

Election Statute Navigator: Kentucky

The Election Law Program prepared this Election Law Navigator to highlight state election statutes particularly relevant to the 2020 cycle. The Election Law Navigator is updated as of October 19, 2020. Please contact elect@wm.edu with questions or suggestions. To access COVID-specific legal information impacting this state's election process, please use this link: <https://ebenchmark.org/kentucky/covid/#tracker>.

Voter Registration

- Voters (other than above) register prior to Election Day **§ 116.045**
 - Deadlines: Twenty-nine days before an election.
- Online registration available
 - [Kentucky voting website](#)
- Registration via mail available **§ 116.045**
- In-Person registration available **§§ 116.045; 116.0455; 116.048**
 - Locations:
 - Department of Motor Vehicles
 - 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
 - Armed Forces recruitment offices
- Preregistration allowed **§ 116.055**
 - The qualifications shall be determined as of the date of the primary, without regard to the qualifications or disqualifications as they may exist at the succeeding regular election, except that minors seventeen (17) years of age who will become eighteen (18) years of age on or before the day of the regular election shall be entitled to vote in the primary if otherwise qualified.
- Residency requirement **§ 116.035**
 - See: a voter's residence shall be deemed to be at the place where his or her habitation is, and to which, when absent, he or she has the intention of returning
- Voters judged mentally incompetent or under guardianship for a mental disability cannot vote **§ 116.113**
- Voter list maintenance guidelines **§ 116.113**



State Absentee, Early, and Mail Voting

- Listed excuses to vote absentee §§ 117.085(1)(a); 117.077
- Absentee ballot application is verified § 117.085
- Absentee ballot verification details §§ 117.085(6); 117.087(3)
 - The return envelope is printed with a space for the signature of the voter and two witnesses who must sign if the voter signs with a mark instead of a signature. Signatures on the outer envelope are compared with the signature of the voter on the registration card.
- Someone other than the voter can return an absentee or mail ballot on behalf of the voter § 117.0863
- Deadline by which election official must receive absentee/mailed ballots § 117.086
 - Election Day (before polls close)
- State is required to provide secrecy sleeve for absentee/mail ballot § 117.085
- Absentee/Mail ballot processing and counting procedures § 117.087

In-Person Voter ID

- Photo ID not required § 117.227

Provisional Voting

- Provisional ballot availability - see [Kentucky Voting Rights Page](#)
 - Voter eligibility cannot be immediately established
 - The voter's eligibility is challenged by a poll watcher
 - Voter did not present ID as required by the state
- Time allotted to determine the status of provisional ballot
 - Not later than 12 p.m., prevailing time, on the Friday following the election.
- Provisional ballot rejection reasons:
 - The county board of elections determines the individual is ineligible to vote in the precinct in the election
- Other:
 - See **KAR 31 § 6:020**



Polling Place

- Electioneering or campaigning must not be closer than 100 feet to the entrance of the polling place **§ 117.235(3)**
- Rules governing poll observers **§§ 117.315-318**
- Poll watcher qualifications **§ 117.315**
 - No more than two people appointed by each party per precinct to be submitted to the county clerk in advance of the election; must be a registered voter in the county.
- Police presence **§ 117.237**
 - A county board of elections, a clerk, judge/executive, sheriff, fiscal court, the Attorney General, grand jury, or the county chairman of either of the two (2) political parties which polled the largest vote in the preceding general election may request that the Department of Kentucky State Police patrol voting precincts in the county during the hours the polls are open on the day of any primary or regular or special election for the purpose of maintaining order and enforcing the election laws of the state. The Department of Kentucky State Police shall investigate any reported violations of the election laws. Candidates may petition any of the aforementioned officers or bodies to request State Police patrols of county voting precincts.

Counting Rules

- Voting system requirements **§ 117.379**
- Counting procedures **§ 117.275**

Contest/Protest, Recount Rules

- Contest/Protest recount **§ 120.185**
 - Triggers: Any candidate may request a recount within 10 days of the election.

