 ~~proximity to the boxes and in prominent type, "IF YOU DO NOT~~
 - 22 ~~CHECK EITHER BOX, YOU WILL BE CONSIDERED TO HAVE~~
 - 23 ~~DECIDED NOT TO REGISTER TO VOTE AT THIS TIME.";~~
 - 24 4. ~~} The statement, "If you would like help in filling out the voter~~
 - 25 ~~registration~~ *portion of the* application form, we will help you. The
 - 26 decision whether to seek or accept help is yours. You may fill out the
 - 27 application form in private."; and

1 3[5]. The statement, "If you believe that someone has interfered with your
 2 right to register or to decline to register to vote or to update your
 3 existing voter registration record, your right to privacy in deciding
 4 whether to register or in applying to register to vote, or your right to
 5 choose your own political party or other political preference, you may
 6 file a complaint with _____.", the blank being filled by
 7 the name, address, and telephone number of the appropriate official to
 8 whom a complaint should be addressed; and

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

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

17 1. Distribution of mail voter registration forms should the applicant
 18 decline to have the application serve as a simultaneous application for
 19 voter registration and request a mail voter registration form;
 20 2. Assistance to applicants in completing the voter registration portion of
 21 the application form~~[forms]~~, unless the applicant refuses assistance; and
 22 3. Acceptance of completed~~[voter registration]~~ application forms that do
 23 not include a declination of the application serving as a simultaneous
 24 application to register to vote or update an existing voter registration
 25 record for transmittal to the county clerk of the county of the applicant's
 26 voting residence.

27 (b) If a voter registration agency designated under subsection (1)(d) of this section

1 provides services to a person with a disability at the person's home, the agency
2 shall provide the services described in paragraph (a) of this subsection at the
3 person's home.

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

13 (5) **The voter registration portion of any application used by any agency that has**
14 **been designated as a voter registration agency under subsection (1) of this section**
15 **shall comply with the requirements of Section 5 of Pub. L. No. 103-31, the**
16 **National Voter Registration Act of 1993.**

17 **(6)** The State Board of Elections may designate requirements for record keeping and
18 document retention it deems necessary to comply with the National Voter
19 Registration Act of 1993 and the provisions of this chapter.

20 ~~(7)~~~~(6)~~ (a) A completed registration application accepted at a voter registration
21 agency shall be transmitted to the county clerk of the county of the applicant's
22 voting residence or the State Board of Elections not later than ten (10) days
23 after the date of acceptance.

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

1 (8) The agency shall provide to the county clerk all declination notifications signed
2 by an applicant if the applicant has declined to have the agency application serve
3 as a simultaneous application for voter registration or to have an existing voter
4 registration record updated.