

### **116.025 Eligibility to vote.**

- (1) Every person who is a resident of this state and the precinct in which he or she offers to vote on or before the day preceding the closing of the registration books for any primary, general, or special election, who possesses on the day of any election the qualifications set forth in Section 145 of the Constitution, exclusive of the durational residency requirements, who is not disqualified under that section or under any other statute, and who is registered as provided in this chapter, may vote for all officers to be elected by the people and on all public questions submitted for determination at that election, in the precinct in which he or she is qualified to vote. Any person who shall have been convicted of any election law offense which is a felony shall not be permitted to vote until his or her civil rights have been restored by executive pardon.
- (2) Any person charged with or indicted for a crime, whether or not in custody for same, who has not yet been convicted of the offense and who is not otherwise ineligible to vote, may vote for all offices to be elected by the people and on all public questions submitted for determination at that election, in the precinct in which he or she is qualified to vote.
- (3) A registered voter who changes his or her place of residence from one (1) precinct to another within the same county while the registration books are closed shall be permitted to update the voting records and to vote in the present election at the appropriate precinct for the current address as set forth in KRS 116.085(3).
- (4) Notwithstanding any provision of law to the contrary, any registered voter who changes his or her place of residence from one (1) precinct to another within the same county prior to the closing of the registration books and who fails to transfer his or her registration with the county clerk prior to the date the registration books are closed shall be permitted to vote in the present election at the appropriate precinct for the current address as set forth in KRS 116.085(2).
- (5) Any registered voter who changes his or her place of residence to a different county while the registration books are closed shall be permitted to vote at the appropriate precinct for his or her former residence in the present election and shall thereafter transfer his or her voter registration.
- (6) Any registered voter who changes his or her place of residence to a different county and fails to register to vote in the county of current residence prior to the date the registration books are closed shall not be eligible to vote in the present election in the county of current residence or the county of former residence.
- (7) Any registered voter who changes his or her place of registration to a different state while the registration books are closed in the new state of residence before a presidential election shall be permitted to cast an absentee ballot for President and Vice President only, notwithstanding subsection (1) of this section, by mail or at the county clerk's office of the former residence or other place designated by the county board of elections and approved by the State Board of Elections.

**Effective:** March 30, 2006

**History:** Amended 2006 Ky. Acts ch. 107, sec. 2, effective March 30, 2006. -- Amended 2002 Ky. Acts ch. 63, sec. 1, effective July 15, 2002. -- Amended 1994

Ky. Acts ch. 393, sec. 4, effective January 1, 1995. -- Amended 1990 Ky. Acts ch. 48, sec. 2, effective July 13, 1990. -- Amended 1988 Ky. Acts ch. 341, sec. 20, effective July 15, 1988. -- Amended 1982 Ky. Acts ch. 360, sec. 36, effective July 15, 1982. -- Created 1974 Ky. Acts ch. 130, sec. 2, effective June 21, 1974.

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