

#### **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.

**Effective:** July 15, 1998

**History:** Amended 1998 Ky. Acts ch. 100, sec. 5, effective July 15, 1998. -- Created 1994 Ky. Acts ch. 393, sec. 2, effective January 1, 1995.

**Legislative Research Commission Note (7/15/94).** In Attorney General Opinion 94-42, it was concluded that 1994 Ky. Acts ch. 393, which enacted this statute "will take effect on January 1, 1995, the date the National Voter Registration Act will take effect with respect to Kentucky."