

SENATE MEMBERS

Robert Stivers
President, LRC Co-Chair
David Givens
President Pro Tempore
Damon Thayer
Majority Floor Leader
Gerald A. Neal
Minority Floor Leader
Julie Raque Adams
Majority Caucus Chair
Reginald Thomas
Minority Caucus Chair
Mike Wilson
Majority Whip
David Yates
Minority Whip



LEGISLATIVE RESEARCH COMMISSION

State Capitol 700 Capital Avenue Frankfort KY 40601

502-564-8100

Capitol Fax 502-564-2922

Annex Fax 502-564-6543

legislature.ky.gov

Jay D. Hartz

Director

HOUSE MEMBERS

David W. Osborne
Speaker, LRC Co-Chair
David Meade
Speaker Pro Tempore
Steven Rudy
Majority Floor Leader
Derrick Graham
Minority Floor Leader
Suzanne Miles
Majority Caucus Chair
Cherlynn Stevenson
Minority Caucus Chair
Jason Nemes
Majority Whip
Rachel Roberts
Minority Whip

MEMORANDUM

TO: Taylor Brown, General Counsel, State Board of Elections

FROM: Emily Caudill, Regulations Compiler

RE: Acknowledgement of Proposed & Emergency Regulations – 031 KAR 003:041 & E

DATE: April 15, 2024

A copy of the ordinary and emergency administrative regulations listed above are enclosed for your files. Pursuant to KRS 13A.190, these emergency administrative regulations became effective upon filing with our office on **April 15, 2024** and, unless an extension on an accompanying ordinary is requested, will expire either in 270 days on **January 10, 2025**, or when replaced by its corresponding ordinary regulation, whichever occurs first. Please note - Expiration dates may be impacted by legislation or other statutes.

Emergency regulations

The emergency regulations are tentatively scheduled for review by the Administrative Regulation Review Subcommittee at its **June 2024** meeting. We will notify you of the date and time of this meeting once it has been scheduled. Pursuant to KRS 13A.280, **if** comments are received during the public comment period, a Statement of Consideration for these emergency regulations is due **by noon on June 14, 2024**.

Ordinary regulations

The ordinary regulations are tentatively scheduled for review by the Administrative Regulation Review Subcommittee at its **July 2024** meeting. We will notify you of the date and time of this meeting once it has been scheduled. Pursuant to KRS 13A.280, **if** comments are received during the public comment period, a Statement of Consideration for these ordinary regulations or a one-month extension request is due **by noon on July 15, 2024**.

Please reference KRS 13A.270 and 13A.280 for other requirements relating to the public hearing and public comment period and Statements of Consideration.

If you have questions, please contact us at RegsCompiler@LRC.ky.gov or (502) 564-8100.

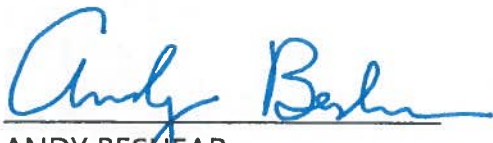
Enclosures

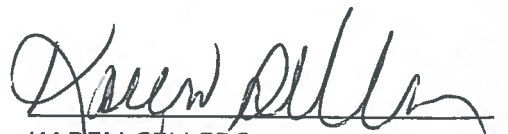
FILED WITH LRC
TIME: 10:56 AM
APR 15 2024
Emily B Caudill
REGULATIONS COMPILER

STATEMENT OF EMERGENCY

31 KAR 3:041E

This emergency regulation is being promulgated pursuant to both KRS 13A.190(1)(a)(1), to meet an imminent threat to public welfare, as well as, KRS 13A.190(1)(a)(3), to meet an imminent deadline for the promulgation of an administrative regulation established by state statute. Section 150 of the Kentucky Constitution requires free and fair elections in the Commonwealth; KRS 118.025(3) sets May 21, 2024, as the date for the next primary election, while KRS 116.045(4)(e) provides that a person may register to vote or change party affiliation by methods of registration or reregistration approved by the State Board of Elections. This is being filed as an emergency administrative regulation to ensure the administrative regulations and procedures required by statute to promote free and fair elections are in effect for the upcoming election. This emergency administrative regulation is temporary in nature and will be replaced by an ordinary administrative regulation. The companion ordinary administrative regulation is identical to this emergency administrative regulation.


ANDY BESHEAR
Governor


KAREN SELLERS
Director, State Board of Elections

1 STATE BOARD OF ELECTIONS

2 (New Emergency Administrative Regulation)

3 31 KAR 3:041E. Electronic Voter Registration System.

4 RELATES TO: KRS 116.045, 116.0452, 116.065, 116.155

5 STATUTORY AUTHORITY: KRS 116.045(4)(e), 117.015(1)(a)

6 NECESSITY, FUNCTION, AND CONFORMITY: KRS 117.015(1) requires the State
7 Board of Elections to supervise the registration of voters within the state. KRS
8 116.045(4)(e) provides that a person may register to vote or change party affiliation by
9 methods of registration or reregistration approved by the State Board of Elections. KRS
10 117.015(1)(a) authorizes the State Board of Elections to promulgate administrative
11 regulations necessary to properly carry out its duties. This administrative regulation
12 approves and establishes procedures for use of an electronic voter registration system to
13 register or reregister to vote or to update voter registration information.

14 Section 1. Definition. "Applicant" means a person who uses the electronic voter
15 registration system established by the State Board of Elections to register or reregister to
16 vote or to update voter registration information.

1 Section 2. Use of Electronic Voter Registration System. (1) The State Board of
2 Elections shall, as funds permit, establish an electronic voter registration system by which
3 persons may register or reregister to vote or update voter registration information.

4 (2) In addition to the methods set forth in KRS 116.045(4), a person who meets all
5 eligibility requirements may register or reregister to vote or update voter registration
6 information by using the electronic voter registration system established by the State
7 Board of Elections pursuant to this administrative regulation.

8 Section 3. Contents of Electronic Voter Registration System Application Form. The
9 electronic voter registration system application shall: (1) Include the electronic equivalent
10 of the registration application form prescribed and furnished by the State Board of
11 Elections under KRS 116.155, including a warning relating to the potential penalties
12 applicable to an applicant knowingly filing an application with untrue information and a
13 voter declaration affirmation as required by KRS 116.065;

14 (2) Require the applicant who has a Kentucky driver's license or Kentucky personal
15 identification card to:

16 (a) Agree to the use of his or her Kentucky driver's license signature or Kentucky
17 personal identification card signature for voter registration purposes; and

18 (b) Provide his or her Kentucky driver's license number or Kentucky personal
19 identification card number.

1 (3) Require the applicant who does not have a Kentucky driver's license or Kentucky
2 personal identification card, to either:

3 (a) Provide an electronic signature to be used for voter registration purposes; or

4 (b) Print the registration application, sign it, and return it to the county clerk for the
5 county in which the applicant resides.

6 Section 4. Processing Voter Registration Application Submitted Via the Electronic
7 Voter Registration System.

8 (1) The electronic voter registration system shall not allow an applicant to submit
9 an application unless:

10 (a) The entire application form, including the voter declaration affirmation as
11 required by KRS 116.065, is completed by the applicant; and

12 (b) The applicant has either:

13 1. Agreed to the use of his or her Kentucky driver's license signature or Kentucky
14 personal identification card signature for voter registration purposes and provided his or
15 her Kentucky driver's license number or Kentucky personal identification card number
16 pursuant to Section 3(2) of this administrative regulation; or

17 2. Provided an electronic signature to be used for voter registration purposes
18 pursuant to Section 3(3)(a) of this administrative regulation.

19 (2) Immediately upon the applicant's submission of an application that meets the
20 requirements of subsection (1) of this section, the State Board of Elections shall:

1 (a) If the applicant agreed to the use of his or her Kentucky driver's license signature
2 or Kentucky personal identification card signature for voter registration purposes and
3 provided his or her Kentucky driver's license number or Kentucky personal identification
4 card number pursuant to Section 3(2) of this administrative regulation:

5 1. Check the information submitted by the applicant to ensure that the Kentucky
6 driver's license number or Kentucky personal identification card number submitted by the
7 applicant matches the information maintained by the Transportation Cabinet; and

8 2. If a match is made:

9 a. Electronically forward the information provided in the application, along with a
10 digital copy of the applicant's signature obtained from the Transportation Cabinet, to the
11 county clerk for the county in which the applicant resides; and

12 b. Notify the applicant that the application has been electronically forwarded to
13 the county clerk for the county in which the applicant resides, but that the applicant will
14 not be officially registered to vote or that changes to the applicant's existing registration
15 will not be made until the application is received and processed by the county clerk.

16 3. If a match cannot be made, notify the applicant that the application cannot be
17 processed and instruct the applicant to print the application, sign it, and mail or hand
18 deliver it to the county clerk for the county in which the applicant resides.

19 (b) If the applicant provided an electronic signature to be used for voter
20 registration purposes pursuant to Section 3(3)(a) of this administrative regulation:

1 1. Electronically forward the information provided in the application, along with the
2 applicant's electronic signature, to the county clerk for the county in which the applicant
3 resides; and

4 2. Notify the applicant that the application has been electronically forwarded to
5 the county clerk for the county in which the applicant resides, but that the applicant will
6 not be officially registered to vote or that changes to the applicant's existing registration
7 will not be made until the application is received and processed by the county clerk.

8 (3) An electronic voter registration application shall be deemed to have been made
9 and received by the appropriate county clerk as of the date the applicant is informed
10 pursuant to subsection (2) of this section that the application has been electronically
11 forwarded to the county clerk for the county in which the applicant resides.

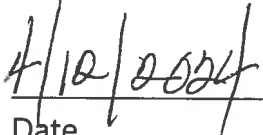
12 (4) Except as otherwise specifically provided, an electronic voter registration
13 application electronically forwarded by the State Board of Elections shall be considered
14 an application for registration by mail.

15 Section 5. Incorporated by Reference. (1) Commonwealth of Kentucky Voter
16 Registration Application, Form SBE 01, 04/2024, is incorporated by reference.

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



Karen Sellers
Executive Director, State Board of Elections



Date

PUBLIC HEARING AND PUBLIC COMMENT PERIOD

A public hearing on this new administrative regulation shall be held on May 31, 2024, at 10:00 a.m. ET, at the office of the State Board of Elections. Individuals interested in being heard at this hearing shall notify this agency in writing by five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. This hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until May 31, 2024. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Taylor Brown, General Counsel, 140 Walnut Street, Frankfort, Kentucky 40601, Phone: (502) 782-9499, Email: TaylorA.Brown@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

31 KAR 3:041E Contact Person: Taylor Brown, phone: 502-782-9499, email: TaylorA.Brown@ky.gov

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation approves and establishes procedures for use of an electronic voter registration system to register or reregister to vote or to update voter registration information.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to allow voters in the Commonwealth the ability to register or reregister to vote or to update their voter registration information electronically.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 117.015(1)(a) authorizes the State Board of Elections to promulgate administrative regulations necessary to properly carry out its duties.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation allows the public to readily see that the Electronic Voter Registration System is a method of registration or reregistration approved by the State Board of Elections under KRS 116.045(4)(e).

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation:

(b) The necessity of the amendment to this administrative regulation:

(c) How the amendment conforms to the content of the authorizing statutes:

(d) How the amendment will assist in the effective administration of the statutes:

This is a new administrative regulation.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:

This administrative regulation will affect all voters in the Commonwealth who seek the ability to register or reregister to vote or to update their voter registration information, as well as, the county clerks who may receive those registrations.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment. To comply with this administrative regulation, voters will need to go on to the internet to access the Electronic Voter Registration System and county clerks will need to go online to receive and process submitted applications.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): The State Board of Elections estimates that

the implementation of this administrative regulation will cost voters and county clerks no more funds than are already being expended.

(c) As a result of compliance, what benefits will accrue to the entities identified in question

(3): Compliance with this new administrative regulation will benefit voters and county clerks in standardizing the voter registration process while adding the convenience of online access to the process.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: The cost of the implementation of this administrative regulation for the State Board of Elections will be minimal as it will require only the creation of the new Form SBE 01.

(b) On a continuing basis: The State Board of Elections anticipates this administrative regulation will cost no more funds than are already being expended.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Funds from the State Board of Elections' administrative budget will be used in the implementation and enforcement of this administrative regulation.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment:

Implementation of this administrative regulation can be achieved without an increase in fees or funding by the General Assembly.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: No fees are associated with this administrative regulation.

(9) TIERING: Is tiering applied? Explain why or why not. Tiering is not used in this administrative regulation, as a desired result of the promulgation of this administrative regulation is uniform procedures for the administration of elections throughout all of the counties in the Commonwealth.

FISCAL IMPACT STATEMENT

31 KAR 3:041E

Contact Person: Taylor Brown, phone: 502-782-9499, email: TaylorA.Brown@ky.gov

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 117.015(1), 117.015(1)(a), and 116.045(4)(e) require and authorize the actions taken by this administrative regulation.

(2) Identify the promulgating agency and any other affected state units, parts, or divisions:
This administrative regulation will affect the promulgating agency, the State Board of Elections.

(a) Estimate the following for the first year:

Expenditures: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.

Revenues: It is not expected or intended that this administrative regulation will generate any revenue.

Cost Savings: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings.

(b) How will expenditures, revenues, or cost savings differ in subsequent years? The State Board of Elections does not anticipate expenditures, revenues, or cost savings to differ in subsequent years.

(3) Identify affected local entities (for example: cities, counties, fire departments, school districts): This administrative regulation will affect county clerks.

(a) Estimate the following for the first year:

Expenditures: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.

Revenues: It is not expected or intended that this administrative regulation will generate any revenue.

Cost Savings: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.

(b) How will expenditures, revenues, or cost savings differ in subsequent years? The State Board of Elections does not anticipate expenditures, revenues, or cost savings to differ in subsequent years.

(4) Identify additional regulated entities not listed in questions (2) or (3): This administrative regulation will affect voters of the Commonwealth.

(a) Estimate the following for the first year:

Expenditures: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.

Revenues: It is not expected or intended that this administrative regulation will generate any revenue.

Cost Savings: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.

(b) How will expenditures, revenues, or cost savings differ in subsequent years? The State Board of Elections does not anticipate expenditures, revenues, or cost savings to differ in subsequent years.

(a) How much cost savings will this administrative regulation generate for the regulated entities for the first year? The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.

(b) How much cost savings will this administrative regulation generate for the regulated entities for subsequent years? The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.

(5) Provide a narrative to explain the:

(a) Fiscal impact of this administrative regulation: The State board of Elections expects that this administrative regulation will have little to no fiscal impact on the regulated entities, outside those expenditures already undertaken.

(b) Methodology and resources used to determine the fiscal impact: This determination of this administrative regulation's fiscal impact is made by the listed contact person and other agency staff based on their collective experience with the subject matter.

(6) Explain:

(a) Whether this administrative regulation will have an overall negative or adverse major economic impact to the entities identified in questions (2) - (4). (\$500,000 or more, in aggregate): The State Board of Elections does not expect that this administrative regulation will result in a negative or adverse major economic impact to the entities identified in questions (2)-(4).

(b) The methodology and resources used to reach this conclusion: This conclusion is made by the listed contact person and other agency staff based on their collective experience with the subject matter.

SUMMARY OF MATERIAL INCORPORATED BY REFERENCE

Commonwealth of Kentucky Voter Registration Application, Form SBE 01, 04/2024, is the 1-page form that voters may use to register or reregister to vote or update voter registration information.

Commonwealth of Kentucky Voter Registration Application

For Clerk Use Only			
Precinct Code	Precinct Name	Town	Other Code

Print your name

Use blue or black ink only

1 Last: _____ First: _____
 Middle: _____ Jr Sr II. III. IV (circle if applicable)

Eligibility

If you answer "No" to either question, you cannot register to vote.

2 Are you a citizen of the United States? YES NO
 Will you be 18 years of age or older on or before Election Day? YES NO

Reason

3 New Registration Address Change Party Change Name Change

About You

Phone and email are optional and may be used to contact you about important information.

Gender: Female Male
 4 Birthdate (MM/DD/YYYY): _____ Social Security Number: _____
 Phone Number: _____ Email Address: _____

Your address

If you are homeless and lack an established and fixed residence of regular return, you may list a location with a fixed address as your place of habitation

Address where you live (no P.O. Box): _____ Apt.: _____
 5 City/Town: _____ County: _____ State: KY Zip: _____
 Address where you get mail (if different than above): _____ Apt.: _____
 City/Town _____ County _____ State: _____ Zip: _____

Political party

You may change your political affiliation at any time on or before December 31st to remain eligible to vote in the following primary election.

6 Democratic Party Republican Party Independent Other _____

To vote in a primary, you must register with either the Democratic or Republican party. If you select "Independent" or "Other" as your affiliation, you are eligible to vote for only nonpartisan offices in any primary election. You may vote for any candidate in all general or special elections. Only persons timely registered shall have the right to vote.

WARNING: Per KRS 119.025, any person who causes himself to be registered when he is not legally entitled to register, shall be subject to penalties including fines and/or a term of imprisonment not less than one (1) year nor more than (5) years.

Voter Declaration – read and sign
 I swear or affirm that:

- I am a U.S. Citizen.
- I am a current resident of Kentucky.
- I will be at least 18 years of age on or before the next general election.
- I am not a convicted felon, or if I have been convicted of a felony, my right to vote has been restored following an expungement, Executive Pardon, or Executive Order.
- I have not been judged "mentally incompetent" in a court of law.
- I do not claim the right to vote anywhere outside Kentucky.

Voter sign here:

X _____

Date (MM/DD/YYYY): _____

Signature

7

Optional

8

- I would like to be contacted by my County Clerk about becoming a poll worker in Kentucky
- I authorize the Kentucky State Board of Elections to send the information contained on this form to the appropriate voter registration officer who shall have my authorization to CANCEL my voter registration from my former state of residence:

Address where you were previously registered: _____ Apt.: _____
 City/Town: _____ County: _____ State: _____ Zip: _____

Section 150 Disqualification from office for using money or property to secure or influence election -- Corporation not to use money or other thing of value to influence election -- Exclusion from office for conviction of felony or high misdemeanor -- Laws to regulate elections.

Every person shall be disqualified from holding any office of trust or profit for the term for which he shall have been elected who shall be convicted of having given, or consented to the giving, offer or promise of any money or other thing of value, to procure his election, or to influence the vote of any voter at such election; and if any corporation shall, directly or indirectly, offer, promise or give, or shall authorize, directly or indirectly, any person to offer, promise or give any money or any thing of value to influence the result of any election in this State, or the vote of any voter authorized to vote therein, or who shall afterward reimburse or compensate, in any manner whatever, any person who shall have offered, promised or given any money or other thing of value to influence the result of any election or the vote of any such voter, such corporation, if organized under the laws of this Commonwealth, shall, on conviction thereof, forfeit its charter and all rights, privileges and immunities thereunder; and if chartered by another State and doing business in this State, whether by license, or upon mere sufferance, such corporation, upon conviction of either of the offenses aforesaid, shall forfeit all right to carry on any business in this State; and it shall be the duty of the General Assembly to provide for the enforcement of the provisions of this section. All persons shall be excluded from office who have been, or shall hereafter be, convicted of a felony, or of such high misdemeanor as may be prescribed by law, but such disability may be removed by pardon of the Governor. The privilege of free suffrage shall be supported by laws regulating elections, and prohibiting, under adequate penalties, all undue influence thereon, from power, bribery, tumult or other improper practices.

Text as Ratified on: August 3, 1891, and revised September 28, 1891.

History: Not yet amended.

118.025 Voting to be by secret paper ballot -- General laws applicable -- Time for holding elections.

- (1) Except as otherwise provided by law, voting in all primaries and elections shall be by secret paper ballot.
- (2) The general laws applying to primaries, regular elections, and special elections shall apply to primaries, regular elections, and special elections conducted with the use of voting equipment, and all provisions of the general laws applying to the custody of ballot boxes shall apply, as far as applicable, to the custody of the voting system or voting equipment.
- (3) A primary for the nomination of candidates to be voted for at the next regular election shall be held on the first Tuesday after the third Monday in May of each year.
- (4) The election of all officers of all governmental units shall be held on the first Tuesday after the first Monday in November.
- (5) If the law authorizes the calling of a special election on a day other than the day of the regular election in November, the election shall be held on a Tuesday.
- (6) If the law requires that a special election be held within a period of time during which the voting equipment must be locked as required by KRS 117.295, the special election shall be held on the fourth Tuesday following the expiration of the period during which the voting equipment is locked.

Effective: June 29, 2021

History: Amended 2021 Ky. Acts ch. 197, sec. 48, effective June 29, 2021. -- Amended 2020 Ky. Acts ch. 88, sec. 5, effective July 15, 2020. -- Amended 2008 Ky. Acts ch. 129, sec. 6, effective July 15, 2008. -- Amended 2002 Ky. Acts ch. 262, sec. 1, effective July 15, 2002. -- Amended 2000 Ky. Acts ch. 261, sec. 2, effective July 14, 2000. -- Amended 1996 Ky. Acts ch. 195, sec. 13, effective July 15, 1996. -- Amended 1994 Ky. Acts ch. 394, sec. 20, effective July 15, 1994. -- Amended 1992 Ky. Acts ch. 288, sec. 38, effective July 14, 1992; and ch. 296, sec. 7, effective July 14, 1992. -- Amended 1990 Ky. Acts ch. 431, sec. 1, effective July 13, 1990. -- Amended 1986 Ky. Acts ch. 29, sec. 12, effective July 15, 1986. -- Amended 1984 Ky. Acts ch. 44, sec. 6, effective March 2, 1984. -- Amended 1982 Ky. Acts ch. 402, sec. 3, effective January 1, 1984. -- Created 1974 Ky. Acts ch. 130, sec. 98, effective June 21, 1974.

FILED WITH LRC
TIME: 10:56 AM
APR 15 2024
Emily B Caudill
REGULATIONS COMPILER

1 STATE BOARD OF ELECTIONS

2 (New Administrative Regulation)

3 31 KAR 3:041. Electronic Voter Registration System.

4 RELATES TO: KRS 116.045, 116.0452, 116.065, 116.155

5 STATUTORY AUTHORITY: KRS 116.045(4)(e), 117.015(1)(a)

6 NECESSITY, FUNCTION, AND CONFORMITY: KRS 117.015(1) requires the State
7 Board of Elections to supervise the registration of voters within the state. KRS
8 116.045(4)(e) provides that a person may register to vote or change party affiliation by
9 methods of registration or reregistration approved by the State Board of Elections. KRS
10 117.015(1)(a) authorizes the State Board of Elections to promulgate administrative
11 regulations necessary to properly carry out its duties. This administrative regulation
12 approves and establishes procedures for use of an electronic voter registration system to
13 register or reregister to vote or to update voter registration information.

14 Section 1. Definition. "Applicant" means a person who uses the electronic voter
15 registration system established by the State Board of Elections to register or reregister to
16 vote or to update voter registration information.

1 Section 2. Use of Electronic Voter Registration System. (1) The State Board of
2 Elections shall, as funds permit, establish an electronic voter registration system by which
3 persons may register or reregister to vote or update voter registration information.

4 (2) In addition to the methods set forth in KRS 116.045(4), a person who meets all
5 eligibility requirements may register or reregister to vote or update voter registration
6 information by using the electronic voter registration system established by the State
7 Board of Elections pursuant to this administrative regulation.

8 Section 3. Contents of Electronic Voter Registration System Application Form. The
9 electronic voter registration system application shall: (1) Include the electronic equivalent
10 of the registration application form prescribed and furnished by the State Board of
11 Elections under KRS 116.155, including a warning relating to the potential penalties
12 applicable to an applicant knowingly filing an application with untrue information and a
13 voter declaration affirmation as required by KRS 116.065;

14 (2) Require the applicant who has a Kentucky driver's license or Kentucky personal
15 identification card to:

16 (a) Agree to the use of his or her Kentucky driver's license signature or Kentucky
17 personal identification card signature for voter registration purposes; and

18 (b) Provide his or her Kentucky driver's license number or Kentucky personal
19 identification card number.

1 (3) Require the applicant who does not have a Kentucky driver's license or Kentucky
2 personal identification card, to either:

3 (a) Provide an electronic signature to be used for voter registration purposes; or

4 (b) Print the registration application, sign it, and return it to the county clerk for the
5 county in which the applicant resides.

6 Section 4. Processing Voter Registration Application Submitted Via the Electronic
7 Voter Registration System.

8 (1) The electronic voter registration system shall not allow an applicant to submit
9 an application unless:

10 (a) The entire application form, including the voter declaration affirmation as
11 required by KRS 116.065, is completed by the applicant; and

12 (b) The applicant has either:

13 1. Agreed to the use of his or her Kentucky driver's license signature or Kentucky
14 personal identification card signature for voter registration purposes and provided his or
15 her Kentucky driver's license number or Kentucky personal identification card number
16 pursuant to Section 3(2) of this administrative regulation; or

17 2. Provided an electronic signature to be used for voter registration purposes
18 pursuant to Section 3(3)(a) of this administrative regulation.

19 (2) Immediately upon the applicant's submission of an application that meets the
20 requirements of subsection (1) of this section, the State Board of Elections shall:

1 (a) If the applicant agreed to the use of his or her Kentucky driver's license signature
2 or Kentucky personal identification card signature for voter registration purposes and
3 provided his or her Kentucky driver's license number or Kentucky personal identification
4 card number pursuant to Section 3(2) of this administrative regulation:

5 1. Check the information submitted by the applicant to ensure that the Kentucky
6 driver's license number or Kentucky personal identification card number submitted by the
7 applicant matches the information maintained by the Transportation Cabinet; and

8 2. If a match is made:

9 a. Electronically forward the information provided in the application, along with a
10 digital copy of the applicant's signature obtained from the Transportation Cabinet, to the
11 county clerk for the county in which the applicant resides; and

12 b. Notify the applicant that the application has been electronically forwarded to
13 the county clerk for the county in which the applicant resides, but that the applicant will
14 not be officially registered to vote or that changes to the applicant's existing registration
15 will not be made until the application is received and processed by the county clerk.

16 3. If a match cannot be made, notify the applicant that the application cannot be
17 processed and instruct the applicant to print the application, sign it, and mail or hand
18 deliver it to the county clerk for the county in which the applicant resides.

19 (b) If the applicant provided an electronic signature to be used for voter
20 registration purposes pursuant to Section 3(3)(a) of this administrative regulation:

1 1. Electronically forward the information provided in the application, along with the
2 applicant's electronic signature, to the county clerk for the county in which the applicant
3 resides; and

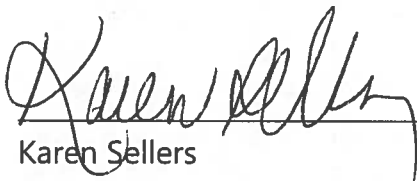
4 2. Notify the applicant that the application has been electronically forwarded to
5 the county clerk for the county in which the applicant resides, but that the applicant will
6 not be officially registered to vote or that changes to the applicant's existing registration
7 will not be made until the application is received and processed by the county clerk.

8 (3) An electronic voter registration application shall be deemed to have been made
9 and received by the appropriate county clerk as of the date the applicant is informed
10 pursuant to subsection (2) of this section that the application has been electronically
11 forwarded to the county clerk for the county in which the applicant resides.

12 (4) Except as otherwise specifically provided, an electronic voter registration
13 application electronically forwarded by the State Board of Elections shall be considered
14 an application for registration by mail.

15 Section 5. Incorporated by Reference. (1) Commonwealth of Kentucky Voter
16 Registration Application, Form SBE 01, 04/2024, is incorporated by reference.

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



Karen Sellers
Executive Director, State Board of Elections

4/12/2024

Date

PUBLIC HEARING AND PUBLIC COMMENT PERIOD

A public hearing on this new administrative regulation shall be held on June 28, 2024, at 10:00 a.m. ET, at the office of the State Board of Elections. Individuals interested in being heard at this hearing shall notify this agency in writing by five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. This hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until June 30, 2024. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Taylor Brown, General Counsel, 140 Walnut Street, Frankfort, Kentucky 40601, Phone: (502) 782-9499, Email: TaylorA.Brown@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

31 KAR 3:041 Contact Person: Taylor Brown, phone: 502-782-9499, email: TaylorA.Brown@ky.gov

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation approves and establishes procedures for use of an electronic voter registration system to register or reregister to vote or to update voter registration information.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to allow voters in the Commonwealth the ability to register or reregister to vote or to update their voter registration information electronically.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 117.015(1)(a) authorizes the State Board of Elections to promulgate administrative regulations necessary to properly carry out its duties.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation allows the public to readily see that the Electronic Voter Registration System is a method of registration or reregistration approved by the State Board of Elections under KRS 116.045(4)(e).

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation:

(b) The necessity of the amendment to this administrative regulation:

(c) How the amendment conforms to the content of the authorizing statutes:

(d) How the amendment will assist in the effective administration of the statutes:

This is a new administrative regulation.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:

This administrative regulation will affect all voters in the Commonwealth who seek the ability to register or reregister to vote or to update their voter registration information, as well as, the county clerks who may receive those registrations.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment. To comply with this administrative regulation, voters will need to go on to the internet to access the Electronic Voter Registration System and county clerks will need to go online to receive and process submitted applications.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): The State Board of Elections estimates that

the implementation of this administrative regulation will cost voters and county clerks no more funds than are already being expended.

(c) As a result of compliance, what benefits will accrue to the entities identified in question

(3): Compliance with this new administrative regulation will benefit voters and county clerks in standardizing the voter registration process while adding the convenience of online access to the process.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: The cost of the implementation of this administrative regulation for the State Board of Elections will be minimal as it will require only the creation of the new Form SBE 01.

(b) On a continuing basis: The State Board of Elections anticipates this administrative regulation will cost no more funds than are already being expended.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Funds from the State Board of Elections' administrative budget will be used in the implementation and enforcement of this administrative regulation.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment:

Implementation of this administrative regulation can be achieved without an increase in fees or funding by the General Assembly.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: No fees are associated with this administrative regulation.

(9) TIERING: Is tiering applied? Explain why or why not. Tiering is not used in this administrative regulation, as a desired result of the promulgation of this administrative regulation is uniform procedures for the administration of elections throughout all of the counties in the Commonwealth.

FISCAL IMPACT STATEMENT

31 KAR 3:041

Contact Person: Taylor Brown, phone: 502-782-9499, email: TaylorA.Brown@ky.gov

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 117.015(1), 117.015(1)(a), and 116.045(4)(e) require and authorize the actions taken by this administrative regulation.

(2) Identify the promulgating agency and any other affected state units, parts, or divisions:
This administrative regulation will affect the promulgating agency, the State Board of Elections.

(a) Estimate the following for the first year:

Expenditures: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.

Revenues: It is not expected or intended that this administrative regulation will generate any revenue.

Cost Savings: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings.

(b) How will expenditures, revenues, or cost savings differ in subsequent years? The State Board of Elections does not anticipate expenditures, revenues, or cost savings to differ in subsequent years.

(3) Identify affected local entities (for example: cities, counties, fire departments, school districts): This administrative regulation will affect county clerks.

(a) Estimate the following for the first year:

Expenditures: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.

Revenues: It is not expected or intended that this administrative regulation will generate any revenue.

Cost Savings: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.

(b) How will expenditures, revenues, or cost savings differ in subsequent years? The State Board of Elections does not anticipate expenditures, revenues, or cost savings to differ in subsequent years.

(4) Identify additional regulated entities not listed in questions (2) or (3): This administrative regulation will affect voters of the Commonwealth.

(a) Estimate the following for the first year:

Expenditures: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.

Revenues: It is not expected or intended that this administrative regulation will generate any revenue.

Cost Savings: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.

(b) How will expenditures, revenues, or cost savings differ in subsequent years? The State Board of Elections does not anticipate expenditures, revenues, or cost savings to differ in subsequent years.

(a) How much cost savings will this administrative regulation generate for the regulated entities for the first year? The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.

(b) How much cost savings will this administrative regulation generate for the regulated entities for subsequent years? The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.

(5) Provide a narrative to explain the:

(a) Fiscal impact of this administrative regulation: The State board of Elections expects that this administrative regulation will have little to no fiscal impact on the regulated entities, outside those expenditures already undertaken.

(b) Methodology and resources used to determine the fiscal impact: This determination of this administrative regulation's fiscal impact is made by the listed contact person and other agency staff based on their collective experience with the subject matter.

(6) Explain:

(a) Whether this administrative regulation will have an overall negative or adverse major economic impact to the entities identified in questions (2) - (4). (\$500,000 or more, in aggregate): The State Board of Elections does not expect that this administrative regulation will result in a negative or adverse major economic impact to the entities identified in questions (2)-(4).

(b) The methodology and resources used to reach this conclusion: This conclusion is made by the listed contact person and other agency staff based on their collective experience with the subject matter.

SUMMARY OF MATERIAL INCORPORATED BY REFERENCE

Commonwealth of Kentucky Voter Registration Application, Form SBE 01, 04/2024, is the 1-page form that voters may use to register or reregister to vote or update voter registration information.

Commonwealth of Kentucky Voter Registration Application

For Clerk Use Only			
Precinct Code	Precinct Name	Town	Other Code

Print your name

Use blue or black ink only

1 Last: _____ First: _____
 Middle: _____ Jr Sr II. III. IV (circle if applicable)

Eligibility

If you answer "No" to either question, you cannot register to vote.

2 Are you a citizen of the United States? YES NO
 Will you be 18 years of age or older on or before Election Day? YES NO

Reason

3 New Registration Address Change Party Change Name Change

About You

Phone and email are optional and may be used to contact you about important information.

Gender: Female Male
 4 Birthdate (MM/DD/YYYY): _____ Social Security Number: _____
 Phone Number: _____ Email Address: _____

Your address

If you are homeless and lack an established and fixed residence of regular return, you may list a location with a fixed address as your place of habitation

5 Address where you live (no P.O. Box): _____ Apt.: _____
 City/Town: _____ County: _____ State: KY Zip: _____
 Address where you get mail (if different than above): _____ Apt.: _____
 City/Town _____ County _____ State: _____ Zip: _____

Political party

You may change your political affiliation at any time on or before December 31st to remain eligible to vote in the following primary election.

6 Democratic Party Republican Party Independent Other
To vote in a primary, you must register with either the Democratic or Republican party. If you select "Independent" or "Other" as your affiliation, you are eligible to vote for only nonpartisan offices in any primary election. You may vote for any candidate in all general or special elections. Only persons timely registered shall have the right to vote.

WARNING: Per KRS 119.025, any person who causes himself to be registered when he is not legally entitled to register, shall be subject to penalties including fines and/or a term of imprisonment not less than one (1) year nor more than (5) years

Voter Declaration – read and sign
 I swear or affirm that:

Signature

7 I am a U.S. Citizen. Voter sign here:
 I am a current resident of Kentucky. **X** _____
 I will be at least 18 years of age on or before the next general election. Date (MM/DD/YYYY): _____
 I am not a convicted felon, or if I have been convicted of a felony, my right to vote has been restored following an expungement, Executive Pardon, or Executive Order.
 I have not been judged "mentally incompetent" in a court of law.
 I do not claim the right to vote anywhere outside Kentucky.

Optional

8 I would like to be contacted by my County Clerk about becoming a poll worker in Kentucky
 I authorize the Kentucky State Board of Elections to send the information contained on this form to the appropriate voter registration officer who shall have my authorization to CANCEL my voter registration from my former state of residence:
 Address where you were previously registered: _____ Apt.: _____
 City/Town: _____ County: _____ State: _____ Zip: _____