

Disclaimer:

This guide is designed for informational purposes only. It is not legal advice and is not intended to create an attorney-client relationship. The Election Protection Coalition does not warrant any information contained in this guide, nor does the Coalition suggest that the information in this guide should be used as a basis to pursue legal advice or decision making.

Questions Involving Access to the Ballot:

1. What do I do if it is after 6:00 a.m. and the polling place is not open?

Immediately contact the County Clerk's Office to report the problem. You can find information on County Clerk's Offices at <http://elect.ky.gov/countyclerks.htm>.

If the polling place is open at 6:00 a.m. but the voting machines have not arrived, call headquarters immediately. Voters should be permitted to vote by paper ballots (preferably) or by provisional ballots if there are no machines available.

2. What if it is after 6:00 p.m. and the polling place is closing?

Immediately contact the County Clerk's Office to report the problem. You can find information on County Clerk's Offices at <http://elect.ky.gov/countyclerks.htm>.

3. What if there are equipment problems at my precinct that prevent me from voting?

Encourage the voter to ask to vote by a back-up paper ballot or by provisional ballot. If a caller reports problems with machines, immediately contact the Electronic Frontier Foundation representative at the call center to walk you through the appropriate steps to solve the machine problem.

Identification and Provisional Ballots:

1. Can I vote if I do not have any identification with me?

Any of the following will be considered "proper" identification

- personal acquaintance of a poll worker, OR
- voter registration card, OR
- motor vehicle operator's license, OR
- Social Security card, OR
- credit card.

Any voter who does not have proper identification can vote by provisional ballot. First time voters who registered by mail may be required to provide proof of identification before voting.

2. I recently changed my name. Can I still vote?

Yes. If you have changed your name, you have the right to vote after filling out a written affirmation confirming your old and new names.

3. Can I vote if I am a registered voter but not on the rolls at my precinct?

Yes. Confirm that the voter is a qualified to vote (i.e., meets the age, citizenship, "civil rights restored status" if convicted of treason or a felony, and durational residency requirements found on page 7 of the Kentucky Election Protection manual) and that the voter registered in time to vote in this election. Next, using the online poll locator tool, make sure the voter is at the correct polling place.

If the voter has registered on time, is eligible and is in the correct polling place, direct the voter to ask the poll worker to call the County Clerk's Office and confirm their registration. If the voter still is not on the rolls, let them know that the voter can vote by provisional ballot. This is a LAST resort, as provisional ballots will only be counted if the County Clerk is able to verify the voter's registration status. If the voter has proof of his registered status (e.g., a voter registration form receipt or a voter registration card), the voter should be encouraged to go to the County Clerk's Office immediately after voting to resolve the issue.

4. Poll workers are turning away voters who do not have photo identification.

First time voters who registered by mail may be required to provide proof of identification before voting. Those voters may still vote by provisional ballot.

If other voters are turned away because they have not provided photo identification, alert a County Clerk immediately to report the problem. Photo identification is not required if a voter can provide other proper identification. If feasible, a voter should be encouraged to get a proper form of identification and return to the polling place and NOT cast a provisional ballot to avoid having to go to the County Clerk's office within 5 business days of a federal general election (3 business days for any other election) to verify his or her identity.

5 What should I do if offered to vote by provisional ballot?

Provisional ballots are a LAST resort. If a provisional ballot has been provided to a voter who does not present proper identification at a polling place, the provisional ballot will not be processed and counted unless proof of identification is received by the county recorder's office by 5:00 p.m. on the fifth business day after a general election that includes an election for a federal office or 5:00 p.m. on the third business day after any other election.

Federal law requires that each person casting a provisional ballot must be given written instructions on how to contact a "free access system," to determine whether the voter's ballot was counted. A Kentucky voter can determine if his or her vote was counted by using the Provisional Voter Information search feature located on the State Board of Election's web site: <https://cdcbps.ky.gov/ProvWeb/>.

Where to Vote:

I. Where do I vote? [For voters who have not recently moved.]

You can call 1-866-OUR-VOTE for information about where to vote. Also, polling locations often can be found by contacting your County Clerk at the number listed at <http://elect.ky.gov/countyclerks.htm>.

2. I recently moved within the same precinct, and I have not updated my address for voter registration purposes. Where should I vote?

A registered voter who moves within the same county, either within the same precinct or to a new precinct, and who fails to notify the County Clerk before the election, may correct his or her registration address at the polling place for the new address. The voter must present a form of identification that has his or her full name and an address within the new precinct. The voter must also affirm the new residence address in writing and vote a provisional ballot.

A voter may also correct the residence address by making a written request for an early ballot and notifying the county recorder of the address change. The written request must contain the following: (1) a request to change the voter registration record; (2) the voter's new residence address; (3) an affirmation that the information is true and correct; and (4) the voter's signature.

A registered voter who moves to another precinct less than 29 days before an election is deemed to remain registered in the precinct from which the voter moved. Such a voter should vote at his or her "old" precinct polling place.

3. I recently moved to a different precinct in the same county, and I have not updated my address for voter registration purposes. Where should I vote?

If you have moved to another precinct in the same county within 28 days of the election, you should vote at the appropriate precinct for your current address. At the polling place, you will need to affirm your current address and when you sign the precinct list. You also will need to confirm your identity and complete an affidavit before being permitted to vote.

4. I recently moved to a new precinct in a new county, and I have not updated my address for voter registration purposes. Where should I vote?

If you moved to another precinct in a new county within the 29-day period preceding an election, you should vote at your old precinct polling place.

Assistance at the polls:

1. I am physically disabled and need assistance. Can I still vote?

Federal law requires polling places to be accessible to physically disabled voters. Kentucky law requires that all polling places be made accessible, with no exceptions..

If a voter reports that a polling place is not accessible to the handicapped, contact a County Clerk so an attorney can get in touch with the responsible election official to report the problem immediately.

2. Can I get assistance at the polls if I cannot read English, am blind, or am otherwise disabled?

Yes. If you cannot read English or if you are blind or otherwise disabled, you have the right to request assistance from a poll worker or a person of your choice (other than your employer, your employer's agent, or an officer or agent of your union).

Kentucky certifies certain voters as requiring assistance on a permanent basis and all such individuals may receive assistance. Other voters requesting assistance must first sign an oath stating that "because of blindness, other physical disability, or an inability to read English, s/he is unable to vote without assistance." Assistance must then be provided.

If a poll worker refuses to allow a disabled or language minority voter to bring a person of their choice into the voting booth, contact a County Clerk.

3. The voting equipment confuses me. Can I get help?

Yes. Voters may seek assistance from a person of their own choosing or may ask for assistance from two election officials, one from each major party. Voters may request assistance either before or after entering the voting booth.

Election Protection volunteers can serve as assistants to disabled or language minority voters if asked to do so by the voter.

Miscellaneous Issues:

1. I have been approached by candidates or others at the polls. Is that allowed?

Possibly. Under Kentucky law, when you are within 300 feet of the entrance to the polling place, you have the right to vote and wait without anyone soliciting or trying to influence your vote in any way.

If anyone is violating the 300-foot requirement, contact a County Clerk to report the problem, let them know the extent of the problem and work with them to assess if calling an election official is necessary.

2. What if I requested an absentee ballot but I want to vote in person on Election Day?

A voter who applied for, but did not vote, an absentee ballot may vote a provisional ballot at the polls on Election Day if the voter states that he has not voted and will not vote the absentee ballot or if he or she surrenders the absentee ballot to the precinct election officer.

3. There are people at the polls trying to intimidate voters.

Contact a County Clerk immediately. If the voter agrees, put them on hold while you call the County Clerk so they can send an attorney to the location immediately. Then, gather as much information from the voter as possible.

4. I was convicted of a felony. Can I still vote?

In many instances, yes. If convicted of a felony offense, you must have had your civil rights restored. Contact your local parole office to obtain an application for restoration of civil rights.

5. Can I vote if I was indicted or charged with a crime but not convicted?

Yes. Under the laws of Kentucky, a person indicted or charged with a crime but not convicted has the right to vote just like anyone else.

6. What if I make a mistake or “spoil” my paper ballot while voting?

You have the right under Kentucky law to receive a replacement ballot from the election officials. Just notify the officials at your polling place.

