

1 AN ACT relating to elections and declaring an emergency.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔ Section 1. KRS 116.112 is amended to read as follows:

4 (1) The State Board of Elections shall establish a voter registration purge program
5 using the change-of-address information supplied by the United States Postal
6 Service through its licensees or other sources to identify voters whose addresses
7 may have changed. The State Board of Elections is authorized to enter into
8 agreements with other governmental agencies to further voter list maintenance
9 practices. Intergovernmental agreements for the exchanging of any data shall be
10 permitted if the~~[-sole]~~ purpose of exchanging data is to remove ineligible voters **or**
11 **assist in investigating violations of election offenses.** The data shall not be subject
12 to any commercial use, directly or indirectly, or third-party access to the voter
13 registration system.

14 (2) (a) If it appears from information provided by the postal service or other sources
15 that a voter has moved to a different address in the same county in which the
16 voter is currently registered, the State Board of Elections shall provide to the
17 county board of elections the information necessary to change the registration
18 records to show the new address and the State Board of Elections shall send to
19 the new address a notice of the change by forwardable mail on a form
20 prescribed by the State Board of Elections and a postage prepaid, pre-
21 addressed return form by which the voter may verify or correct the address
22 information.

23 (b) If the county board of elections requests authorization from the State Board of
24 Elections to send address confirmation notices as provided in this subsection,
25 the State Board of Elections shall grant the request.

26 (3) (a) If it appears from information provided by the postal service or other sources
27 that a voter has moved to a different address not in the same county, the State

1 Board of Elections shall send to the address from which the voter was last
2 registered, by forwardable mail, a notice on a form prescribed by the State
3 Board of Elections, with a postage prepaid and pre-addressed return card on
4 which the voter may state his or her current address.

5 (b) If a county board of elections requests authorization from the state board to
6 send address confirmation notices as provided in this subsection, the state
7 board shall grant the request.

8 (4) The state or county boards of elections shall not remove the name of a voter from
9 the registration records on the ground that the voter has changed his or her
10 residence unless the voter:

11 (a) Confirms in writing, or on a form provided by the State Board of Elections on
12 its official website, that the voter has changed residence to a place outside the
13 county; or

14 (b) 1. Has failed to respond to the notice described in subsection (3) of this
15 section; and

16 2. Has not voted or appeared to vote and, if necessary, correct the
17 registration records of the voter's address in an election during the
18 period beginning on the date of the notice and ending on the day after
19 the date of the second general election for federal office that occurs after
20 the date of the notice.

If a county board of elections requests authorization from the state board to conduct purges of voters in its county in accordance with the provisions of this subsection, the state board shall grant the request.

24 (5) The State Board of Elections shall establish an inactive list of all voters who fail to
25 respond to the notice described in subsection (3) of this section and do not vote or
26 appear to vote in an election during the period beginning on the date of the notice
27 and ending on the day after the date of the second general election for federal office

1 that occurs after the date of the notice. If a county board of elections requests
2 authorization from the state board to establish an inactive list of voters for its
3 county, the state board shall grant the request.

4 (6) The State Board of Elections shall complete, not later than ninety (90) days prior to
5 the date of a primary or regular election, any program the purpose of which is to
6 systematically remove the names of ineligible voters from the registration records.

7 (7) Voters placed on an inactive list are to be counted only for purposes of voting and
8 not for purposes of establishing or modifying precincts, calculating the amount of
9 reimbursement of county clerks by the State Board of Elections for certain election-
10 related expenses, or reporting official statistics, except as provided by the Election
11 Assistance Commission's regulations promulgated pursuant to the National Voter
12 Registration Act of 1993.

13 (8) (a) The State Board of Elections and county boards of elections shall maintain for
14 at least two (2) years and shall make available for public inspection and,
15 where available, photocopying at a reasonable cost, all records concerning the
16 implementation of programs and activities conducted for the purpose of
17 ensuring the accuracy and currency of the registration records, except to the
18 extent that the records relate to the declination to register to vote or the
19 identity of a voter registration agency through which any particular voter is
20 registered.

21 (b) The records maintained pursuant to paragraph (a) of this subsection shall
22 include lists of the names and addresses of all persons to whom notices
23 described in subsection (3) are sent, and information concerning whether each
24 person has responded to the notice as of the date that inspection of the records
25 is made.

26 ➔ Section 2. KRS 116.200 is amended to read as follows:

27 (1) (a) On or before January 1, 2011, each city clerk, except in consolidated local

1 governments and urban-county governments, shall provide the clerk of the
2 county or counties in which the city is located with a list of all properties
3 within the city and a map of the city boundaries for the county clerk to
4 maintain a roster of voters who are eligible to vote in city elections. A county
5 clerk may accept the list of city properties in an electronic format and the city
6 clerk may provide a copy of the city's boundary map maintained by the
7 Kentucky Commonwealth Office of Technology, Division of Geographic
8 Information Systems; and

9 (b) Documentation of any change to the boundaries of a city shall be reported to
10 the county clerk in accordance with KRS 81A.475.

11 (2) (a) On or before January 1, 2011, each school district board shall provide the
12 clerk of the county in which the school district is located with maps and
13 written descriptions of the boundaries of each school board district located in
14 the county for the county clerk to maintain a roster of voters who are eligible
15 to vote in school board elections.

16 (b) Documentation of any change to a school district's boundaries shall be
17 reported to the county clerk within sixty (60) days of the change, or
18 immediately if the change is within sixty (60) days of the June[August] 1
19 deadline established in KRS 160.210(4)(d).

20 (3) Each county clerk shall code all registered voters in that county in such a manner
21 that precinct election officers may determine the voter's eligibility to vote in city
22 and school board elections prior to each primary and regular election for city
23 officers in that county, each regular election for school board members in that
24 county, and each special election in which a ballot question is presented to the
25 residents of a city or a school board district.

26 (4) Notwithstanding KRS 64.012, the county clerk shall not charge a fee to a city or
27 school district providing any information required by subsections (1)(a) and (2)(a)

1 of this section.

2 (5) Nothing in this section shall prohibit a county clerk from requesting additional
3 information from the city, school district board, or any other reliable source to
4 ascertain whether a registered voter resides within a city or a school district
5 boundary.

6 ➔ Section 3. KRS 117.125 is amended to read as follows:

7 ~~A[No]~~ voting system or voting equipment shall not be approved for use after January 1,
8 2024, by the State Board of Elections, either upon initial examination or reexamination,
9 and~~[no]~~ voting equipment or ~~a~~ voting system shall not be purchased after July 14, 2022,
10 unless the system and equipment has been certified under KRS 117.379 and is so
11 constructed that it shall:

12 (1) Ensure secrecy to the voter in the act of voting so that no person can see or know
13 for whom any other voter has voted or is voting, except for those voters requiring
14 assistance under KRS 117.255;

15 (2) Permit votes to be cast for any candidate entitled to have his or her name printed
16 upon the ballots at any primary, regular election, or special election, and for or
17 against any public question entitled to be placed upon the ballots;

18 (3) Except at a primary, permit a voter to vote for all the candidates of one (1) party or
19 for one (1) or more candidates of every party having candidates entitled to be voted
20 for, or for one (1) or more independent, political organization, or political group
21 candidates;

22 (4) Permit a voter to vote for as many persons for an office as the voter is lawfully
23 entitled to vote for, and no more;

24 (5) Prevent a voter from voting for more persons for any office than the voter is entitled
25 to vote for, and from voting for the same person, or for or against the same
26 question, more than once;

27 (6) Permit a voter to vote for or against any question the voter may have the right to

1 vote on, but no other;

2 (7) Provide for a nonpartisan ballot;

3 (8) Be capable of being adjusted for use in a primary so that a voter may not vote for

4 any person except those seeking nomination as candidates of the voter's party, as

5 candidates for a nonpartisan office, or as candidates for an office of the Court of

6 Justice;

7 (9) Permit each voter to vote for all the candidates for presidential electors of any party

8 by one (1) operation;

9 (10) Permit each voter to vote, in any regular or special election, for any person for

10 whom the voter desires to vote whose name does not appear upon the ballot by

11 providing a method of write-in voting;

12 (11) Be safe, efficient, and accurate in the conduct of elections, and correctly register

13 and accurately count all votes cast for each person, and for or against each public

14 question;

15 (12) (a) Provide each voter an opportunity to verify votes recorded on the permanent

16 paper ballot, either visually or using assistive voting technology, by producing

17 a voter-verified paper audit trail;

18 (b) Provide each voter an opportunity to change votes or correct any error before

19 the voter's ballot is cast and counted; and

20 (c) Provide a voter who spoils his or her ballot another ballot as provided under

21 this chapter;

22 (13) Use an individual, discrete, permanent, paper ballot cast by the voter for tabulating

23 purposes;

24 (14) Preserve the paper ballot as an official record available for use in any audit or

25 recount;

26 (15) Be suitably designed for the purpose used, constructed of a durable material, and

27 safely transportable;

- 1 (16) Be capable of determining whether the voting equipment has been unlocked and
2 operated or adjusted in any manner after once being locked;
- 3 (17) Have a public counter with a register which is visible from the outside of the
4 counter or device that will show at all times during an election how many persons
5 have voted;
- 6 (18) Have a protective cumulative counter indicating the number of votes cast for each
7 person, and the votes cast for or against each public question which cannot be seen,
8 reset, or tampered with without unlocking a covering device by a key or other
9 security apparatus that cannot unlock any other part of the equipment, and which
10 prevents changes to the cumulative counter once the system has been put into
11 operation on the day of any election;
- 12 (19) Provide for the tabulating of votes at the precinct as required under KRS 117.275;
- 13 (20) Provide locks or other security apparatus by which the operation of the voting
14 equipment may be locked before the time for opening the polls and after the time
15 for closing the polls;
- 16 (21) Permit a voter to readily learn the method of operating it, to expeditiously cast a
17 vote for all candidates and on all questions of the voter's choice, and when operated
18 properly, register and record correctly and accurately every vote cast;
- 19 (22) Bear a number or other unique designation that will distinguish it from any other
20 voting equipment or voting system;
- 21 (23) Produce a real-time audit log record for the voting system, and produce a paper
22 record with a manual audit capacity which shall be available as an official record
23 for any recount conducted related to any primary or election in which the system is
24 used;
- 25 (24) Be accessible for individuals with impairments, including nonvisual accessibility
26 for the blind or visually impaired, in a manner that provides the same opportunity
27 for access and participation, including privacy and independence, as for other

1 voters;

2 (25) Prohibit voting equipment that tabulates or aggregates votes used in official results
3 from connecting to any network, including the internet, or communicating with any
4 device external to the voting system;

5 (26) Meet or exceed a standard~~the standards~~ for a voting system
6 approved~~established~~ by the Election Assistance Commission~~, as amended from~~
7 ~~time to time,~~ and ~~those~~ approved under KRS 117.379; and

8 (27) Meet such other requirements as may be established by the State Board of Elections
9 in administrative regulations promulgated in accordance with~~under~~ KRS Chapter
10 13A to reflect changes in technology to ensure the integrity and security of voting
11 systems.

12 ➔ Section 4. KRS 117.145 is amended to read as follows:

13 (1) At least forty-five (45) days before any special election, and at least fifty (50) days
14 before any primary or regular election, the county clerk of each county shall cause
15 to be printed and ready for use ballots listing each candidate who, and each question
16 which, is entitled to be voted upon in such primary or election. The ballots shall be
17 printed on clear white paper or other material, in black ink, in plain, clear type
18 clearly legible to a person with normal vision, and shall include the necessary party
19 designations. The quality of the paper and the size of the ballots shall be established
20 by the State Board of Elections in administrative regulations promulgated in
21 accordance with~~under~~ KRS Chapter 13A.

22 (2) Each county clerk shall have printed a sufficient number of paper absentee ballots,
23 voter affirmations, and election official affirmations. The ballots shall be
24 consecutively numbered and the county board shall keep a record, by number, of all
25 absentee ballots used for any of the purposes listed in this subsection.

26 (3) Each county clerk shall have printed a sufficient number of federal provisional
27 ballots, which, except for the candidates listed, shall have the same form as the

1 absentee ballots. A federal provisional ballot shall indicate that the ballot is a
2 federal provisional ballot. The federal provisional ballot stubs shall be
3 consecutively numbered, and the county board of elections shall keep a record, by
4 number, of all federal provisional ballots used for votes cast by provisional voters in
5 federal elections.

6 (4) Each county clerk shall have printed a sufficient number of paper ballots to be used
7 for voting for any primary or election. The methods of securing the integrity of the
8 ballots from the time of certification of each candidate and each question to be
9 voted upon in any primary or election until the conclusion of the primary or
10 election, and the method of tracking all voted, unvoted, or spoiled ballots shall be
11 established by the State Board of Elections in administrative regulations
12 promulgated in accordance with~~under~~ KRS Chapter 13A.

13 (5) On the day before any in-person voting shall occur~~No later than the Friday~~
14 ~~preceding a special or regular election~~, the county clerk shall equip the voting
15 equipment with the necessary supplies for the purpose of write-in votes. The county
16 clerk shall also provide a pencil, pen, or ballot marking device for the voting
17 equipment for write-in purposes.

18 (6) If supplemental paper ballots have been approved as provided in KRS 118.215, the
19 county clerk shall cause to be printed a sufficient number of supplemental paper
20 ballots for the registered voters of each precinct. The supplemental paper ballots
21 shall have stubs which are numbered consecutively.

22 ➡ Section 5. KRS 117.265 is amended to read as follows:

23 (1) A voter may, at any regular or special election, cast a write-in vote for any person
24 qualified as provided in subsection (2) or (3) of this section~~,~~ whose name does not
25 appear upon the ballot for any office~~,~~ by writing the name of his or her choice
26 upon the appropriate ballot for the office being voted on as required by KRS
27 117.125. Any candidate who is defeated or disqualified in a partisan or nonpartisan

1 primary shall be ineligible as a candidate for the same office in the regular election,
2 unless there is a vacancy pursuant to KRS 118.105(3). Any voter utilizing a federal
3 provisional ballot, a federal provisional in-person absentee ballot, or a mail-in
4 absentee ballot for a regular or special election may write in a vote for any eligible
5 person whose name does not appear upon the ballot[,] by writing the name of his or
6 her choice under the office.

7 (2) Write-in votes shall be counted only for candidates for election to office who have
8 filed a declaration of intent to be a write-in candidate with the Secretary of State or
9 county clerk, depending on the office being sought, on or before the certification
10 deadlines established in KRS 118.215(1)(a) to (c) and 118A.090(2) and not later
11 than the second Friday before the date of a special election. In the case of a special
12 election administered under KRS 118.730, a declaration of intent to be a write-in
13 candidate shall be filed at least twenty-eight (28) days before the day of the
14 election. The declaration of intent shall be filed no earlier than the first Wednesday
15 after the first Monday in November of the year preceding the year the office will
16 appear on the ballot, and no later than 4 p.m. local time at the place of filing when
17 filed on the last date on which papers may be filed. The declaration of intent shall
18 be on a form prescribed and furnished by the Secretary of State.

19 (3) A person shall not be eligible as a write-in candidate:

20 (a) For more than one (1) office in a regular or special election; or
21 (b) If his or her name appears upon the ballot for any office, except that the
22 candidate may file a notice of withdrawal prior to filing an intent to be a
23 write-in candidate for office when a vacancy in a different office occurs
24 because of:

25 1. Death;
26 2. Disqualification to hold the office sought;
27 3. Severe disabling condition which arose after the nomination; or

1 4. The nomination of an unopposed candidate.

2 (4) Persons who wish to run for President and Vice President shall file a declaration of
3 intent to be a write-in candidate, along with a list of presidential electors pledged to
4 those candidates, with the Secretary of State on or before the *certification deadlines*
5 *established in KRS 118.215(1)(a) to (c) and 118A.090(2)*~~*[fourth Friday in October*~~
6 ~~*preceding the date of the regular election for those offices]*. The declaration of
7 intent shall be filed no earlier than the first Wednesday after the first Monday in
8 November of the year preceding the year the office will appear on the ballot, and no
9 later than 4 p.m. local time at the place of filing when filed on the last date on
10 which papers may be filed. Write-in votes cast for the candidates whose names
11 appear on the ballot shall apply to the slate of pledged presidential electors, whose
12 names shall not appear on the ballot.~~

13 (5) The county clerk shall provide to the precinct election officers certified lists of
14 those persons who have filed declarations of intent as provided in subsections (2)
15 and (3) of this section. These lists shall not be posted anywhere, but a voter may
16 request to see a copy of the list. Once the voter has reviewed the copy, it shall
17 immediately be returned to the precinct election officer. Only write-in votes cast for
18 qualified candidates shall be counted.

19 (6) Two (2) election officers of opposing parties shall upon the request of any voter
20 instruct the voter on how to cast a write-in vote.

21 ➔ Section 6. KRS 117.275 is amended to read as follows:

22 (1) At the count of the votes in any precinct, any candidate or slate of candidates and
23 any representatives to witness and check the count of the votes therein, who are
24 authorized to be appointed as is provided in subsection (8) of this section, shall be
25 admitted and permitted to be present and witness the count.

26 (2) As soon as the polls are closed~~[,]~~ and the last voter has voted, the judges at that time
27 shall immediately lock and seal the voting equipment so that the voting and

1 counting mechanisms will be prevented from operating, and they shall sign a
2 certificate stating:

3 (a) That the voting equipment has been locked against voting and sealed;
4 (b) The number of voters, as shown on the public counters;
5 (c) The number registered on the protective or cumulative counter or device; and
6 (d) The number or other designation of the voting equipment.

7 The certificate, with any additional certificate previously prepared under KRS
8 117.035, shall be returned by the judges of election to the officials authorized by
9 law to receive it. The judges shall compare the number of voters, as shown by the
10 counter of the voting equipment, with the number of those who have voted as
11 shown by the protective or cumulative counter or device.

12 (3) Where voting equipment is used that prints the candidates' names along with the
13 total votes received on a return sheet or record for that equipment, the precinct
14 election officers shall sign the return sheets or record for the voting equipment,
15 which shall be posted on the door of the precinct.

16 (4) If any officer shall decline to sign the return sheets, he or she shall state the reason
17 in writing, and a copy thereof, signed by the officer, shall be enclosed with the
18 return sheets.

19 (5) Each of the return sheets, if applicable, and the record of the voting equipment shall
20 be enclosed in an envelope. One (1) copy of the return sheets, if applicable, one (1)
21 copy of the record of the voting equipment, and the write-in roll, if any write-in
22 votes were cast in the precinct, shall be directed to the county board of elections of
23 the county in which the election is being held. One (1) copy of the return sheets or
24 record of the voting equipment shall be given to the county clerk of the county in
25 which the election is being held and to each of the local governing bodies of the two
26 (2) dominant political parties, but a local governing body of a dominant political
27 party may decline a copy of the precinct election return by filing a written

1 declination with the county board of elections prior to the election, and upon this
2 declination, a printed copy shall not be issued to the political party so declining.
3 The declination on file shall be effective for that election and any subsequent
4 elections until revoked by the local governing body of a dominant political party by
5 filing a written revocation with the county board of elections. The envelope shall
6 have endorsed thereon a certificate of the election officers, stating the number or
7 unique designation of the voting equipment, the precinct where it has been used, the
8 number on the seal, and the number on the protective or cumulative counter or
9 device at the close of the polls.

10 (6) During the period established by KRS 117.355~~(2)~~~~(3)~~, and following the tabulation
11 of all votes cast in the election, including absentee votes and write-in votes:

12 (a) The county board of elections shall mail, transmit via facsimile machine,
13 hand-deliver, or submit by electronic means a copy of the precinct-by-precinct
14 summary of the tabulation sheets showing the results from each precinct to the
15 State Board of Elections. The copy of the precinct-by-precinct summary of the
16 tabulation sheets showing the results from each precinct shall include the
17 votes cast on the day of an election and during absentee voting; and

18 (b) The county clerk shall mail or deliver the precinct signature rosters from each
19 precinct and the in-person absentee ballot signature roster to the State Board
20 of Elections.

21 (7) For each voting location, as soon as possible after the completion of the count, the
22 two (2) election officers who are not of the same political affiliation shall return to
23 the county board of elections the keys to the voting equipment received and
24 receipted for by them, and the county clerk, in each voting location, shall have the
25 voting equipment properly boxed or securely covered and removed to a proper and
26 secure place of storage.

27 (8) In primaries, each candidate or group of candidates may designate to the county

1 board of elections a representative to witness and check the vote count. In regular
2 elections, the governing authority of each political party, each candidate for
3 member of board of education, nonpartisan candidate, political group candidate,
4 political organization candidate, independent candidate, or independent ticket may
5 designate a representative to the county board of elections to witness and check the
6 vote count. The county board of elections shall authorize representatives of the
7 news media to witness the vote count.

8 (9) For all federal provisional ballots, if applicable, and supplemental paper ballots if
9 approved as provided in KRS 118.215, after the polls are closed, the two (2) judges
10 shall return to the county clerk's office the locked federal provisional ballot
11 receptacle and the supplemental paper ballot box, all ballot stubs, spoiled ballots,
12 and unvoted ballots at the same time as the tabulation of votes from the voting
13 equipment is delivered. The county clerk shall issue a receipt for the number of
14 ballot stubs, unvoted ballots, spoiled ballots, and the ballot boxes or ballot
15 receptacle.

16 (10) The county board of elections, or its designee, shall count and tally the
17 supplemental paper ballots that have not been tabulated by automatic tabulating
18 equipment at the precinct, either manually or with the use of tabulating equipment
19 that has been certified by the State Board of Elections for use for that purpose in the
20 county clerk's office. The results of the vote tally shall be certified by the county
21 board of elections to the county clerk and to the Secretary of State.

22 (11) The county board of elections shall tabulate the valid federal provisional ballots.
23 The results of the vote tally shall be certified by the county board of elections to the
24 county clerk and to the Secretary of State. The county board of elections shall mail
25 a copy of the precinct-by-precinct summary of the valid federal provisional ballot
26 tabulation sheets showing the results from each precinct to the State Board of
27 Elections.

- 1 (12) The county board of elections shall authorize the candidates, slates of candidates, or
2 their representatives, and representatives of the news media to be present during the
3 counting of the supplemental and federal provisional paper ballots.
- 4 (13) No person shall transmit or publicize any tallies or counts of ballots, or any partial
5 results, to any person except those persons, election officials, or entities authorized
6 by law to receive it, until 6 p.m. prevailing time on the day of a primary or an
7 election.
- 8 (14) (a) Unofficial election results transmitted online to the county board of elections
9 or the State Board of Elections shall occur by means of a secure online
10 connection after results are tallied on the tally computer that has been certified
11 in accordance with KRS 117.379 as part of a voting system as defined in KRS
12 117.001.
13 (b) If an external device is used to upload election results for the subsequent
14 transmission, the device shall be used for that primary or election only and be
15 of a type approved by the State Board of Elections as part of a voting system
16 under KRS 117.379. The upload of the election results shall occur in the
17 presence of two (2) members of the county board of elections who are of a
18 different political affiliation.
- 19 (15) Except as otherwise required in this chapter, all records and papers relating to
20 specified elections shall be retained for twenty-two (22) months, and the county
21 clerk shall retain the voted federal provisional ballots, voter affirmations, election
22 official affirmations, and the supplemental paper ballots for twenty-two (22)
23 months and the unvoted federal provisional ballots, the voter affirmations, election
24 official affirmations, and the supplemental paper ballots for sixty (60) days after
25 each election day, after which time they shall be destroyed in a manner to render
26 them unreadable by the county board of elections if no contest or recount action has
27 been filed.

1 ➔ Section 7. KRS 117.355 is amended to read as follows:

2 (1) Within three (3) days after any primary or general election, the precinct election
3 sheriff shall file a report with the chair of the county board of elections and with the
4 local grand jury. The report shall include any irregularities observed and any
5 recommendations for improving the election process.

6 (2) Within ten (10) days after any primary or general election, the county board of
7 elections shall transmit the information required by subsection (6) of Section 6 of
8 this Act and shall file a report with the State Board of Elections and the local grand
9 jury. The report shall include any irregularities of which the county board has
10 knowledge and any recommendations for improving the election process. The
11 report shall also include a breakdown by precinct of the number of voters requiring
12 assistance to vote and the reasons therefor; the number of special ballots cast by
13 category; and any other information required by the state board.

14 (3) ~~Within thirty (30) days after any primary or general election, the county board of~~
15 ~~elections shall transmit the information required by KRS 117.275(3) to (6).~~

16 (4) The State Board of Elections shall issue administrative regulations under KRS
17 Chapter 13A to prescribe the forms required by this section.

18 ➔ Section 8. KRS 117.379 is amended to read as follows:

19 (1) (a) Any person or corporation owning, manufacturing, or selling any voting
20 system or e-poll book product~~,~~ may request the State Board of Elections to
21 examine the voting system or e-poll book product. Before requesting an
22 examination or reexamination, any person, persons, or corporation shall pay
23 to the State Treasurer a nonrefundable deposit of five hundred dollars (\$500)
24 and submit a test report from an independent testing authority approved by the
25 State Board of Elections.

26 (b) If the report concerns a voting system, the report shall demonstrate that the
27 voting system meets a previously established~~all~~ Election Assistance

1 Commission standard[standards]. Notwithstanding any other provision of law
2 to the contrary, if an[these] Election Assistance Commission standard
3 has[standards have] been amended less than thirty-six (36) months prior to
4 the request for examination under this subsection, the State Board of Elections
5 may approve and certify a voting system that meets the prior
6 standard[standards] after determining:

7 1. The effect that such approval would have on the integrity and security of
8 elections; and
9 2. The procedure and cost involved to bring the voting system into
10 compliance with the amended standard[standards].

11 (c) The State Board of Elections may, at any time, reexamine any voting system
12 or e-poll book product already approved. The State Board of Elections shall
13 approve or disapprove any voting system or e-poll book product within sixty
14 (60) days after the date of its initial submission. Any or all costs associated
15 with the voting system or e-poll book product being examined or reexamined
16 shall be paid to the State Treasurer by the person or corporation once the
17 approval or disapproval is complete.

18 (2) (a) Upon receipt of a request for examination or reexamination of a voting system
19 or e-poll book product, the State Board of Elections shall require that
20 the[such] voting system or e-poll book product be examined or reexamined by
21 three (3) examiners. The State Board of Elections shall appoint one (1)
22 examiner who is an expert in computer science, voting systems, or e-poll book
23 products, whichever is applicable; one (1) person who is knowledgeable in
24 election procedures, election security, and election law in Kentucky; and one
25 (1) person who is a present or former county clerk. The three (3) examiners
26 shall submit one (1) written report on each voting system or e-poll book
27 product, examined or reexamined, to the State Board of Elections. The

1 members of the State Board of Elections shall also examine or reexamine the
2 voting system or e-poll book product.

3 (b) A voting system shall be approved and certified if the examiners' report states
4 that the voting system meets all the requirements of KRS 117.125 and
5 applicable federal law, and the State Board of Elections finds that the voting
6 system meets all of the requirements of KRS 117.125 and applicable federal
7 law.

8 (c) Beginning September 1, 2022, an e-poll book product shall be approved and
9 certified if the examiners' report and the State Board of Elections find that the
10 e-poll book product meets the certification requirements promulgated by the
11 State Board of Elections *in accordance with*~~[pursuant to]~~ KRS Chapter 13A
12 and applicable federal law.

13 (d) Each report and letter of approval pertaining to a voting system or an e-poll
14 book product shall be filed in the office of the State Board of Elections.

15 (3) Any voting system or e-poll book product not approved by the State Board of
16 Elections shall not be used at any primary, regular election, or special election.

17 (4) When a voting system or e-poll book product has been approved, any improvement
18 or changes in the voting system or e-poll book product shall render necessary the
19 examination or approval of such voting system or improvement.

20 (5) Neither the members of the State Board of Elections, nor any examiner appointed
21 by the State Board of Elections, nor any member of a county board of elections
22 shall have any pecuniary interest in any voting system or e-poll book product.

23 (6) Each examiner appointed by the State Board of Elections shall receive fair
24 compensation to be established by the State Board of Elections.

25 (7) ~~An e-poll book product approved under this section shall not be used in any~~
26 ~~primary, regular election, or special election held before May 11, 2023.]~~

27 ➔ Section 9. KRS 117.389 is amended to read as follows:

1 On any day after ballots have been certified by the Secretary of State as provided in KRS
2 118.215, ~~{and}~~ petitions to allow consolidation of precincts have been approved by the
3 State Board of Elections as provided in KRS 117.066, **and any petitions authorized by**
4 **KRS 242.030(4) are filed,** but not less than five (5) days prior to the election day, the
5 county clerk shall have the automatic tabulating equipment tested in the manner
6 prescribed by the State Board of Elections.

7 ➔ Section 10. KRS 118.015 is amended to read as follows:

8 As used in this chapter, unless the context otherwise requires:

9 (1) ~~{A }~~"Political party" **means**~~{is}~~ an affiliation or organization of electors representing
10 a political policy and having a constituted authority for its government and
11 regulation, and whose candidate received at least **ten percent (10%)**~~{twenty percent
(20%)}~~ of the total vote cast at the last preceding election at which presidential
12 electors were voted for;

14 (2) ~~{The word }~~"Election," used in reference to a state, district, county, or city election,
15 includes the decisions of questions submitted to the qualified voters as well as the
16 choice of officers by them;

17 (3) ~~{A }~~"Ballot" or "official ballot" means the official presentation of offices and
18 candidates to be voted for, including write-in candidates, and all public questions
19 submitted for determination, and shall include a voting machine ballot, a paper
20 ballot, an absentee ballot, a federal provisional ballot, a federal provisional absentee
21 ballot, or a supplemental paper ballot which has been authorized for the use of the
22 voters in any primary, regular election, or special election by the Secretary of State
23 or the county clerk;

24 (4) "Ballot box" means any box, bag, or other container that can be locked, sealed, or
25 otherwise rendered tamper-resistant, for receiving ballots;

26 (5) "Election officer" means any person tasked with election administration within this
27 state, as context dictates the defined role, including but not limited to the Secretary

1 of State and his or her employees, members of the State Board of Elections and
2 staff, members of the county boards of election and staff, precinct election officers,
3 election officials, and poll workers;

4 (6) "Voting equipment" means any physical component of a voting system and
5 includes voting machines where voting machines are in operation;

6 (7) "Voting machine" or "machine" means a part of a voting system that consists of:

7 (a) A direct recording electronic voting machine that:

8 1. Records votes by means of a ballot display provided with mechanical or
9 electro-operated components that may be actuated by the voter;

10 2. Processes the data by means of a computer program;

11 3. Records voting data and ballot images in internal and external memory
12 components; and

13 4. Produces a tabulation of the voting data stored in a removable memory
14 component and on a printed copy; or

15 (b) One (1) or more electronic devices that operate independently or as a
16 combination of a ballot marking device and an electronic or automatic vote
17 tabulating device;

18 (8) "Voting system" means:

19 (a) The total combination of physical, mechanical, electromechanical, or
20 electronic equipment, including the software, hardware, firmware, and
21 documentation required to program, control, and support that equipment, that
22 is used to:

23 1. Define ballots;

24 2. Cast and count votes;

25 3. Report or display election results; and

26 4. Maintain and produce any audit trail information; and

27 (b) The practices and associated documentation used to:

- 1 1. Identify system components and versions of those components;
- 2 2. Test the system during its development and maintenance;
- 3 3. Maintain records of system errors and defects;
- 4 4. Determine specific system changes to be made to a system after the
5 initial qualification of the system; and
- 6 5. Make available any materials to the voter, such as notices, instructions,
7 forms, or paper ballots;

8 (9) ~~{The word }~~"Resident," used in reference to a candidate in a state, district, county,
9 or city election ~~means~~shall mean actual resident, without regard to the residence
10 of the spouse of the candidate;

11 (10) "Political organization" means a political group not constituting a political party
12 within the meaning of subsection (1) of this section but whose candidate received
13 two percent (2%) or more of the vote of the state at the last preceding election for
14 presidential electors; and

15 (11) "Political group" means a political group not constituting a political party or a
16 political organization within the meaning of subsections (1) and (10) of this section.

17 ➔ Section 11. KRS 118.105 is amended to read as follows:

- 18 (1) Except as provided in subsections (3) and (4) of this section and in KRS 118.115,
19 every political party shall nominate all of its candidates for elective offices to be
20 voted for at any regular election at a primary held as provided in this chapter, and
21 the governing authority of any political party shall have no power to nominate any
22 candidate for any elective office or to provide any method of nominating candidates
23 for any elective office other than by a primary as provided in this chapter.
- 24 (2) Any political organization not constituting a political party as defined in KRS
25 118.015 may make its nominations as provided in KRS 118.325.
- 26 (3) If a vacancy occurs in the nomination of ~~any~~an unopposed candidate or in a
27 nomination made by the primary more than ten (10) days before the certification of

1 candidates for the regular election made under KRS 118.215, because of death or
2 ~~withdrawal~~~~[severe disabling condition which arose after the nomination]~~, the
3 governing authority of the party may provide for filling the vacancy, but only
4 following certification to the governing authority, by the Secretary of State, that a
5 vacancy exists for a reason specified in this subsection. When such a nomination
6 has been made, the certificate of nomination shall be signed by the chair and
7 secretary of the governing authority of the party making it, and shall be filed in the
8 same manner as certificates of nomination at a primary.

9 (4) If a vacancy occurs in the nomination of an unopposed candidate or in a nomination
10 made by the primary more than ten (10) days before the certification of candidates
11 for the regular election, and if that party's nominee was the only political party
12 candidate for the office sought, the governing authority of each party may nominate
13 a candidate for the regular election, provided that no person has sought that party's
14 nomination by filing a notification and declaration.

15 (5) If a vacancy occurs in the nomination of a candidate under the conditions of
16 subsection (3) or (4) of this section, certificates of nomination for replacement
17 candidates shall be filed in the same manner as provided in subsections (3) and (4)
18 not later than 4 p.m. on the date of certification.

19 (6) This section does not apply to candidates for members of boards of education, or
20 presidential electors, nor to candidates participating in nonpartisan elections.
21 However, regardless of the number of days served by a judge acting as a Senior
22 Status Special Judge, a judge who elected to retire as a Senior Status Special Judge
23 in accordance with KRS 21.580 shall not become a candidate for any elected office
24 during the five (5) year term prescribed in KRS 21.580(1)(a)1.

25 ➔ Section 12. KRS 118.125 is amended to read as follows:

26 (1) Except as provided in KRS 118.155, any person who is qualified under the
27 provisions of KRS 116.055 to vote in any primary for the candidates for nomination

1 by the party at whose hands he or she seeks the nomination, shall have his or her
2 name printed on the official ballot of his or her party for an office to which he or
3 she is eligible in that primary, upon filing, with the Secretary of State or county
4 clerk, as appropriate, at the proper time, a notification and declaration.

5 (2) The notification and declaration shall be in the form prescribed by the Secretary of
6 State~~State Board of Elections~~. It shall be signed by the candidate and by not less
7 than two (2) registered voters~~,~~ who~~,~~ at the time of signing~~,~~ are of the same party as
8 the candidate and from the district or jurisdiction from which the candidate seeks
9 nomination. Signatures for nomination papers shall not be affixed on the document
10 to be filed prior to the first Wednesday after the first Monday in November of the
11 year preceding the year in which the office will appear on the ballot. The
12 notification and declaration for a candidate shall include the following oath:

13 "For the purpose of having my name placed on the official primary election
14 ballot as a candidate for nomination by the ----- Party, I, ----- (name in full as
15 desired on the ballot as provided in KRS 118.129), do solemnly swear that my date
16 of birth is ----- (month/day/year), that my residence address is ----- (street, route,
17 highway, city if applicable, county, state, and zip code), that my mailing address, if
18 different, is ----- (post office address), and that I am a registered ----- (party) voter;
19 that I believe in the principles of the ----- Party, and intend to support its principles
20 and policies; that I meet all the statutory and constitutional qualifications for the
21 office which I am seeking; that if nominated as a candidate of such party at the
22 ensuing election I will accept the nomination and not withdraw for reasons other
23 than those stated in KRS 118.105(3); that I will not knowingly violate any election
24 law or any law relating to corrupt and fraudulent practice in campaigns or elections
25 in this state, and if finally elected I will qualify for the office."

26 The declaration shall be subscribed and sworn to before an officer authorized to
27 administer an oath by the candidate and by the two (2) voters making the

1 declaration and signing the candidate's petition for office.

2 (3) When the notice and declaration has been filed with the Secretary of State or county
3 clerk, as appropriate, and certified according to KRS 118.165, the Secretary of State
4 or county clerk, as appropriate, shall have the candidate's name printed on the ballot
5 according to the provisions of this chapter, except as provided in KRS 118.185.

6 (4) Titles, ranks, or spurious phrases shall not be accepted on the filing papers and shall
7 not be printed on the ballots as part of the candidate's name; however, nicknames,
8 initials, and contractions of given names may be acceptable as the candidate's name.

9 ➔ Section 13. KRS 118.129 is amended to read as follows:

10 (1) The Secretary of State or the county clerk, as appropriate, shall certify the exact
11 spelling and form of the name of the candidate to be printed on all ballots in
12 accordance with the requirements listed in this section.

13 (2) A candidate's nickname which is found to be, in the discretion of the Secretary of
14 State or the county clerk, as appropriate, a title, rank, degree, job description, or
15 spurious phrase shall be placed on the ballot only if it is the candidate's bona fide
16 nickname, generally used by acquaintances of the candidate in the county of
17 residence to refer to the candidate, and if the nickname is acknowledged, by
18 affidavit, under oath, by five (5) residents of the county in which the candidate
19 resides, to be a bona fide nickname. The candidate shall also acknowledge, by
20 affidavit under oath, that this is his or her bona fide nickname and is not being used
21 to gain an advantage on the ballot.

22 (3) A nickname shall always appear set off in quotation marks and immediately before
23 the last name. Periods shall follow all abbreviations or initials. Additional qualifiers
24 following the last name, such as "Jr" or "III" shall not be separated from the last
25 name by a comma and shall be followed by a period.

26 (4) The candidate's name shall always appear in the following form: first or given
27 name, contraction of given name, or initial; middle name or names or initials, if

1 desired by the candidate; nickname if desired by the candidate; and last or surname
2 in full. All names shall be in substantially the following form: John Lincoln "Jack"
3 Doe; or J. Lincoln "Jack" Doe; or J. L. "Jack" Doe Jr.; or any of the above
4 combinations without the intervening nickname.

5 (5) The total number of spaces, inclusive of letters, spaces, and punctuation, which may
6 be utilized on the ballot for a candidate's name and, if any, nickname, shall be
7 twenty-five (25). Notwithstanding the listing of the candidate's name on the filing
8 papers, spaces, periods, quotation marks, and commas necessary for proper
9 punctuation shall be added by the Secretary of State or the county clerk, as
10 appropriate. No candidate's name shall exceed twenty-five (25) spaces. The
11 Secretary of State or the county clerk, as appropriate, shall determine the correct
12 listing for any candidate whose name exceeds twenty-five (25) spaces to conform to
13 this requirement.

14 ➔ Section 14. KRS 118.165 is amended to read as follows:

15 (1) Except as provided in KRS Chapters 116 to 121, candidates for offices to be voted
16 for by the electors of one (1) county or of a district less than one (1) county, except
17 **candidates for** members of Congress, ~~and~~ members of the General Assembly, **and**
18 **Commonwealth's attorney,** shall file their nomination papers with the county clerk
19 of the county not earlier than the first Wednesday after the first Monday in
20 November of the year preceding the year the office will appear on the ballot and not
21 later than the first Friday following the first Monday in January preceding the day
22 fixed by law for holding the primary. All nomination papers shall be filed no later
23 than 4 p.m. local time at the place of filing when filed on the last date on which the
24 papers may be filed.

25 (2) Candidates for offices to be voted for by the electors of more than one (1) county,
26 including candidates [and] for members of Congress, [and] members of the General
27 Assembly, and Commonwealth's attorney, shall file their nomination papers with

1 the Secretary of State not earlier than the first Wednesday after the first Monday in
2 November of the year preceding the year the office will appear on the ballot and not
3 later than the first Friday following the first Monday in January preceding the day
4 fixed by law for holding the primary. Signatures for nomination papers shall not be
5 affixed on the document to be filed prior to the first Wednesday after the first
6 Monday in November of the year preceding the year in which the office will appear
7 on the ballot. All nomination papers shall be filed no later than 4 p.m. local time at
8 the place of filing when filed on the last date on which the papers may be filed.

9 (3) The Secretary of State or the county clerk shall examine the notification and
10 declaration form of each candidate to determine whether it is regular on its face. If
11 there is an error, the proper officer shall notify the candidate by certified mail
12 within twenty-four (24) hours of filing.

13 (4) A judge who elected to retire as a Senior Status Special Judge in accordance with
14 KRS 21.580 shall not become a candidate or a nominee for any elected office
15 during the five (5) year term prescribed in KRS 21.580(1)(a)1., regardless of the
16 number of days served by the judge acting as a Senior Status Special Judge.

17 ➔Section 15. KRS 118.315 is amended to read as follows:

18 (1) A candidate for any office to be voted for at any regular election may be nominated
19 by a petition of electors qualified to vote for him or her, complying with the
20 provisions of subsection (2) of this section. No person whose registration status is
21 as a registered member of a political party shall be eligible to election as an
22 independent, or political organization, or political group candidate, nor shall any
23 person be eligible to election as an independent, or political organization, or
24 political group candidate whose registration status was as a registered member of a
25 political party on January 1 immediately preceding the regular election for which
26 the person seeks to be a candidate. This restriction shall not apply to candidates to
27 those offices specified in KRS 118.105(6), for supervisor of a soil and water

1 conservation district, for candidates for mayor or legislative body in cities of the
2 home rule class, or to candidates participating in nonpartisan elections.

3 (2) The form of the petition shall be prescribed by the Secretary of State~~State Board of~~
4 ~~Elections~~. It shall be signed by the candidate and by registered voters from the
5 district or jurisdiction from which the candidate seeks nomination. The petition
6 shall include a declaration, sworn to by the candidate, that he or she possesses all
7 the constitutional and statutory requirements of the office for which the candidate
8 has filed. Signatures for a petition of nomination for a candidate seeking any office,
9 excluding President of the United States in accordance with KRS 118.591(1), shall
10 not be affixed on the document to be filed prior to the first Wednesday after the first
11 Monday in November of the year preceding the year in which the office will appear
12 on the ballot. Signatures for nomination papers shall not be affixed on the document
13 to be filed prior to the first Wednesday after the first Monday in November of the
14 year preceding the year in which the office will appear on the ballot. A petition of
15 nomination for a state officer, or any officer for whom all the electors of the state
16 are entitled to vote, shall contain five thousand (5,000) petitioners; for a
17 representative in Congress from any congressional district, or for any officer from
18 any other district except as herein provided, four hundred (400) petitioners; for a
19 county officer, member of the General Assembly, or Commonwealth's attorney, one
20 hundred (100) petitioners; for a soil and water conservation district supervisor,
21 twenty-five (25) petitioners; for a city officer or board of education member, two
22 (2) petitioners; and for an officer of a division less than a county, except as~~herein~~
23 provided in this subsection, twenty (20) petitioners. It shall not be necessary that
24 the signatures of the petition be appended to one (1) paper. Each petitioner shall
25 include the date he or she affixes the signature, address of residence, and date of
26 birth. Failure of a voter to include the signature affixation date, date of birth, and
27 address of residence shall result in the signature not being counted. A petitioner for

1 the nomination of a candidate may be counted for every petition to which his or her
2 signature is affixed.

3 (3) Titles, ranks, or spurious phrases shall not be accepted on the filing papers and shall
4 not be printed on the ballots as part of the candidate's name; however, nicknames,
5 initials, and contractions of given names may be accepted as the candidate's name.

6 (4) The Secretary of State and county clerks shall examine the petitions of all
7 candidates who file with them to determine whether each petition is regular on its
8 face. If there is an error, the Secretary of State or the county clerk shall notify the
9 candidate by certified mail within twenty-four (24) hours of filing.

10 (5) A judge who elected to retire as a Senior Status Special Judge in accordance with
11 KRS 21.580 shall not become a candidate or a nominee for any elected office
12 during the five (5) year term prescribed in KRS 21.580(1)(a)1., regardless of the
13 number of days served by the judge acting as a Senior Status Special Judge.

14 ➔ Section 16. KRS 118.367 is amended to read as follows:

15 (1) An independent, or political organization, or political group candidate required to
16 file nomination papers pursuant to KRS 118.365(5) shall be required to file a
17 statement-of-candidacy form with the same office at which nomination papers are
18 filed. Candidates for federal office, ~~and~~ candidates for mayor or legislative body
19 in cities of the home rule class participating in partisan elections, and candidates
20 for a special election or election for an unexpired term shall not be required to file
21 a statement-of-candidacy form. The statement-of-candidacy form shall be filed not
22 earlier than the first Wednesday after the first Monday in November of the year
23 preceding the year in which the office will appear on the ballot and not later than
24 April 1 preceding the day fixed by law for holding of regular elections for the
25 offices sought. If the office in which the statement-of-candidacy form is to be filed
26 is closed on April 1, the form may be filed on the next business day. The statement-
27 of-candidacy form shall be filed no later than 4 p.m. local time when filed on the

1 last day on which papers are permitted to be filed. No person shall file a statement-
2 of-candidacy form for more than one (1) public office during an election cycle.

3 (2) The statement-of-candidacy form shall be prescribed by the Secretary of State[~~State~~
4 ~~Board of Elections~~]. The statement-of-candidacy form shall be signed by the
5 candidate upon filing. No charge shall be assessed for the filing of a statement-of-
6 candidacy form. The Secretary of State and county clerks shall examine the
7 statement-of-candidacy form of each candidate who files the form to determine if
8 there is an error. If an error has occurred, the candidate shall be notified by certified
9 mail within twenty-four (24) hours.

10 ➔ Section 17. KRS 118A.060 is amended to read as follows:

11 (1) Except as provided in KRS 118A.100, no person's name shall appear on a ballot,
12 including an absentee ballot, for an office of the Court of Justice without first
13 having been nominated as provided in this section.

14 (2) Each candidate for nomination shall file a petition for nomination with the
15 Secretary of State not earlier than the first Wednesday after the first Monday in
16 November of the year preceding the year in which the office will appear on the
17 ballot and not later than the first Friday following the first Monday in January
18 preceding the day fixed by law for holding the primary for the office. The petition
19 shall be sworn to before an officer authorized to administer an oath by the candidate
20 and by not less than two (2) registered voters from the district or circuit from which
21 he or she seeks nomination. Signatures for nomination papers shall not be affixed
22 on the document to be filed prior to the first Wednesday after the first Monday in
23 November of the year preceding the year in which the office will appear on the
24 ballot. The petition shall be filed no later than 4 p.m. local time at the place of filing
25 when filed on the last date on which the papers are permitted to be filed.

26 (3) (a) The petition for nomination shall be in the form prescribed by the Secretary
27 of State[~~State Board of Elections~~]. The petition shall include a declaration

1 sworn to by the candidate, that he or she possesses all the constitutional and
2 statutory requirements of the office for which the candidate has filed. Titles,
3 ranks, or spurious phrases shall not be accepted on the petition and shall not
4 be printed on the ballots as part of the candidate's name; however, nicknames,
5 initials, and contractions of given names may be acceptable as the candidate's
6 name.

7 (b) The Secretary of State shall certify the exact spelling and form of the name of
8 the candidate to be printed on all ballots in accordance with the requirements
9 listed in KRS 118.129.

10 (4) The Secretary of State shall examine the petition of each candidate to determine
11 whether it is regular on its face. If there is an error, the Secretary of State shall
12 notify the candidate by certified mail within twenty-four (24) hours of filing. The
13 order of names on the ballot for each district or circuit, and numbered division if
14 divisions exist, shall be determined by lot at a public drawing to be held in the
15 office of the Secretary of State at 2 p.m., standard time, on the Thursday following
16 the filing deadline for the primary as established in this section and in KRS
17 83A.045 and 118.165.

18 (5) Not later than the date set forth in KRS 118.215(1)(a) preceding the primary, and
19 after the order of names on the ballot has been determined as required in subsection
20 (4) of this section, the Secretary of State shall:

21 (a) Certify to the county clerks of the respective counties entitled to participate in
22 the election of the various candidates, the name and place of residence of each
23 candidate for each office, by district or circuit, and numbered division if
24 divisions exist, as specified in the petitions for nomination filed with him or
25 her; and

26 (b) Designate for the county clerks the office of the Court of Justice with which
27 the names of candidates shall be printed and the order in which they are to

1 appear on the ballot.

- 2 (6) The ballot position of a candidate shall not be changed after the ballot position has
- 3 been designated by the Secretary of State.
- 4 (7) The county clerks of each county shall cause to be printed on the ballots for the
- 5 primary the names of the candidates for offices in the Court of Justice.
- 6 (8) The names of the candidates shall be placed on the ballots in a separate column or
- 7 columns or in a separate line or lines and identified by the words "Judicial Ballot."
- 8 The words "Vote for one," or "Vote for one in each division," shall be printed on
- 9 the ballot in an appropriate location. The office, numbered division if divisions
- 10 exist, and the candidates shall be clearly labeled. No party designation or emblem
- 11 of any kind, nor any sign indicating any candidate's political belief or party
- 12 affiliation, shall be used on the ballots.
- 13 (9) The two (2) candidates receiving the highest number of votes for nomination for
- 14 justice or judge of a district or circuit, or numbered division if divisions exist, shall
- 15 be nominated. Certificates of nomination shall be issued as provided in KRS
- 16 118A.190.
- 17 (10) If it appears after expiration of the time for filing petitions for nomination that there
- 18 are not more than two (2) candidates who have filed the necessary petitions for a
- 19 place on the ballot in the regular election, no drawing for ballot position shall be
- 20 held and the Secretary of State shall immediately issue and file in the Secretary's
- 21 office certificates of nomination, and send copies to the candidates.

22 ➔ Section 18. KRS 119.015 is amended to read as follows:

23 Any county clerk or deputy county clerk who ~~falsely or~~ fraudulently registers the name

24 of any person, or permits any person to register knowing that the person is not entitled to

25 register, or who fails or refuses to deliver copies of the registration records to a person

26 entitled thereto, shall be guilty of a Class D felony.

27 ➔ Section 19. KRS 119.165 is amended to read as follows:

- 1 (1) Any person who falsely personates a registered voter, and receives and casts a
2 ballot by means of such personation, shall be guilty of a Class D felony. An attempt
3 at such personation shall constitute a Class A misdemeanor.
- 4 (2) Any person who, by means other than falsely personating a registered voter, votes
5 at an election in this state when he or she is a resident of another state or country, or
6 votes more than once at an election, or votes by use of the naturalization papers of
7 another person, shall be guilty of a Class D felony. Any person who knowingly
8 votes or attempts to vote in a precinct other than the one in which he or she resides
9 shall be guilty of a Class A misdemeanor, unless by voting in a precinct in which he
10 or she does not live he is enabled to vote in a race or on a matter in which he or she
11 could not vote in his or her proper precinct in which case he or she shall be guilty
12 of a Class D felony. Any person who lends or hires his, hers, or another's
13 naturalization papers to be used for the purpose of voting shall be subject to the
14 same penalty.
- 15 (3) Any person who has been convicted of a felony offense and has not previously been
16 restored to their voting rights who then knowingly votes or attempts to vote shall be
17 guilty of a Class D felony.
- 18 (4) Any resident of this state who, by means other than falsely personating a registered
19 voter, votes~~at a regular or special election before he has resided in this state thirty~~
20 ~~(30) days, or in the county and precinct where the election is held the time required~~
21 ~~by law, or before he has attained full age, or~~ before he or she has become a citizen,
22 shall be guilty of a Class B misdemeanor.
- 23 (5) Any person who, by means other than falsely personating a registered voter, votes
24 in a primary election knowing that he or she is not qualified as provided in KRS
25 116.055, shall be guilty of a violation.
- 26 (6) Any person who applies for or receives a ballot at any voting place other than the
27 one at which he or she is entitled to vote, under circumstances not constituting a

1 violation of any of the provisions of subsections (1) to (3) of this section, shall be
2 guilty of a Class A misdemeanor.

3 ➔ Section 20. KRS 132.017 is amended to read as follows:

4 (1) As used in this section:

5 (a) "Local governmental entity" includes a county fiscal court and legislative
6 body of a city, urban-county government, consolidated local government,
7 charter county government, unified local government, or other taxing district;
8 and

9 (b) "Next regular election" means the regular election that occurs immediately
10 after all statutory requirements for levying a property tax rate have been met,
11 regardless of whether the election occurs in the same or a subsequent calendar
12 year as the levy of the property tax rate.

13 (2) (a) 1. Except as provided in subparagraph 2. of this paragraph, the portion of a
14 tax rate levied by an ordinance, order, resolution, or motion of a local
15 governmental entity or district board of education subject to recall as
16 provided for in KRS 68.245, 132.023, 132.027, and 160.470, shall go
17 into effect forty-five (45) days after its passage.

18 2. When a tax rate is levied by a district board of education or other taxing
19 district that is primarily located in a county containing an urban-county
20 government or a consolidated local government, the portion of a tax rate
21 levied by an ordinance, order, resolution, or motion of a district board of
22 education or other taxing district subject to recall as provided for in KRS
23 68.245, 132.023, 132.027, and 160.470, shall go into effect fifty (50)
24 days after its passage.

25 (b) During the same forty-five (45) day or fifty (50) day time period provided by
26 paragraph (a) of this subsection, any three (3) qualified voters, who reside in
27 the area where the tax levy will be imposed, may commence petition

1 proceedings to protest the passage of the ordinance, order, resolution, or
2 motion by filing an affidavit with the county clerk. The affidavit shall state:

- 3 1. The three (3) qualified voters constitute the members of the petition
4 committee;
- 5 2. The petition committee will be responsible for circulating the petition;
- 6 3. The petition committee will file the petition in the proper form within
7 the same forty-five (45) day or fifty (50) day time period provided by
8 paragraph (a) of this subsection;
- 9 4. The names and addresses of the petition committee members;
- 10 5. The address to which all notices to the committee are to be sent; and
- 11 6. For petition committees filing petitions in response to a tax rate levied
12 by a district board of education or other taxing district that is primarily
13 located in a county containing an urban-county government or a
14 consolidated local government, whether or not the petition committee is
15 willing to incur all of the expenses associated with electronic petition
16 signatures. If the petition committee is not willing to incur all of the
17 expenses, then electronic petition signatures shall not be allowed for the
18 petition.

19 (c) Upon receipt of the affidavit, the county clerk shall immediately:

- 20 1. Notify the petition committee of all statutory requirements for the filing
21 of a valid petition under this section;
- 22 2. Notify the petition committee that the clerk will publish a notice
23 identifying the tax levy being challenged and providing the names and
24 addresses of the petition committee in a newspaper of general
25 circulation within the county, if:
 - 26 a. There is a newspaper within the county in which to publish the
27 notice; and

- b. The petition committee remits an amount equal to the cost of publishing the notice determined in accordance with the provisions of KRS 424.160 at the time of the filing of the affidavit.

If the petition committee elects to have the notice published, the clerk shall publish the notice within five (5) days of receipt of the affidavit; and

3. Deliver a copy of the affidavit to the appropriate local governmental entity or district board of education.

(d) The petition shall meet the following requirements:

1. All papers of the petition shall be substantially uniform in size and style and shall be assembled in one (1) instrument for filing;
2. Each sheet of the petition may contain the names of voters from more than one (1) voting precinct;
3. Each nonelectronic petition signature shall be executed in ink or indelible pencil;
4. Each electronic petition signature shall comply with the requirements of the Uniform Electronic Transactions Act, KRS 369.101 to 369.120;
5. Each petition signature shall be followed by the printed name, street address, birth month, and birth year of the person signing; and
6.
 - a.
 - i. Except for petitions filed in response to a tax rate levied by a district board of education, the petition shall be signed by a number of registered and qualified voters residing in the affected jurisdiction equal to at least ten percent (10%) of the total number of votes cast in the last preceding presidential election.

ii. For petitions filed in response to a tax rate levied by a district board of education, the petition shall be signed by at least

five thousand (5,000) registered and qualified voters residing in the affected jurisdiction or signed by a number of registered and qualified voters residing in the affected jurisdiction equal to at least ten percent (10%) of the total number of votes cast in the last preceding presidential election, whichever is less.

b. Electronic petition signatures shall be included in determining whether the required number of petition signatures has been obtained when:

- i. The expenses associated with the electronic petition signatures have been incurred in accordance with paragraph (b)6. of this subsection;
- ii. The electronic petition signatures comply with the requirements of this subsection; and
- iii. The petition was filed in response to a tax rate levied by a district board of education or other taxing district that is primarily located in a county containing an urban-county government or a consolidated local government.

- c. The inclusion of an invalid petition signature on a page shall not invalidate the entire page of the petition, but shall instead result in the invalid petition signature being stricken and not counted.

(e) Upon the filing of the petition with the county clerk, the ordinance, order, resolution, or motion shall be suspended from going into effect until after the election referred to in subsection (3) of this section is held, or until the petition is finally determined to be insufficient and no further action may be taken pursuant to paragraph (i) of this subsection.

(f) The county clerk shall immediately notify the presiding officer of the

1 appropriate local governmental entity or district board of education that the
2 petition has been received and shall, within thirty (30) days of the receipt of
3 the petition, make a determination of whether the petition contains enough
4 signatures of qualified voters to place the ordinance, order, resolution, or
5 motion before the voters.

6 (g) If the county clerk finds the petition to be sufficient, the clerk shall certify to
7 the petition committee and the local governmental entity or district board of
8 education within the thirty (30) day period provided for in paragraph (f) of
9 this subsection that the petition is properly presented and in compliance with
10 the provisions of this section, and that the ordinance, order, resolution, or
11 motion levying the tax will be placed before the voters for approval.

12 (h) If the county clerk finds the petition to be insufficient, the clerk shall, within
13 the thirty (30) day period provided for in paragraph (f) of this subsection,
14 notify, in writing, the petition committee and the local governmental entity or
15 district board of education of the specific deficiencies found. Notification
16 shall be sent by certified mail and shall be published at least one (1) time in a
17 newspaper of general circulation within the county containing the local
18 governmental entity or district board of education levying the tax. If there is
19 not a newspaper within the county in which to publish the notification, then
20 the notification shall be posted at the courthouse door.

21 (i) A final determination of the sufficiency of a petition shall be subject to final
22 review by the Circuit Court of the county in which the local governmental
23 entity or district board of education is located, and shall be limited to the
24 validity of the county clerk's determination. Any petition challenging the
25 county clerk's final determination shall be filed within ten (10) days of the
26 issuance of the clerk's final determination.

27 (j) The local governmental entity or district board of education may cause the

1 cancellation of the election by reconsidering and amending the ordinance,
2 order, resolution, or motion to levy a tax rate which will produce no more
3 revenue from real property, exclusive of revenue from new property as
4 defined in KRS 132.010, than four percent (4%) over the amount of revenue
5 produced by the compensating tax rate defined in KRS 132.010 from real
6 property. The action by the local governmental entity or district board of
7 education shall be valid only if taken within fifteen (15) days following the
8 date the clerk finds the petition to be sufficient.

9 (3) (a) If an election is necessary under the provisions of subsection (2) of this
10 section:

11 1. The local governmental entity shall cause to be submitted to the voters
12 of the district at the next regular election, the question as to whether the
13 property tax rate shall be levied; or
14 2. The district board of education shall cause to be submitted to the voters
15 of the district in a called common school election not less than fifty
16 ~~(50)~~~~thirty five (35)~~ days nor more than sixty (60)~~forty five (45)~~ days
17 from the date the signatures on the petition are validated by the county
18 clerk, or at the next regular election, at the option of the district board of
19 education, the question as to whether the property tax rate shall be
20 levied. The cost of a called common school election shall be borne by
21 the school district holding the election, which shall post bond with the
22 Circuit Court to cover all costs of the election within five (5) days after
23 the date the clerk finds the petition to be sufficient. Any called
24 common school election shall comply with the provisions of KRS
25 118.025.

26 (b) If an election under paragraph (a) of this subsection is held in conjunction
27 with a regular election, the question as to whether the property tax rate shall

1 be levied shall be submitted to the county clerk no later than the second
2 Tuesday in August preceding the regular election.

3 (c) In an election held under paragraph (a) of this subsection, the question shall
4 be framed to ask whether the voter is for the levy of the property tax rate. If a
5 majority of the votes cast upon the question oppose its passage, the ordinance,
6 order, resolution, or motion shall not go into effect. If a majority of the votes
7 cast upon the question favor its passage, the ordinance, order, resolution, or
8 motion shall become effective.

9 (d) If the ordinance, order, resolution, or motion fails to pass pursuant to an
10 election held under paragraph (a) of this subsection, the property tax rate
11 which will produce four percent (4%) more revenues from real property,
12 exclusive of revenue from new property as defined in KRS 132.010, than the
13 amount of revenue produced by the compensating tax rate defined in KRS
14 132.010, shall be levied without further approval by the local governmental
15 entity or district board of education.

16 (e) Local, state, and federal tax dollars shall not be used to advocate, in partial
17 terms, for or against any public question that appears on the ballot in this
18 subsection. For purposes of this section, "local" means and includes any city,
19 county, urban-county government, consolidated local government, unified
20 local government, charter county, or special district.

21 (4) Notwithstanding any statutory provision to the contrary, if a local governmental
22 entity or district board of education has not established a final tax rate as of
23 September 15, due to the recall provisions of this section, KRS 68.245, 132.027, or
24 160.470, regular tax bills shall be prepared as required in KRS 133.220 for all
25 districts having a tax rate established by that date; and a second set of bills shall be
26 prepared and collected in the regular manner, according to the provisions of KRS
27 Chapter 132, upon establishment of final tax rates by the remaining districts.

1 (5) If a second billing is necessary, the collection period shall be extended to conform
2 with the second billing date.

3 (6) All costs associated with the second billing shall be paid by the taxing district or
4 districts requiring the second billing.

5 ➔ Section 21. KRS 160.210 is amended to read as follows:

6 (1) In independent school districts, the members of the school board shall be elected
7 from the district at large. In county school districts, members shall be elected from
8 divisions.

9 (2) The board of education of each county school district shall, not later than July 1,
10 1940, divide its district into five (5) divisions containing integral voting precincts
11 and as equal in population insofar as is practicable. In first dividing the county
12 district into divisions the board shall, if more than one (1) of its members reside in
13 one (1) division, determine by lot which member from that division shall represent
14 that division, and which members shall represent the divisions in which no member
15 resides. The members so determined to represent divisions in which no member
16 resides shall be considered the members from those divisions until their terms
17 expire, and thereafter the members from those divisions shall be nominated and
18 elected as provided in KRS 160.200 and 160.220 to 160.250.

19 (3) Any changes made in division boundary lines shall be to make divisions as equal in
20 population and containing integral voting precincts insofar as is practical. No
21 change may be made in division boundary lines less than five (5) years after the last
22 change in any division lines, except in case of merger of districts, a change in
23 territory due to annexation, or to allow compliance with KRS 117.055(2).

24 (4) (a) Notwithstanding the provisions of subsection (3) of this section, if one
25 hundred (100) residents of a county school district division petition the
26 Kentucky Board of Education stating that the school district divisions are not
27 divided as nearly equal in population as can reasonably be expected, the chief

1 state school officer shall cause an investigation to determine the validity of the
2 petition, the investigation to be completed within thirty (30) days after receipt
3 of the petition.

4 (b) If the investigation reveals the school district to be unequally divided
5 according to population, the Kentucky Board of Education, upon the
6 recommendation of the chief state school officer, shall order the local board of
7 education to make changes in school district divisions as are necessary to
8 equalize population within the five (5) school divisions.

9 (c) If any board fails to comply with the order of the Kentucky Board of
10 Education within thirty (30) days or prior to August 1 in any year in which
11 any members of the board are to be elected, members shall be elected from
12 the district at large until the order of the Kentucky Board of Education has
13 been complied with.

14 (d) No change shall be made in the boundary of any division under the provisions
15 of this subsection after June[August] 1 in the year in which a member of the
16 school board is to be elected from any division.

17 (5) Notwithstanding the provisions of subsection (2) of this section, in counties
18 containing a city of the first class wherein a merger pursuant to KRS 160.041 shall
19 have been accomplished, there shall be seven (7) divisions as equal in population as
20 is practicable, with members elected from divisions. To be eligible to be elected
21 from a division, a candidate must reside in that division. The divisions, based upon
22 1970 United States Census Bureau Reports on total population by census tracts for
23 Jefferson County, Kentucky shall be as follows: Division One shall include census
24 tracts 1-28; Division Two shall include census tracts 29-35, 47-53, 57-74, 80-84,
25 93, 129, 130; Division Three shall include census tracts 75-79, 85-88, 98-106,
26 107.01, 108; Division Four shall include census tracts 121.01, 123-128; Division
27 Five shall include census tracts 36-46, 56, 90, 120, 121.02, 122; Division Six shall

1 include census tracts 54, 55, 91, 92, 94, 95, 110.02, 113, 114, 117.01, 117.02, 118,
2 119; Division Seven shall include census tracts 89, 96, 97, 107.02, 109, 110.01,
3 111, 112, 115, 116, 117.03, 131, 132. The terms of the members to be elected, KRS
4 160.044 notwithstanding, shall be four (4) years and the election for the initial four
5 (4) year terms shall be as follows: The election of the members from Divisions
6 Two, Four and Seven shall be held at the next regular November election following
7 the effective date of the merger pursuant to KRS 160.041, and the election of the
8 members from Divisions One, Three, Five and Six shall be held at the regular
9 November election two (2) years thereafter.

10 (6) In counties containing cities of the first class, responsibility for the establishment or
11 the changing of school board division boundaries shall be with the local board of
12 education, subject to the review and approval of the county board of elections.
13 Where division and census tract boundaries do not coincide with existing election
14 precinct boundaries, school board divisions shall be redrawn to comply with
15 precinct boundaries. In no instance shall precinct boundaries be redrawn nor shall a
16 precinct be divided to accommodate the drawing of school board division lines.
17 Precinct boundaries nearest existing school board division boundaries shall become
18 the new division boundary. All changes under this statute shall be completed on or
19 before January 1, 1979, and on or before January 1 in any succeeding year in which
20 a member of the school board is to be elected from any division. A record of all
21 changes in division lines shall be kept in the offices of the county board of
22 education and the county board of elections. The board of education shall publish
23 all changes pursuant to KRS Chapter 424. A copy of the newspaper in which the
24 notice is published shall be filed with the chief state school officer within ten (10)
25 days following its publication.

26 ➔ Section 22. KRS 118.631 is amended to read as follows:

27 Upon completion of the official canvass of the results of the primary by the State Board

1 of Elections, the Secretary of State shall certify to the state chairman of each political
2 party participating in the presidential preference primary the following:

3 (1) The names of the candidates entitled to delegate votes under provisions of KRS
4 118.641;

5 (2) The total vote received by each;

6 (3) A declaration that the results of the presidential preference primary, in accordance
7 with the division of votes reflected by the official canvass, shall be the official vote
8 cast by each political party at its national convention, on the first ballot only, and
9 shall be designated by KRS 118.555~~[118.551]~~ to 118.651 as an automatic vote,
10 expressing the will of the people of the Commonwealth of Kentucky; and

11 (4) After the vote on the first ballot by the political party at its national convention, as
12 required by this section, all responsibility under KRS 118.555~~[118.551]~~ to 118.651
13 shall terminate and further balloting shall be the prerogative of the political parties
14 as might be prescribed by the rules of such political parties.

15 ➔ Section 23. KRS 118.641 is amended to read as follows:

16 (1) The political parties in distributing authorized delegate votes among party
17 candidates shall select one (1) of the following methods of distribution:

18 (a) The candidates receiving the highest number of votes, provided each
19 candidate receives at least fifteen percent (15%) of the total vote cast by his or
20 her political party, shall be awarded a pro rata portion of the authorized
21 delegate vote of his or her political party as follows:

22 1. The total vote received by the candidates qualifying under the provisions
23 of KRS 118.555~~[118.551]~~ to 118.651 and subsections herein shall, when
24 combined, be equal to one hundred percent (100%);

25 2. Each such candidate shall share in the total percentage in direct
26 proportion to the total vote received by him or her mathematically
27 determined to be the percentage of the aggregate vote which represents

one hundred percent (100%);

3. Each political party shall appropriate such percentage, as is determined by this section, to the total number of delegate votes as are allotted by the national committee of each party; or

(b) The candidate receiving the highest number of votes cast by his or her political party shall be awarded a pro rata portion of the authorized delegate vote of his or her political party in compliance with the state party rules for that party.

9 (2) Each political party shall, on the first ballot at its national convention, cast this
10 Commonwealth's vote for the candidates as determined by the primary or party
11 caucus and calculated under this section or under party rules, whichever is
12 applicable. []Provided, however, that in the event of the death or withdrawal of a
13 candidate receiving votes under this section prior to the tabulation of the first ballot,
14 any delegate votes allocated to such candidate shall be considered uncommitted.
15 Withdrawal shall mean notice in writing by the candidate to the
16 **chairperson**[chairman] of the Kentucky delegation prior to the first ballot.

➔ Section 24. KRS 118.651 is amended to read as follows:

18 It shall be the responsibility of the state chairperson[chairman] of each political party to
19 notify his or her party's national committee, no later than January 30 of each year in
20 which such presidential primary shall be conducted, of the provisions contained herein
21 relating to the automatic vote on the first ballot as required under KRS 118.555 to
22 118.651[118.551 to 118.641].

→ Section 25. The following KRS section is repealed:

24 118.551 Definition of political party.

➔ Section 26. Whereas it is critically important to protect the integrity and
ability of the electoral process in order to safeguard the fundamental right to vote, and
a reasonable legislative task to seek improvement and modernization of election

1 procedures without undue delay in notice to the people of the Commonwealth and its
2 election officials tasked with administering the election laws within this state, an
3 emergency is declared to exist, and this Act takes effect upon its passage and approval by
4 the Governor or upon its otherwise becoming a law.