31 KAR 3:040. Electronic Voter Registration System.

RELATES TO: KRS 116.045, 116.0452, 116.065, 116.155
STATUTORY AUTHORITY: KRS 116.045(4)(e), 117.015(1)(a)
NECESSITY, FUNCTION, AND CONFORMITY: KRS 117.015(1) requires the State Board of Elections to supervise the registration of voters within the state. KRS 116.045(4)(e) provides that a person may register to vote or change party affiliation by methods of registration or re-registration approved by the State Board of Elections. KRS 117.015(1)(a) authorizes the State Board of Elections to promulgate administrative regulations necessary to properly carry out its duties. 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.

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

Section 2. Use of Electronic Voter Registration System. (1) The State Board of Elections shall, as funds permit, establish an electronic voter registration system by which persons may register or reregister to vote or update voter registration information.
(2) In addition to the methods set forth in KRS 116.045(4), a person who meets all eligibility requirements may register or reregister to vote or update voter registration information by using the electronic voter registration system established by the State Board of Elections pursuant to this administrative regulation.

Section 3. Contents of Electronic Voter Registration System Application Form. The electronic voter registration system application shall:
(1) Include the electronic equivalent of the registration application form prescribed and furnished by the State Board of Elections under KRS 116.155, including a warning relating to the potential penalties applicable to an applicant knowingly filing an application with untrue information and a voter declaration affirmation as required by KRS 116.065;
(2) Require the applicant who has a Kentucky driver's license or Kentucky personal identification card to:
(a) Agree to the use of his or her Kentucky driver’s license signature or Kentucky personal identification card signature for voter registration purposes; and
(b) Provide his or her Kentucky driver’s license number or Kentucky personal identification card number.
(3) Require the applicant who does not have a Kentucky driver’s license or Kentucky personal identification card, to either:
(a) Provide an electronic signature to be used for voter registration purposes; or
(b) Print the registration application, sign it, and return it to the county clerk for the county in which the applicant resides.

Section 4. Processing Voter Registration Application Submitted Via the Electronic Voter Registration System. (1) The electronic voter registration system shall not allow an applicant to submit an application unless:
(a) The entire application form, including the voter declaration affirmation as required by KRS 116.065, is completed by the applicant; and
(b) The applicant has either:

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

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

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

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

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

2. If a match is made:

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

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

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

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

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

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

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

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

Section 5. Incorporation by Reference. (1) "Voter Registration Form", SBE 01, 8/03, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Elections, 140 Walnut Street, Frankfort, Kentucky 40601, Monday through Friday, 8:00 a.m. to 4:30 p.m., or on the board Web site, http://elect.ky.gov/registertovote/Pages/default.aspx. (41 Ky.R. 2447; 42 Ky.R. 270; eff. 9-4-

2015.)