

117.228 Procedure for casting ballot if voter is unable to provide proof of identification.

- (1) Except as provided in subsection (4) of this section, on the day of a primary, an election, or during in-person absentee voting, if a voter is unable to provide proof of identification as required under KRS 117.225, and as defined under KRS 117.001, a voter may cast a ballot if the individual:
 - (a) Is eligible to vote under KRS 116.025;
 - (b) Is entitled to vote in that precinct; and
 - (c) In the presence of the election officer, executes a voter's affirmation, on a form prescribed and furnished by the State Board of Elections pursuant to administrative regulations promulgated under KRS Chapter 13A, affirming:
 1. The voter is a citizen of the United States;
 2. The voter's date of birth to the best of the voter's knowledge and belief;
 3. The voter is qualified to vote in this precinct under KRS 116.025;
 4. The voter's name, and that the voter is generally known by that name, or the name is as stated on his or her voter registration card;
 5. The voter has not voted and will not vote in any other precinct;
 6. The voter's current residential address, including the street address number and, if different from the voter's current address, the voter's residential address prior to the close of the registration books under KRS 116.045, and the date the voter moved;
 7. The voter understands that making a false statement on the affirmation is punishable under penalties of perjury; and
 8. The voter has one (1) of the following impediments to procure proof of identification as defined in KRS 117.001:
 - a. Lack of transportation;
 - b. Inability to obtain his or her birth certificate or other documents needed to show proof of identification;
 - c. Work schedule;
 - d. Lost or stolen identification;
 - e. Disability or illness;
 - f. Family responsibilities;
 - g. The proof of identification has been applied for, but not yet received; or
 - h. The voter has a religious objection to being photographed.
- (2) In addition to the requirements of subsection (1) of this section, to cast a ballot, the voter who is unable to provide proof of identification shall provide to an election officer:
 - (a) The voter's Social Security Card;
 - (b) Any identification card issued by a county in this state which has the name of

the voter stated and has been approved in writing by the State Board of Elections pursuant to administrative regulations promulgated under KRS Chapter 13A;

- (c) Any identification card with the voter's photograph and the name of the voter stated;
 - (d) Any food stamp identification card, electronic benefit transfer card, or supplemental nutrition assistance card, that is issued by this state and has the name of the voter stated; or
 - (e) A credit or debit card with the name of the voter stated.
- (3) After the election officer obtains the affirmation from the voter required by subsection (1) of this section, and after the voter provides the documents under subsection (2) of this section, the voter shall sign the precinct signature roster and shall proceed to cast his or her vote in a ballot completion area.
- (4) If the voter is personally known to the election officer, the election officer may execute an election officer affirmation, on a form prescribed and furnished by the State Board of Elections pursuant to administrative regulations promulgated under KRS Chapter 13A, affirming the voter's identification as being personally known to him or her. Once the affirmation is executed by the election officer, the voter shall sign the precinct signature roster and shall proceed to cast his or her vote in a ballot completion area. For purposes of this subsection, "personally known" means that the election officer knows the voter's name and that the voter is a resident of the community.
- (5) The voter affirmation and the election officer affirmations executed under this section shall be processed in the same manner as an oath of voter affidavit as prescribed by KRS 117.245(3) and (4).

Effective: June 29, 2021

History: Amended 2021 Ky. Acts ch. 197, sec. 31, effective June 29, 2021. -- Created 2020 Ky. Acts ch. 89, sec. 1, effective July 15, 2020.