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REGISTRATION AND PURGATION

By GLADYS M. KAMMERER*

The 1952 General Assembly took the first notable step to improve the registration and purgation laws since the thirties. These measures were the outgrowth of citizen agitation leading to the introduction of a number of measures in the 1950 General Assembly. The merging of two incompatible bills by the House led to defeat of the combined bills in the Senate in March, 1950. Governor Lawrence W. Wetherby, however, in December, 1950, called on the Legislative Research Commission to appoint an advisory committee to study the existing registration and purgation laws and to present some practicable improvements to the 1952 legislature.

The advisory committee appointed by chairman Louis Cox of the Legislative Research Commission represented those persons most concerned by reason of their official position or experience with the designing of workable improvements. There were two county clerks, one county judge, a former county attorney who had previously drafted the registration law covering Louisville, and a professor of political science. Representation was evenly divided between the two political parties, with the professor serving as a nonpartisan citizen member. The committee commenced its work immediately after its appointment and held public hearings in Frankfort on its tentative recommendations in May, 1951. In the light of the reactions obtained at the hearings, several modifications were made by the committee in the final conclusions. By the time the General Assembly convened in January, four bills were ready for presentation.

All bills drafted by the advisory committee were passed with only minor amendments, primarily made to correct typographical errors. One of these bills, H.B. 95, represented a complete redraft and modernization of Chapter 117 of Kentucky Revised Statutes. The others, H.B. 96, 97, and 98, covered selected provisions in the election laws. The success of the committee in obtaining its whole

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program of legislation was due primarily to the strong political support given to its proposals by the Governor both in his campaign and before the legislature.

The principal changes effected in Chapter 117 are as follows: 1) general statewide application of the comparative signature book requirement at all elections, 2) reorganization of county registration and purgation boards and clarification of their responsibility, 3) clarification of time limits within which names may be purged from the registration books, 4) retention of the permanent registration system with provision of additional bases for purgation, 5) permission to establish additional registration places, 6) facilitation of transfer of registration within a county, and 7) procedures for citizen action to compel local registration and purgation boards to act. A number of minor provisions in the law were also modified in the light of Kentucky experience and recognized standards for model registration procedure.

The first of these changes, that of the comparative signature books signed by all voters at the polls as a positive means of voter identification, constitutes a vital step in reducing personation and repeating. Hitherto applied only to Louisville, this new requirement is applicable to all counties of the state on a mandatory basis. The county clerk is required to have comparative signature books prepared in permanent form at county expense. Election officers must compare the signature made in these books with that on each voter's registration card before a ballot is issued to any registrant. Party challengers are granted the right to compare signatures of voters at the time comparison is made by the election officers. Persons who allege inability to sign their names in the comparative signature book but who signed their registration record are to be denied a ballot unless their inability to sign the book is due to a physical disability. At the close of the election the comparative signature books are turned over by two of the election officers to the county board of registration commissioners, which retains them for at least the next two primary and general elections.

The county registration and purgation boards henceforth serve a four-year term instead of the former one-year term. Party representatives, one from each major party, are selected by the State Board of Registration and Purgation from lists of nominees submitted by the county executive committees of each party. Ap-
pointments are made in July every fourth year beginning in 1952, but the new board members do not take office until the following January 1. The third member of each county board shall be selected within ten days after January 1 by agreement between the two party representatives on each county board. Should the party representatives fail to reach agreement within the prescribed time, the state board must then proceed to appoint the third member, a duty it must also assume for party members in counties whose party committees fail to submit nominees. The old requirement of a bond to be executed by county registration and purgation board members was eliminated. The Louisville city board of registration commissioners remains the same. All responsibility for direction of purgation is now centered in the county boards. No longer do the county clerk or county judge share in this task. The county clerk is to serve as secretary ex officio to the county board in order to coordinate the work of his office with that of the board.

Exact time limits before and after the close of the registration books are prescribed for the county boards to purge voters’ lists. Purgation is recognized as a vital task in order to keep the registration records “clean of dead wood” under the permanent registration system. A maximum of thirty-two meeting days annually for purgation purposes is permitted under the new law. This time is to be divided as follows: 1) not more than twenty days, ending seventy-nine days before the August primary each year, 2) not more than five days, after the registration books are closed, beginning the eleventh day and ending at least twenty days before the August primary, 3) two days while the registration books are open following the August primary, and 4) not more than five days after the books are closed beginning the eleventh day and ending at least twenty days before the November election. In addition, the county registration and purgation boards are to be in session on the days of the primary and general election to correct clerical errors. The Louisville board of registration commissioners may continue to meet at any time to discharge its duties.

New bases of information are established as grounds for purgation. In the first place, challenges to any voter’s registration may be made by any citizen or any political executive committee represented on the State Board of Election Commissioners. Second, county boards may investigate the registration lists on their own
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initiative and challenge individuals registered. The board has specific authority to order house-to-house canvasses, and the costs of canvasses like other board expenses must be paid by the fiscal court. Third, failure of any voter to vote in any primary or regular election for two consecutive years shall constitute a cause for challenge of registration. Fourth, the board may use as a basis for challenge the monthly reports of removals of service the law now requires all suppliers of gas, water, electric current, or telephone service to make to the board. Fifth, precinct judges outside Louisville continue to have the responsibility on primary election day of recommending purgation of those they have reasonable grounds to believe disqualified to vote in their precinct. Sixth, the registrar of vital statistics and the circuit court clerk continue to have the responsibility of reporting monthly deaths in the case of the first officer and convictions of a felony or adjudications of insanity or mental incompetence in the case of the second officer. All notices of intention to purge are to be sent by ordinary first-class mail instead of by the more costly personal service as formerly. Time limits are set for hearings by the board on appeal of challenges. Appeal may be carried from the board to the county judge or a judge of the circuit court. Names of those voters for whom mail notices are returned unclaimed are to be published at least once in the newspaper with the largest circulation in the county.

County boards of registration and purgation may now for the first time authorize the county clerk to establish branch offices at any place in the county for registration. Such offices must be in a public building selected by the registration board, and they may not be open for a period of more than fifteen days. No more than one branch office may be open in a county at one time. In Louisville the board of registration commissioners may open branch offices in each ward if they so desire. Although their board has long had this power, it was not exercised until this year. Counties with cities of the second or third class which are not county seats must maintain a branch registration office in the courthouse or city hall of those cities at all times the registration books are open.

Transfer of registration which was not always granted under the old law by some county clerks who insisted upon re-registration of voters, is specifically outlined procedurally under the new law. Persons moving from one precinct to another within the same
county may apply to the county clerk by letter or in person for transfer. Letters are answered by a prescribed form sent by the clerk's office to be filled out by the voter and returned to the clerk. This step is followed by a notice of transfer from the clerk which may be protested if it is incorrect. Transfers shall be made automatically by the clerk in cases of changes in precinct boundary lines or annexation of additional territory by a city.

Citizen action to obtain fulfillment of legal responsibility for purgation of the voting lists is facilitated and clarified under the new law. Failure by the state board to appoint county boards or by county board members to qualify within ten days after appointment may be countered by summary proceedings in the Franklin County circuit court to compel appointment or reappointment of a county board. Failure by any county board to meet or to make a diligent effort to purge adequately may be countered by any citizen through preferring charges against his county board before the state board. If the state board fails to dispose of this case within five days notice of the charges has been given to the county board or fails to act at all, the protesting citizen may apply to the circuit judge of his county for a summary mandatory order against the county board.

Perhaps the most important of the minor changes made in the new statute is the power given to the state board to prescribe standard forms to be used for registration and purgation in all counties. These are to be paid for by the state. Another change is an increase in fees allowed the county clerk for all names registered or purged, preparation of lists of voters, and for his services as secretary to the county board. Cities are no longer permitted to make the payment of a poll tax a necessary precedent to the franchise in municipal elections.

Another statute in the set presented by the advisory committee changes the signature requirement by election officers on the ballot. Now only one election officer need sign ballots on the back before they are handed to voters, instead of the old requirement that two election officers' signatures were necessary on each ballot to make it valid. Experts on election laws consider signature by an election officer a superfluous step which does not actually safeguard the integrity of the ballot. The advisory committee was not prepared to go so far as to eliminate entirely the signature of bal-
lots because some persons and groups attach at least a theoretical value to this procedure. The committee did, however, desire to reduce the invalidation of an excessive number of ballots by their failure to carry two signatures.

The size of election precincts in counties not utilizing voting machines was reduced to a maximum of three hundred fifty voters. Precincts using voting machines remain unchanged. The reason for reducing the size of the former type of precinct was the delay caused to voters by excessively large precincts and the need to allow more time for voting under the new comparative signature book requirement. Another new law, not emanating from the advisory committee, extended the hours for voting to five o'clock in the afternoon.

Absentee voting was changed in two respects. The privilege of absentee registration was extended from members of the U. S. armed services to include also employees of the U. S. government stationed abroad and their wives. Secondly, the board of election commissioners of each county must deposit all absentee ballots in one ballot box designated for that purpose and count and tabulate all such ballots as though they constituted a separate precinct for the count. This step was taken to protect the secrecy of absentee voting which was not hitherto achieved when a single absentee ballot was cast in a precinct and it was assigned for the count to the voter's precinct.

Through this set of statutes Kentucky has a permanent registration law which places this state among the leaders in this field of legislation. No southern or border state and few others approach Kentucky in this matter. The problem now will rest with the citizens of each county to obtain adequate enforcement of such provisions as the comparative signature book requirement and to make their boards actually perform the purgation function where it has hitherto been neglected.