

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 27A.070 is amended to read as follows:

4 **(1)** The Administrative Office of the Courts shall send certified notices of conviction of
 5 a felony to the State Board of Elections within ten (10) days after the conviction
 6 becomes final, ~~including the exhaustion of all appeals,~~ with regard to any person
 7 before the courts of the Commonwealth.

8 **(2) By July 1, 2026, the Administrative Office of the Courts shall send to the State**
 9 **Board of Elections an all-time list of persons convicted of a felony, including any**
 10 **persons convicted of a felony whose case is currently pending appeal, who are**
 11 **currently ineligible to vote. The State Board of Elections shall cause the removal**
 12 **of the name of any person identified through the list as ineligible to vote from the**
 13 **voter registration records it maintains by August 1, 2026.**

14 ➡ Section 2. KRS 83A.040 is amended to read as follows:

15 (1) A mayor shall be elected by the voters of each city at a regular election. A
 16 candidate for mayor shall be a resident of the city for not less than one (1) year
 17 prior to his or her election. His or her term of office shall begin on the first day of
 18 January following his or her election and shall be for four (4) years and until his or
 19 her successor qualifies. If a person is elected or appointed as mayor in response to a
 20 vacancy and serves less than four (4) calendar years, then that period of service
 21 shall not be considered for purposes of re-election a term of office. A mayor shall
 22 be at least twenty-one (21) years of age, shall be a qualified voter in the city, and
 23 shall reside in the city throughout his or her term of office.

24 (2) If a vacancy occurs in the office of mayor, the following provisions shall apply:
 25 (a) The legislative body of the city shall fill the vacancy within thirty (30) days;
 26 (b) A member of the legislative body in any city organized and governed under
 27 the commission plan as provided by KRS 83A.140 or city manager plan as

1 provided by KRS 83A.150 may vote for himself;

2 (c) A member of the legislative body in any city organized and governed under
3 the mayor-council plan as provided by KRS 83A.130 and in any city of the
4 first class organized under the mayor-alderman plan as provided by KRS
5 Chapter 83 shall not vote for himself; and

6 (d) The legislative body shall elect from among its members an individual to
7 preside over meetings of the legislative body during any vacancy in the office
8 of mayor in accordance with the provisions of KRS 83A.130 to 83A.150.

9 (3) When voting to fill the vacancy created by a resignation of a mayor the resigning
10 mayor shall not vote on his or her successor.

11 (4) Each legislative body member shall be elected at large by the voters of each city at
12 a regular election. A candidate for a legislative body shall be a resident of the city
13 for not less than one (1) year prior to his or her election. His or her term of office
14 shall begin on the first day of January following his or her election and shall be for
15 two (2) years, except as provided by KRS 83A.050. A member shall be at least
16 eighteen (18) years of age, shall be a qualified voter in the city, and shall reside in
17 the city throughout his or her term of office.

18 (5) (a) If one (1) or more vacancies on a legislative body occur in a way that one (1)
19 or more members remain seated, the remaining members shall within thirty
20 (30) days fill the vacancies one (1) at a time, giving each new appointee
21 reasonable notice of his or her selection as will enable him or her to meet and
22 act with the remaining members in making further appointments until all
23 vacancies are filled.

24 (b) If a majority of the membership on a legislative body is vacated as a result
25 of a judgment by a Circuit Court or on appeal under subsection (4) of
26 Section 12 of this Act because of an election error due to no fault of any
27 candidate or fraud, a new special election shall be called and held as soon

as practicable for the bona fide candidates only. Members of the legislative body whose term expires shall remain in office until the contest and any appeals of the regular election are complete and final.

(c) If vacancies occur in a way that all seats become vacant, the Governor shall appoint qualified persons to fill the vacancies sufficient to constitute a quorum. Remaining vacancies shall be filled as provided in this section.

(6) If for any reason, any vacancy in the office of mayor or the legislative body is not filled within thirty (30) days after it occurs, the Governor shall promptly fill the vacancy by appointment of a qualified person who shall serve for the same period as if otherwise appointed.

(7) No vacancy by reason of voluntary resignation in the office of mayor or on a legislative body shall occur unless a written resignation which specifies a resignation date is tendered to the legislative body. The resignation may be submitted through electronic mail if it originates from the official's electronic mail address and includes also the official's handwritten signature. The resignation shall be effective at the next regular or special meeting of the city legislative body occurring on or after the date specified in the written letter of resignation. If a resignation date is not specified, the written resignation shall be deemed to become effective at the first regular or special meeting of the legislative body occurring on or after its receipt.

(8) Pursuant to KRS 118.305(7), if a vacancy occurs which is required by law to be filled temporarily by appointment, the legislative body or the Governor, whichever is designated to make the appointment, shall immediately notify in writing both the county clerk and the Secretary of State of the vacancy.

(9) Except in cities of the first class, any elected officer, in case of misconduct, incapacity, or willful neglect in the performance of the duties of his or her office, may be removed from office by a unanimous vote of the members of the legislative

body exclusive of any member to be removed, who shall not vote in the deliberation of his or her removal. No elected officer shall be removed without having been given the right to a full public hearing. The officer, if removed, shall have the right to appeal to the Circuit Court of the county and the appeal shall be on the record. No officer so removed shall be eligible to fill the office vacated before the expiration of the term to which originally elected.

(10) Removal of an elected officer in cities of the first class shall be governed by the provisions of KRS 83.660.

➔SECTION 3. A NEW SECTION OF KRS CHAPTER 116 IS CREATED TO READ AS FOLLOWS:

(1) The State Board of Elections is authorized to enter into agreements with agencies of the federal government to identify individuals who are not citizens of the United States and who are registered to vote in this state.

(2) (a) Any agreement entered into in accordance with this section shall have its terms agreed to in a written memorandum of understanding or similar document signed by individuals authorized to do so from the federal agency and the State Board of Elections.

(b) The document agreed to shall contain, at a minimum, provisions guaranteeing the following:

1. The federal agency shall be provided with a copy of the roster of all qualified registered voters within the state maintained by the State Board of Elections pursuant to KRS 117.025;

2. The copy of the roster that is provided to the federal agency shall include only the name, date of birth, and Social Security number, if available, of registered voters within the state;

3. The copy of the roster that is provided to the federal agency shall not include any other information, including but not limited to the

1 residential or mailing address, driver's license number, voting history,
 2 or political party affiliation of registered voters within the state; and

3 4. The federal agency shall be prohibited from acquiring a copy of the
 4 roster under KRS 117.025(3)(i).

5 (3) For all individuals who are identified as being a noncitizen through an
 6 agreement authorized by this section, the State Board of Elections shall:

7 (a) Mark the individual's registration in the roster of all qualified registered
 8 voters maintained pursuant to KRS 117.025(3)(a) in such a way that
 9 indicates on the voter registration system and any e-poll book that the
 10 individual has been identified as a noncitizen; and

11 (b) Mail the individual a notice stating that he or she has been identified by the
 12 federal government as being a noncitizen who is registered to vote in the
 13 Commonwealth, and informing the individual of the steps he or she must
 14 take before he or she may cast a ballot again.

15 (4) An individual identified as a noncitizen on the roster of qualified voters shall not
 16 cast a ballot until his or her United States citizenship is verified. To verify his or
 17 her United States citizenship, he or she shall present one (1) or more of the
 18 following at the office of his or her county clerk or at a voting location:

19 (a) A United States birth certificate that meets all the following requirements:

- 20 1. Is issued by the city, county, or state of birth;
- 21 2. Lists the applicant's full name, date of birth, and place of birth;
- 22 3. Lists the applicant's parent or parents and their full names;
- 23 4. Has the signature of the city, county, or state registrar;
- 24 5. Has the date it was filed with the registrar's office; and
- 25 6. Has the seal or stamp of the city, county, or state in which it was
 26 issued;

27 (b) An undamaged United States passport that is or was valid for ten (10) years

1 for adults or five (5) years for children under sixteen (16) and does not
 2 contain a United States National endorsement;

3 (c) A Consular Report of Birth Abroad or Certification of Birth;

4 (d) A Certificate of Naturalization; or

5 (e) A Certificate of Citizenship.

6 (5) If an individual identified as a noncitizen on the roster of qualified voters
 7 presents documentation verifying his or her United States citizenship at his or her
 8 county clerk's office, the county clerk shall make a copy of the documentation
 9 presented and record the copy in the voter registration system. The county clerk
 10 shall then immediately notify the State Board of Elections of the presented
 11 documentation and the board shall remove the mark from the voter's registration
 12 that indicates he or she was identified as a noncitizen on the roster of qualified
 13 voters.

14 (6) If an individual identified as a noncitizen on the roster of qualified voters
 15 presents documentation verifying his or her United States citizenship at a voting
 16 location, the election officer to which the documentation is presented shall make
 17 a copy of it and allow the voter to cast a ballot. The election officer shall present
 18 the copy of the provided documentation to the office of the county clerk at the
 19 time at which the voting location closes for the day. The county clerk shall record
 20 the copy in the voter registration system and then immediately notify the State
 21 Board of Elections of the presented documentation, and the board shall remove
 22 the mark from the voter's registration that indicates he or she was identified as a
 23 noncitizen on the roster of qualified voters.

24 (7) If an individual identified as a noncitizen on the roster of qualified voters appears
 25 at a voting location to vote without presenting documentation verifying his or her
 26 United States citizenship, the election officer shall allow the voter to cast a
 27 provisional ballot only after the voter has attested under penalty of perjury that he

1 or she is a United States citizen on a form provided by the State Board of
 2 Elections.

3 (8) An individual identified as a noncitizen on the roster of qualified voters shall be
 4 purged from the roster of qualified voters if the individual does not verify his or
 5 her United States citizenship before the day after the date of the second general
 6 election for federal office that occurs after the individual was identified as a
 7 noncitizen on the roster of qualified voters.

8 (9) The voter registration of all individuals who are identified as being a noncitizen
 9 through an agreement authorized by this section shall be forwarded by the State
 10 Board of Elections to the Unit of Election Investigations and Security within the
 11 Office of the Attorney General. If the citizenship of an individual identified as a
 12 noncitizen is later verified by the applicable federal agency or through the
 13 procedures in this section, the State Board of Elections shall notify the Unit of
 14 Election Investigations and Security within the Office of the Attorney General of
 15 that fact.

16 ➡ Section 4. KRS 116.113 is amended to read as follows:

17 (1) (a) Upon receipt of notification from the Cabinet for Health and Family Services
 18 or other reliable sources of the death of a person, the State Board of Elections
 19 shall within five (5) days cause the removal of the name of that person from
 20 the voter registration records it maintains, except that no voter's name may be
 21 removed during the period of time the registration books are closed for any
 22 primary, general, or special election.

23 (b) To ensure that the State Board of Elections accurately removes names from
 24 the voter registration records it maintains, the Cabinet for Health and Family
 25 Services shall provide a copy of the lifetime Kentucky death records to the
 26 State Board of Elections on or before July 1 of each year.

27 (2) Upon receipt of notification from the circuit clerk that a person has been declared

1 incompetent, the State Board of Elections shall within five (5) days cause the
 2 removal of the name of that person from the voter registration records it maintains,
 3 except that no voter's name may be removed during the period of time the
 4 registration books are closed for any primary, general, or special election.

5 (3) Upon receipt of notification from the Administrative Office of the Courts that a
 6 person has been excused from jury duty for not being a citizen of the United States,
 7 the State Board of Elections shall within five (5) days cause the removal of the
 8 name of that person from the voter registration records it maintains, except that no
 9 voter's name may be removed during the period of time the registration books are
 10 closed for any primary, general, or special election.

11 (4) Upon receipt of notification from the Administrative Office of the Courts or the
 12 United States Department of Justice that a person has been convicted of a felony
 13 offense, including persons convicted of a felony offense whose case is currently
 14 on appeal, the State Board of Elections shall within five (5) days cause the removal
 15 of the name of that person from the voter registration records it maintains, except
 16 that no voter's name may be removed during the period of time the registration
 17 books are closed for any primary, general, or special election.

18 (5) Upon receipt of notification from a local or state jurisdiction that a voter has
 19 registered to vote in the new local or state jurisdiction outside of the
 20 Commonwealth, the State Board of Elections shall within five (5) days cause the
 21 removal of the name of that person from the voter registration records that it
 22 maintains, except that no voter's name may be removed during the period of time
 23 the registration books are closed for any primary, regular election, or special
 24 election.

25 (6) (a) Following the purge of a name from the records of the State Board of
 26 Elections:~~[-]~~

27 1. The state board shall notify the clerk of the county in which the voter

1 lived of the action; and

2 2. The county clerk shall within ten (10) days update the county voter
3 registration files to reflect the necessary change.

4 (b) 1. If a protest is filed by the voter, the county board shall hear it at its next
5 regular monthly meeting.

6 2. If the county board decides in favor of the protesting voter, the voter's
7 registration record shall be restored, including his or her voting record.

8 3. If the protest is filed while the registration books are closed and the
9 county board decides in favor of the protesting voter, the county board
10 shall issue the voter an "Authorization to Vote" for the upcoming
11 election and the voter's record shall be restored when the registration
12 books open following the election.

13 ➔SECTION 5. A NEW SECTION OF KRS CHAPTER 117 IS CREATED TO
14 READ AS FOLLOWS:

15 (1) As used in this section, "cast vote record" means the electronic record produced
16 by a voting system that reflects the selections made on an individual ballot, in a
17 format that does not contain any voter-identifying information.

18 (2) After final certification of an election, the county clerk may make available to the
19 public, in electronic form through the use of a ballot verifier-type software
20 platform, images of scanned ballots and the matching cast vote record, as long as
21 it contains no voter-identifying information. To allow for public viewing, counties
22 may permit online access without requiring an open records request under KRS
23 61.870 to 61.884. The use of a software platform for public viewing shall be
24 permissive, not mandatory.

25 (3) If a county chooses to use a ballot verifier-type software platform, a county clerk
26 may use the software platform to perform automated audits on ballot images and
27 cast vote records in addition to any audits required by law, for analytical purposes

only. However, to ensure anonymity and voter privacy, jurisdictions or contests with less than ten (10) votes cast shall not be displayed as a group. Those images of ballots or cast vote records shall be displayed as part of a larger jurisdiction.

(4) This section shall not be construed to permit the release of:

(a) Voted paper ballots;

(b) Ballot images that contain identifying marks; or

(c) Any data that would reasonably risk revealing how any identifiable voter cast his or her vote.

(5) The State Board of Elections may promulgate administrative regulations in accordance with KRS Chapter 13A to establish uniform standards for formatting, publication, and redaction of images of ballots and cast vote records.

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

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

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

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

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

- 1 ~~(d)~~~~[(4)]~~ Permit a voter to vote for as many persons for an office as the voter is
- 2 lawfully entitled to vote for, and no more;
- 3 ~~(e)~~~~[(5)]~~ Prevent a voter from voting for more persons for any office than the
- 4 voter is entitled to vote for, and from voting for the same person, or for or
- 5 against the same question, more than once;
- 6 ~~(f)~~~~[(6)]~~ Permit a voter to vote for or against any question the voter may have the
- 7 right to vote on, but no other;
- 8 ~~(g)~~~~[(7)]~~ Provide for a nonpartisan ballot;
- 9 ~~(h)~~~~[(8)]~~ Be capable of being adjusted for use in a primary so that a voter may not
- 10 vote for any person except those seeking nomination as candidates of the
- 11 voter's party, as candidates for a nonpartisan office, or as candidates for an
- 12 office of the Court of Justice;
- 13 ~~(i)~~~~[(9)]~~ Permit each voter to vote for all the candidates for presidential electors
- 14 of any party by one (1) operation;
- 15 ~~(j)~~~~[(10)]~~ Permit each voter to vote, in any regular or special election, for any
- 16 person for whom the voter desires to vote whose name does not appear upon
- 17 the ballot by providing a method of write-in voting;
- 18 ~~(k)~~~~[(11)]~~ Be safe, efficient, and accurate in the conduct of elections, and correctly
- 19 register and accurately count all votes cast for each person, and for or against
- 20 each public question;
- 21 ~~(l)~~ 1.~~[(12)]~~~~—(a)~~ Provide each voter an opportunity to verify votes recorded
- 22 on the permanent paper ballot, either visually or using assistive voting
- 23 technology, by producing a voter-verified paper audit trail;
- 24 2.~~[(b)]~~ Provide each voter an opportunity to change votes or correct any
- 25 error before the voter's ballot is cast and counted; and
- 26 3.~~[(c)]~~ Provide a voter who spoils his or her ballot another ballot as
- 27 provided under this chapter;

- 1 ~~(m)~~~~[(13)]~~ Use an individual, discrete, permanent, paper ballot cast by the voter for
- 2 tabulating purposes;
- 3 ~~(n)~~~~[(14)]~~ Preserve the paper ballot as an official record available for use in any
- 4 audit or recount;
- 5 ~~(o)~~~~[(15)]~~ Be suitably designed for the purpose used, constructed of a durable
- 6 material, and safely transportable;
- 7 ~~(p)~~~~[(16)]~~ Be capable of determining whether the voting equipment has been
- 8 unlocked and operated or adjusted in any manner after once being locked;
- 9 ~~(q)~~~~[(17)]~~ Have a public counter with a register which is visible from the outside
- 10 of the counter or device that will show at all times during an election how
- 11 many persons have voted;
- 12 ~~(r)~~~~[(18)]~~ Have a protective cumulative counter indicating the number of votes
- 13 cast for each person, and the votes cast for or against each public question
- 14 which cannot be seen, reset, or tampered with without unlocking a covering
- 15 device by a key or other security apparatus that cannot unlock any other part
- 16 of the equipment, and which prevents changes to the cumulative counter once
- 17 the system has been put into operation on the day of any election;
- 18 ~~(s)~~~~[(19)]~~ Provide for the tabulating of votes at the precinct as required under KRS
- 19 117.275;
- 20 ~~(t)~~~~[(20)]~~ Provide locks or other security apparatus by which the operation of the
- 21 voting equipment may be locked before the time for opening the polls and
- 22 after the time for closing the polls;
- 23 ~~(u)~~~~[(21)]~~ Permit a voter to readily learn the method of operating it, to
- 24 expeditiously cast a vote for all candidates and on all questions of the voter's
- 25 choice, and when operated properly, register and record correctly and
- 26 accurately every vote cast;
- 27 ~~(v)~~~~[(22)]~~ Bear a number or other unique designation that will distinguish it from

1 any other voting equipment or voting system;

2 ~~(w)~~~~[(23)]~~ Produce a real-time audit log record for the voting system, and produce
3 a paper record with a manual audit capacity which shall be available as an
4 official record for any recount conducted related to any primary or election in
5 which the system is used;

6 ~~(x)~~~~[(24)]~~ Be accessible for individuals with impairments, including nonvisual
7 accessibility for the blind or visually impaired, in a manner that provides the
8 same opportunity for access and participation, including privacy and
9 independence, as for other voters;

10 ~~(y)~~~~[(25)]~~ Prohibit voting equipment that tabulates or aggregates votes used in
11 official results from connecting to any network, including the internet, or
12 communicating with any device external to the voting system;

13 ~~(z)~~ **Prohibit voting equipment that utilizes nonhuman readable codes, including**
14 **but not limited to barcodes, QR codes, or other encrypted markings, to**
15 **represent or tabulate a voter's choices;**

16 ~~(aa)~~~~[(26)]~~ Meet or exceed the standards for a voting system established by the
17 Election Assistance Commission, as amended from time to time, and those
18 approved under KRS 117.379; and

19 ~~(ab)~~~~[(27)]~~ Meet such other requirements as may be established by the State Board
20 of Elections in administrative regulations promulgated **in accordance**
21 **with**~~under~~ KRS Chapter 13A to reflect changes in technology to ensure the
22 integrity and security of voting systems.

23 **(2) Notwithstanding the requirements of subsection (1) of this section, continued use**
24 **of a voting system and all voting equipment that was approved for use by the State**
25 **Board of Elections as of the effective date of this Act, and was utilized by a county**
26 **before the effective date of this Act, shall be allowed until such time as a**
27 **replacement voting system is acquired by the county.**

1 ➡ Section 7. KRS 117.155 is amended to read as follows:

2 The county clerk shall place all ballots required to be placed upon voting equipment in
3 such a manner as will most nearly conform to the plan of arrangement prescribed by the
4 Secretary of State under KRS 118.215. The county clerk shall then see that the counters
5 referred to in KRS 117.125~~(1)(q)~~~~((17))~~ and ~~(1)(r)~~~~((18))~~ are set at zero, and shall lock the
6 operating device and mechanism and the devices protecting the counters and ballots,
7 which shall then be covered with a tamper-resistant seal. The county clerk shall then
8 enter in an appropriate book, opposite the number of each precinct the distinguishing
9 number of the voting equipment or the unique designation to be used in that precinct.

10 ➡ Section 8. KRS 117.205 is amended to read as follows:

11 Before the polls are open, and before permitting any person to vote on the day of the
12 election, the election officers shall examine the voting equipment to ascertain whether it
13 has been operated since the counters referred to in KRS 117.125~~(1)(q)~~~~((17))~~ and
14 ~~(1)(r)~~~~((18))~~ were set at zero, and to ascertain whether the ballots are arranged as
15 previously specified. If the voting equipment indicates that it has been operated or if the
16 ballots are not properly arranged, the officers shall not unlock the operating device or
17 mechanism, but shall immediately secure the attendance of the county clerk and one (1)
18 member of the county board of elections other than the county clerk, who shall reset the
19 counters at zero and relock the device covering the counters, or properly arrange the
20 ballots, as the case may be, in the presence of the election officers. If the attendance of
21 members of the board of elections cannot be obtained before the opening of the polls or
22 within one (1) hour thereafter, the election officers shall notify the county clerk of the
23 foregoing facts and obtain from the county clerk reserve voting equipment, and proceed
24 to conduct the election. Any reserve voting equipment shall have been certified for use at
25 the election by the county board of elections and prepared for use at the election by the
26 election officers in the precinct in the same manner as the original voting equipment was
27 prepared for the election. The voting equipment found to have been so operated shall be

returned immediately to the custody of the county clerk, whose duty it shall be to promptly repair same so that it may be used as reserve voting equipment in the election if needed.

→ Section 9. KRS 117.383 is amended to read as follows:

The State Board of Elections shall promulgate administrative regulations in accordance with ~~under~~ KRS Chapter 13A which shall maintain the maximum degree of correctness, impartiality, and efficiency of the procedures of voting and shall provide methods to:

- (1) Count, tabulate, and record votes;
- (2) Place items on any ballot which shall, as closely as possible, follow the requirements pertaining to ballots;
- (3) Design the ballots to include a system to ensure an accurate record of all voting activities;
- (4) Instruct voters in the use of the voting system, including any ballot marking device;
- (5) Provide for checking the accuracy of the voting system;
- (6) Provide necessary supplies, including those necessary for a write-in vote, to ensure voter privacy;
- (7) Provide for the conducting and review of an audit of any component of a voting system or any voting equipment, and a review of any audit log;
- (8) Provide for the conducting and review of an election audit which shall establish the protocol by which ballots are checked, compared, and verified with the results produced by vote tallying equipment to ensure accuracy through a hand-to-eye audit defined and conducted as follows:

- (a) To validate the accuracy and fidelity of the vote tabulation, the Secretary of State or his or her designee shall randomly select, in all counties of the Commonwealth, one (1) ballot scanner and one (1) race tabulated on that scanner, which shall have more than ten (10) votes cast, for a hand-to-eye audit to be performed by each county board of elections or its designee.

Counties shall send a list for selection to the Secretary of State's Office that only includes ballot scanners which recorded more than ten (10) votes cast;

- (b) The sealed ballot boxes and signed tabulator tally tape or record from election day, as established in KRS 117.275, shall be provided by the county board of elections at an agreed upon location, and shall be accessible for public viewing. The sealed ballots are only to be unsealed in the presence of the county board of elections or its designee and public witnesses;
- (c) A minimum of two (2) qualified poll workers, not of the same political party, shall be selected from lists of available volunteers, sworn in by the county board of elections or its designee to do the hand-to-eye audit, and compensated at the local poll worker rate. A video recording device shall be used for recording the event and it may be streamed for public internet viewing. A request under the Kentucky Open Records Act, KRS 61.870 to 61.884, for this video after an election shall be made during the sixty (60) consecutive days following the election, and the video may be disposed of after those sixty (60) days, or upon compliance with the Kentucky Open Records Act or the closure of an investigation or any litigation, including appeals, in a District, Circuit, or federal court, whichever is later;
- (d) Ballots are to be aligned for stacking as needed, then viewed one (1) at a time, with each volunteer making a tally mark on a tally sheet for each vote cast for each candidate. Any ballots that are disputed or unclearly marked shall be set aside and the county board of elections or its designee shall determine voter intent;
- (e) Once the hand-to-eye audit is completed, each volunteer shall add up the tally marks for each candidate, write down a total number of votes for each candidate, and sign the tally sheet. The county board of elections or its designee shall verify if the two (2) separate hand-to-eye tallies match. If the

- 1 two (2) hand-to-eye tallies do not match each other, the process must be
2 repeated until the totals are matching. Once this occurs, the county board of
3 elections or its designee shall also verify the tallies by signing each tally sheet.
4 Then, the ballots must be returned to the ballot box and resealed in the
5 presence of the county board of elections or its designee and public witnesses;
- 6 (f) The county board of elections or its designee shall compare the signed register
7 tape total from the vote tabulation machine on election day to the hand-to-eye
8 tallies. If there is a discrepancy between the machine count and the hand-to-
9 eye audit, other than instances of voter intent markings outside the designated
10 marking area on the paper ballot that were unreadable by the scanner, or
11 unscanned overvotes resulting from two (2) or more voter intent marks on the
12 same race, the county board of elections or its designee shall open an election
13 investigation including a review of election day irregularity reports. If more
14 discrepancies are found, the county board of elections or its designee shall
15 broaden the investigation until the reason for the discrepancy is discovered
16 and subsequently resolved. A determination as to whether the outcome of the
17 race could have been impacted by the discrepancies shall be made and any
18 findings shall be reported to the Attorney General and Secretary of State; and
- 19 (g) The county board of elections or its designee shall examine the electronic or
20 paper sign-in records from the precinct or vote center and validate that the
21 ballots cast and recounted were less than or equal to the sign-in records for
22 that precinct or vote center. If the cast ballots for the precinct or vote center
23 exceed the number of voters on the sign-in records for the precinct or vote
24 center, the county board of elections shall open an election investigation and
25 report the findings to the Attorney General and Secretary of State;
- 26 (9) Provide a method for maintaining sufficient documents, including ballots and
27 records, so that votes can be recounted;

- 1 (10) Ensure the county board of elections produces accurate precinct-by-precinct
2 summaries of tabulation sheets showing the results of each precinct during in-
3 person absentee voting, election day voting, and when a county is approved to use a
4 vote center;
 - 5 (11) Except as otherwise required in this chapter, all records and papers relating to
6 specified elections be retained for twenty-two (22) months, such documents and
7 records shall be maintained for thirty (30) days following an election; and
 - 8 (12) Unless contrary to the Help America Vote Act of 2002, ensure that all federal
9 provisional voting shall be conducted in a manner as prescribed by KRS Chapters
10 116 to 120.
- 11 ➡ Section 10. KRS 118.176 is amended to read as follows:
- 12 (1) A "bona fide" candidate means one who is seeking nomination in a primary or
13 election in a special or regular election according to law.
 - 14 (2) The bona fides of any candidate seeking nomination as the nominee of a political
15 party or a nonpartisan or judicial nominee in a primary or election to an office as a
16 member of a political organization, political group, or as an independent in a special
17 or regular election may be questioned by any qualified voter entitled to vote for the
18 candidate or by an opposing candidate by summary proceedings consisting of a
19 motion before the Circuit Court of the judicial circuit in which the candidate whose
20 bona fides is questioned resides. An action regarding the bona fides of the nominee
21 of a political party or a nonpartisan or judicial nominee may be commenced at any
22 time prior to the primary. An action regarding the bona fides for election to an
23 office as a member of a political organization, political group, or as an independent
24 may be commenced at any time prior to a special or regular election. The motion
25 shall be tried summarily and without delay. Proof may be heard orally, and upon
26 motion of either party shall be officially reported. If the Circuit Judge of the circuit
27 in which the proceeding is filed is disqualified or absent from the county or is

1 herself or himself a candidate, the proceeding may be presented to, heard and
 2 determined by the Circuit Judge of any adjoining judicial circuit.

3 (3) In any action or proceeding under this section the burden of proof as to the bona
 4 fides of a candidate shall be on the person challenging the bona fides of a candidate.

5 (4) If the court finds the candidate is not a bona fide candidate:

6 (a) It shall so order, and certify the fact to the board of elections, and the
 7 candidate's name shall be stricken from the written designation of election
 8 officers filed with the board of elections or the court may refuse recognition
 9 or relief in a mandatory or injunctive way;~~[-]~~

10 (b) The order of the Circuit Court shall be entered on the order book of the court
 11 and shall be subject to a motion to set aside in the Court of Appeals. The
 12 motion shall be heard by the Court of Appeals or a judge thereof in the
 13 manner provided for dissolving or granting injunctions, except that the motion
 14 shall be made before the court or judge within five (5) days after the entry of
 15 the order in the Circuit Court, and may be heard and tried upon the original
 16 papers, and the order of the Court of Appeals or judge thereof shall be final;

17 and

18 (c) The person bringing the action shall be entitled to and awarded his or her
 19 reasonable attorney's fees, expert witness fees, and other court costs for trial
 20 and appeal, and those fees and costs shall be taxed against the candidate or
 21 his or her campaign committee after the timely filing of a bill of costs with
 22 the Circuit Court.

23 (5) No person shall approach the Circuit Judge for the purpose or view of influencing
 24 his or her decision on the motion pending before the Circuit Judge or to be tried by
 25 him or her.

26 ➔SECTION 11. A NEW SECTION OF KRS CHAPTER 118A IS CREATED
 27 TO READ AS FOLLOWS:

(1) A candidate for judicial office may publicly disclose his or her political party affiliation, including but not limited to:

(a) Identifying themselves as a member of a political party;

(b) Stating current voter registration status or past or current party affiliation; and

(c) Communicating political values or viewpoints consistent with his or her party affiliation.

(2) A candidate for judicial office shall not:

(a) Claim to be the official nominee of a political party for judicial office;

(b) Use language or materials that imply nomination, designation, or endorsement by a political party; or

(c) Use party symbols, slogans, or imagery in a manner that would mislead a reasonable person to believe the candidate is running in a partisan election or was selected by a political party to represent it.

(3) This section shall not be construed to authorize partisan elections for judicial office or to permit political party nomination, designation, or ballot labeling of candidates for judicial office.

➡ Section 12. KRS 120.165 is amended to read as follows:

(1) A contest instituted under KRS 120.155 shall proceed as equity actions. Upon return of the summons properly executed to the office of the circuit clerk, he or she shall immediately docket the case and notify the presiding judge of the court that the contest has been filed. The judge shall proceed to a trial of the cause without delay. In courts having more than one (1) judge, the judge who shall try the case shall be determined by lot. The court shall complete the case as soon as practicable. The action shall have precedence over all other cases.

(2) The evidence in chief for the contestant shall be completed within thirty (30) days after service of summons; the evidence for the contestee shall be completed within

1 twenty-five (25) days after filing of answer, and evidence for contestant in rebuttal
 2 shall be completed within seven (7) days after the contestee has concluded;
 3 provided that for cause the court may grant a reasonable extension of time to either
 4 party.

5 (3) All voting machines, voting equipment, or voting systems, ballots, stub books, and
 6 other papers concerning which there is any ground for contest may be removed to
 7 the court in which the action is pending.

8 (4) If it appears from an inspection of the whole record that there has been such fraud,
 9 intimidation, bribery, or violence in the conduct of the election that neither
 10 contestant nor contestee can be judged to have been fairly elected, the Circuit
 11 Court, or an appellate court~~[-]~~ on appeal, may adjudge that there has been no
 12 election. In that event the office shall be deemed vacant, with the same legal effect
 13 as if the person elected had refused to qualify. **In the event a majority of the offices**
 14 **of a legislative body are deemed vacant under subsection (5)(b) of Section 2 of**
 15 **this Act, the county clerk and local board of elections shall call a special election**
 16 **of the bona fide candidates who previously qualified as soon as practicable,**
 17 **within at least forty-five (45) days of the declaration of vacancies becoming final**
 18 **orders.** If one (1) of the parties is adjudged by the court to be elected to the office,
 19 he or she shall, on production of a copy of the final judgment, be permitted to
 20 qualify or be commissioned.

21 **(5) If an election contest brought under this section is successful, as determined by**
 22 **the Circuit Court or an appellate court on appeal, the contestant shall be entitled**
 23 **to recover reasonable attorney's fees, expert witness fees, and other court costs.**
 24 **The fees and costs shall be taxed by the court against the local board of elections**
 25 **or against any party adjudicated to have engaged in fraud, intimidation, bribery,**
 26 **or violence that prevented either the contestant or contestee from being fairly**
 27 **elected.**

1 ➡ Section 13. KRS 121.015 is amended to read as follows:

2 As used in this chapter:

3 (1) "Registry" means the Kentucky Registry of Election Finance;

4 (2) "Election" means any primary, regular, or special election to fill vacancies
5 regardless of whether a candidate or slate of candidates is opposed or unopposed in
6 an election. Each primary, regular, or special election shall be considered a separate
7 election;

8 (3) "Committee" includes the following:

9 (a) "Campaign committee," which means one (1) or more persons who receive
10 contributions and make expenditures to support or oppose one (1) or more
11 specific candidates or slates of candidates for nomination or election to any
12 state, county, city, or district office, that is authorized by the candidate or slate
13 of candidates to receive contributions, make expenditures, and generally
14 conduct a campaign for the candidate or slate of candidates, but does not
15 include an entity established solely by a candidate which is managed solely by
16 a candidate and a campaign treasurer and whose name is generic in nature,
17 such as "Friends of (the candidate)," and does not reflect that other persons
18 have structured themselves as a committee, designated officers of the
19 committee, and assigned responsibilities and duties to each officer with the
20 purpose of managing a campaign to support or oppose a candidate in an
21 election;

22 (b) "Independent expenditure-only committee," which means one (1) or more
23 persons who receive unlimited contributions for the purpose of making only
24 independent expenditures to support or oppose one (1) or more specific
25 candidates or slates of candidates for nomination or election to any state,
26 county, city, or district office;

27 (c) "Caucus campaign committee," which means members of one (1) of the

1 following caucus groups who receive contributions and make expenditures to
 2 support or oppose one (1) or more specific candidates or slates of candidates
 3 for nomination or election, or a committee:

- 4 1. House Democratic caucus campaign committee;
- 5 2. House Republican caucus campaign committee;
- 6 3. Senate Democratic caucus campaign committee;
- 7 4. Senate Republican caucus campaign committee; or
- 8 5. Subdivisions of the state executive committee of a minor political party,
 9 which serve the same function as the above-named committees, as
 10 determined by regulations promulgated by the registry;

11 (d) "Political issues committee," which means three (3) or more persons joining
 12 together to advocate or oppose a ballot measure if that committee receives or
 13 expends money in excess of one thousand dollars (\$1,000);

14 (e) "Permanent committee," which means a group of individuals, including an
 15 association, committee, or organization, other than a campaign committee,
 16 independent expenditure-only committee, federally registered political
 17 committee, political issues committee, inaugural committee, caucus campaign
 18 committee, or party executive committee, which is established as, or intended
 19 to be, a permanent organization having as a primary purpose expressly
 20 advocating the election or defeat of one (1) or more clearly identified
 21 candidates, slates of candidates, or political parties, which functions on a
 22 regular basis throughout the year;

23 (f) ~~[An]~~ "Executive committee of a political party," **which means a political**
 24 **committee that is a subdivision of a national political party committee and**
 25 **operates within the structure and under the supervision of the state**
 26 **executive committee of that same political party. Political parties may**
 27 **support candidates for public office, raise and spend money for their**

internal operations, and are governed by a committee that is elected by the voters in that subdivision in a manner not inconsistent with the rules of that same political party; and

(g) "Inaugural committee," which means one (1) or more persons who receive contributions and make expenditures in support of inauguration activities for any candidate or slate of candidates elected to any state, county, city, or district office;

(4) "Contributing organization" means a group which merely contributes to candidates, slates of candidates, campaign committees, caucus campaign committees, or executive committees from time to time from funds derived solely from within the group, and which does not solicit or receive funds from sources outside the group itself. Any contributions made by the groups in excess of one hundred dollars (\$100) shall be reported to the registry;

(5) "Testimonial affair" means an affair held in honor of a person who holds or who is or was a candidate for nomination or election to a political office in this state designed to raise funds for any purpose not charitable, religious, or educational;

(6) "Contribution" means any:

(a) Payment, distribution, loan, deposit, or gift of money or other thing of value, to a candidate, his or her agent, a slate of candidates, its authorized agent, a committee, or contributing organization. As used in this subsection, "loan" shall include a guarantee, endorsement, or other form of security where the risk of nonpayment rests with the surety, guarantor, or endorser, as well as with a committee, contributing organization, candidate, slate of candidates, or other primary obligor. No person shall become liable as surety, endorser, or guarantor for any sum in any one (1) election which, when combined with all other contributions the individual makes to a candidate, his or her agent, a slate of candidates, its agent, a committee, or a contributing organization,

- 1 exceeds the contribution limits provided in KRS 121.150;
- 2 (b) Payment by any person other than the candidate, his or her authorized
- 3 treasurer, a slate of candidates, its authorized treasurer, a committee, or a
- 4 contributing organization, of compensation for the personal services of
- 5 another person which are rendered to a candidate, slate of candidates,
- 6 committee, or contributing organization, or for inauguration activities;
- 7 (c) Goods, advertising, or services with a value of more than one hundred dollars
- 8 (\$100) in the aggregate in any one (1) election which are furnished to a
- 9 candidate, slate of candidates, committee, or contributing organization or for
- 10 inauguration activities without charge, or at a rate which is less than the rate
- 11 normally charged for the goods or services; or
- 12 (d) Payment by any person other than a candidate, his or her authorized treasurer,
- 13 a slate of candidates, its authorized treasurer, a committee, or contributing
- 14 organization for any goods or services with a value of more than one hundred
- 15 dollars (\$100) in the aggregate in any one (1) election which are utilized by a
- 16 candidate, slate of candidates, committee, or contributing organization, or for
- 17 inauguration activities;
- 18 (7) Notwithstanding the foregoing meanings of "contribution," the word shall not be
- 19 construed to include:
- 20 (a) Services provided without compensation by individuals volunteering a portion
- 21 or all of their time on behalf of a candidate, a slate of candidates, committee,
- 22 or contributing organization;
- 23 (b) A loan of money by any financial institution doing business in Kentucky
- 24 made in accordance with applicable banking laws and regulations and in the
- 25 ordinary course of business;~~or~~
- 26 (c) An independent expenditure by any individual or permanent committee; or
- 27 (d) Any processing fee, transaction fee, or service charge deducted by a third-

1 party payment processor, credit card issuer, or electronic payment service,
 2 provided that the fee is a standard commercial charge for the service
 3 rendered;

4 (8) "Candidate" means any person who has received contributions or made
 5 expenditures, has appointed a campaign treasurer, or has given his or her consent
 6 for any other person to receive contributions or make expenditures with a view to
 7 bringing about his or her nomination or election to a nonfederal public office,
 8 except as provided in KRS 121.180(10)(b);

9 (9) "Slate of candidates" means:

10 (a) Between the time a certificate or petition of nomination has been filed for a
 11 candidate for the office of Governor under KRS 118.365 and the time the
 12 candidate designates a running mate for the office of Lieutenant Governor
 13 under KRS 118.126, a slate of candidates consists of the candidate for the
 14 office of Governor; and

15 (b) After that candidate has designated a running mate under KRS 118.126, that
 16 same slate of candidates consists of that same candidate for the office of
 17 Governor and the candidate's running mate for the office of Lieutenant
 18 Governor. Unless the context requires otherwise, any provision of law that
 19 applies to a candidate shall also apply to a slate of candidates;

20 (10) "Knowingly" means, with respect to conduct or to a circumstance described by a
 21 statute defining an offense, that a person is aware or should have been aware that
 22 his or her conduct is of that nature or that the circumstance exists;

23 (11) "Fundraiser" means an individual who directly solicits and secures contributions on
 24 behalf of a candidate or slate of candidates for a statewide-elected state office or an
 25 office in a jurisdiction with a population in excess of two hundred thousand
 26 (200,000) residents;

27 (12) "Independent expenditure" means:

- 1 (a) The expenditure of money or other things of value for a communication which
 2 expressly advocates the election or defeat of a clearly identified candidate or
 3 slate of candidates, and which:
- 4 1. Is made without any coordination, consultation, or cooperation with any
 5 candidate, slate of candidates, campaign committee, or any authorized
 6 person acting on behalf of any of them; and
 - 7 2. Is not made in concert with, or at the request or suggestion of any
 8 candidate, slate of candidates, campaign committee, or any authorized
 9 person acting on behalf of any of them; or
- 10 (b) The expenditure of money or other things of value for a communication which
 11 expressly advocates or opposes a ballot measure, and which:
- 12 1. Is made without any coordination, consultation, or cooperation with any
 13 political issues committee, or any authorized person acting on behalf of
 14 a political issues committee; and
 - 15 2. Is not made in concert with, or at the request or suggestion of, any
 16 political issues committee, or any authorized person acting on behalf of
 17 a political issues committee;
- 18 (13) "Electronic reporting" means the use of technology, having electrical, digital,
 19 magnetic, wireless, optical, electromagnetic, or similar capabilities, by which an
 20 individual or other entity submits, compiles, or transmits campaign finance reports
 21 to the registry, or by which the registry receives, stores, analyzes, or discloses the
 22 reports;
- 23 (14) "Security procedure" means a procedure employed for the purpose of verifying that
 24 an electronic signature, record, or performance is that of a specific person or for
 25 detecting changes or errors in the information in an electronic record. The term
 26 includes a procedure that requires the use of algorithms or other codes, identifying
 27 words or numbers, encryption, or callback or other acknowledgment procedures;

- 1 (15) "Electronic signature" means an electronic sound, symbol, or process attached to or
 2 logically associated with a record and executed or adopted by a person with the
 3 intent to sign the record;
- 4 (16) "Filer" means any candidate, a slate of candidates, committee, or other individual or
 5 entity required to submit financial disclosure reports to the registry;
- 6 (17) "Filer-side software" means software provided to or used by the filer that enables
 7 transmittal of financial reports to the registry;
- 8 (18) "Form" means an online web page or an electronic document designed to capture,
 9 validate, and submit data for processing to the registry, unless the context otherwise
 10 prescribes;
- 11 (19) "Reasonable cause" means an event, happening, or circumstance entirely beyond
 12 the knowledge or control of the candidate, slate of candidates, or committee, which
 13 has exercised due care and prudence in maintaining the records of the campaign or
 14 committee pursuant to statute or administrative regulation;
- 15 (20) "Foreign national" means:
- 16 (a) An individual who is not a citizen or lawful permanent resident of the United
 17 States;
- 18 (b) A government, political subdivision, or municipality of a foreign country;
- 19 (c) A foreign political party;
- 20 (d) Any entity, including but not limited to a partnership, association, corporation,
 21 organization, or other combination of persons, that is organized under the
 22 laws of or has its principal place of business in a foreign country; or
- 23 (e) Any entity in the United States, including but not limited to a partnership,
 24 association, corporation, or organization that is wholly or majority owned by
 25 any foreign national, unless:
- 26 1. Any contribution or expenditure the entity makes derives entirely from
 27 funds generated by the entity's United States operations; and

1 2. All decisions concerning the contribution or expenditure, except for
 2 setting overall budget amounts, are made by individuals who are United
 3 States citizens or permanent residents;

4 (21) "Ballot measure" means a question, other than the nomination or election of a
 5 candidate for public office, which has been:

6 (a) Approved by a political subdivision or the General Assembly and is required
 7 by law to be placed before the voters of the territory affected; or

8 (b) Initiated or referred by citizen petition as authorized by KRS 242.020 and
 9 placed before the voters of the territory affected;

10 (22) "Preliminary activity" includes but is not limited to:

11 (a) Participating in focus groups;

12 (b) Making telephone calls;

13 (c) Traveling;

14 (d) Conducting polls; and

15 (e) Drafting ballot measure language; and

16 (23) "Tax-exempt organization" means an organization described in 26 U.S.C. sec.
 17 501(c) and exempt from federal taxation under 26 U.S.C. sec. 501(a). This
 18 subsection shall not be construed to treat a political organization under 26 U.S.C.
 19 sec. 527 as a tax-exempt organization for purposes of this chapter.

20 ➡ Section 14. KRS 121.065 is amended to read as follows:

21 (1) No publisher of newspapers, magazines, handbills, or other printed matter, owner or
 22 lessor of billboards, radio or television station or network, **digital media platform,**
 23 or any other person, company, corporation, or organization offering its
 24 communications services for hire to the public shall be permitted to charge fees for
 25 political advertising in excess of the lowest rate charged to other advertisers at the
 26 time the political advertising is purchased.

27 (2) Political advertising means any communication intended to support or defeat a

1 candidate for public office.

2 (3) An action to enjoin violations of this section shall be in the Circuit Court of the
3 county where the complaining candidate resides.

4 ➡ Section 15. KRS 121.110 is amended to read as follows:

5 (1) There is hereby created as an independent agency of state government a Kentucky
6 Registry of Election Finance. The registry shall be composed of seven (7) members
7 appointed as provided herein. The registry shall remain independent of any other
8 agency or department of state government. Members shall be at least twenty-five
9 (25) years of age, registered voters in Kentucky, not announced candidates for
10 public office, not officers of a political party's state central executive committee,
11 shall not have been convicted of an election offense, and shall be persons of high
12 ethical standards who have an active interest in promoting fair elections.
13 Appointees shall be subject to Senate confirmation at the next regular session of the
14 General Assembly following appointment, or at the next special session if included
15 in the Governor's call. Appointees shall have full power to serve until any vote of
16 nonconfirmation.

17 (2) Members of the registry shall be selected as follows:

18 (a) One (1) member shall be appointed by the Governor from a list of three (3)
19 nominees submitted by the state central committee of the political party
20 polling the largest vote at the last gubernatorial election; ~~and~~

21 (b) One (1) member shall be appointed by the Governor from a list of three (3)
22 nominees submitted by the state central committee of the political party
23 polling the second largest vote at the last gubernatorial election. The members
24 appointed pursuant to subsections (a) and (b) of this section shall take office
25 on August 15, 1990, for a term of one (1) year and their successors shall serve
26 a term of four (4) years beginning August 15, 1991, or until their successors
27 are appointed and qualified; ~~and~~

- 1 (c) *The President of the Senate and the Speaker of the House of*
 2 *Representatives shall each appoint one (1) member, and these members*
 3 *shall serve a term of four (4) years;*~~[Two (2) other members shall be~~
 4 appointed by the Governor. Before making these appointments, the Governor
 5 shall solicit nominations from at least two (2) organizations which have
 6 demonstrated a nonpartisan interest in fair elections and informed voting. The
 7 Governor's solicitations and the replies shall be public records. The Governor
 8 shall give due consideration to such nominations. The two (2) members
 9 appointed pursuant to this subsection shall be one (1) from each of the two (2)
 10 political parties which polled the greatest number of votes at the last
 11 gubernatorial election. Members appointed pursuant to this subsection shall
 12 take office on August 15, 1988, for a term of four (4) years or until their
 13 successors are appointed and qualified and their successors shall serve a term
 14 of four (4) years.]
- 15 (d) One (1) member shall be appointed by the Auditor of Public Accounts after
 16 soliciting nominations as provided by subsection (c) of this section. The
 17 appointee shall be a member of one (1) of the two (2) political parties which
 18 polled the greatest number of votes at the last gubernatorial election. The
 19 member appointed pursuant to this subsection shall take office on August 15,
 20 1997, for a term of four (4) years or until his successor is appointed and
 21 qualified and his successors shall serve a term of four (4) years;[-]
- 22 (e) One (1) member shall be appointed by the Attorney General after soliciting
 23 nominations as provided by subsection (c) of this section. The appointee shall
 24 not be a member of the same political party as the person appointed by the
 25 Auditor of Public Accounts pursuant to subsection (d) of this section. The
 26 member appointed pursuant to this subsection shall take office on August 15,
 27 1990, for a term of four (4) years or until his successor is appointed and

1 qualified and his successors shall serve a term of four (4) years; ~~and~~;

2 (f) One (1) member shall be appointed by the Secretary of State after soliciting
3 nominations as provided by subsection (c) of this section. The Secretary of
4 State's appointment shall be without regard to political affiliation. The
5 member appointed pursuant to this subsection shall take office on August 15,
6 1990, for a term of three (3) years or until his successor is appointed and
7 qualified and his successors shall serve a term of four (4) years.

8 (3) The members of the registry shall select a chairman from among the appointed
9 membership, effective August 15, 1990. The chairman shall serve in that capacity
10 for one (1) year and shall be eligible for reelection. The chairman shall preside at all
11 meetings and shall have all the powers and privileges of the other members.

12 (4) In the event of a vacancy in the office of any member, the vacancy shall be filled
13 within thirty (30) days of the occurrence, in the same manner as the vacating
14 member's office was filled pursuant to subsection (2) of this section.

15 (5) The registry shall fix the place and time of its regular meetings by order duly
16 recorded in its minutes. No action shall be taken without a quorum present. Special
17 meetings shall be called by the chairman on his own initiative or on the written
18 request of three (3) members. Members shall receive seven (7) days' written notice
19 of a special meeting and the notice shall specify the purpose, time and place of the
20 meeting, and no other matters may be considered, without a specific waiver by all
21 the members.

22 (6) The members of the registry ~~shall receive sixty five dollars (\$65) per diem, and~~
23 shall be reimbursed for necessary travel and expenses in the same manner as state
24 employees ~~all reasonable and necessary expenses~~.

25 ➡ Section 16. KRS 121.140 is amended to read as follows:

26 (1) Upon the sworn complaint of any person, or on its own initiative, the registry shall
27 investigate alleged violations of campaign finance law. In conducting any

1 investigation, the registry shall have the power of subpoena and may compel
 2 production of evidence including the financial records of any person determined by
 3 the registry to be vital to the investigation. The records subject to subpoena include,
 4 but are not limited to, a person's bank records and other relevant documents, but
 5 excluding individual and business income tax records.

6 (2) If the registry concludes that there is probable cause to believe that the law has been
 7 violated, the registry shall notify the alleged violator of its conclusions and the
 8 evidence supporting them, and shall offer the alleged violator a conciliation
 9 agreement to resolve the issue. A conciliation agreement may require the alleged
 10 violator to comply with one (1) or more of the following:

- 11 (a) To cease and desist violations of the law;
- 12 (b) To file required reports or other documents or information;
- 13 (c) To pay a penalty not to exceed two hundred dollars (\$200) a day, up to a
 14 maximum total fine of five thousand dollars (\$5,000), for failure to file any
 15 report, payment of an administrative fee, or other document or information
 16 required by law until the report, fee payment, document, or information is
 17 filed; except that there shall be no maximum total fine for candidates for
 18 statewide office; or
- 19 (d) To pay a penalty not to exceed five thousand dollars (\$5,000) per violation for
 20 acts of noncompliance with provisions contained within this chapter.

21 (3) No monetary penalty under subsection (2) of this section for failure to file any
 22 report, payment of an administrative fee, or other documentation or information
 23 required by law shall begin to accrue or be assessed until five (5) business days
 24 after the registry has provided notice of the delinquency to the candidate or the
 25 campaign treasurer. If the violation is corrected within the five (5) business days
 26 following the registry's notice, no penalty shall be assessed.

27 (4) To accept a conciliation agreement, an alleged violator shall deliver the signed

1 agreement to the registry either in person or by mail postmarked not later than ten
 2 (10) days after the day he received it. The registry may institute a civil action in
 3 Franklin Circuit Court or the Circuit Court for the county of the violator's residence
 4 to enforce the provisions of any conciliation agreement accepted by a violator who
 5 is not complying with its provisions.

6 ~~(5)(4)~~ If the alleged violator declines to accept the conciliation agreement or fails to
 7 respond within the time allowed, the registry shall conduct an administrative
 8 hearing. The provisions of KRS Chapter 13B shall apply to all registry
 9 administrative hearings except for the provisions of KRS 13B.030(2)(b). A party
 10 adversely affected by the registry's final order may appeal to Franklin Circuit Court
 11 within thirty (30) days after the date of the registry's final order. The violator may
 12 be ordered to comply with any one (1) or more of the following requirements:

- 13 (a) To cease and desist violation of this law;
- 14 (b) To file any reports or other documents or information required by this law;
- 15 (c) To pay a penalty not to exceed two hundred dollars (\$200) a day, up to a
 16 maximum total fine of five thousand dollars (\$5,000), for failure to file any
 17 report, payment of an administrative fee, or other document or information
 18 required by law until the report, fee payment, document, or information is
 19 filed; except that there shall be no maximum total fine for candidates for
 20 statewide office; or
- 21 (d) To pay a penalty not to exceed five thousand dollars (\$5,000) per violation for
 22 acts of noncompliance with provisions contained within this chapter. An
 23 appeal of an order shall be advanced on the docket to permit a timely
 24 decision.

25 ~~(6)(5)~~ If the registry concludes that there is probable cause to believe that the
 26 campaign finance law has been violated knowingly, it shall refer the violation to the
 27 Attorney General or the appropriate Commonwealth's or county attorney for

1 prosecution. The Attorney General may request the registry's attorney or the
 2 appropriate county or Commonwealth's attorney to prosecute the matter and may
 3 request from the registry all evidence collected in its investigation. In the event the
 4 Attorney General or the appropriate local prosecutor fails to prosecute in a timely
 5 fashion, the registry may petition the Circuit Court to appoint the registry's attorney
 6 to prosecute, and upon a motion timely filed, for good cause shown, the court shall
 7 enter an order to that effect. Prosecutions involving campaign finance law
 8 violations, in which the reports are required to be filed in Frankfort, may be
 9 conducted in Franklin Circuit Court or in the Circuit Court for the county in which
 10 the contribution or expenditure constituting a campaign finance violation was
 11 solicited, made, or accepted. The prosecution of a person who unlawfully solicits,
 12 makes, or accepts a contribution or expenditure through the use of the mail may be
 13 conducted in the Circuit Court for the county in which the solicitation is mailed, the
 14 county in which the contribution is mailed or received, or the county in which the
 15 expenditure is mailed.

16 ~~(7)(6)~~ If judicial review is sought of any action of the registry relating to a pending
 17 election, the matter shall be advanced on the docket of the court. The court may
 18 take any steps authorized by law to accelerate its procedures so as to permit a
 19 timely decision.

20 ➡ Section 17. KRS 121.150 is amended to read as follows:

21 (1) No contribution shall be made or received, directly or indirectly, other than an
 22 independent expenditure, to support inauguration activities or to support or defeat a
 23 candidate, slate of candidates, constitutional amendment, or public question which
 24 will appear on the ballot in an election, except through the duly appointed campaign
 25 manager, or campaign treasurer of the candidate, slate of candidates, or registered
 26 committee. Any person making an independent expenditure, shall report these
 27 expenditures when the expenditures by that person exceed five hundred dollars

1 (\$500) in the aggregate in any one (1) election, on a form provided or using a
 2 format approved by the registry and shall sign a statement on the form, under
 3 penalty of perjury, that the expenditure was an actual independent expenditure and
 4 that there was no prior communication with the campaign on whose behalf it was
 5 made.

6 (2) Except as provided in KRS 121.180(10), the solicitation from and contributions by
 7 campaign committees, independent expenditure-only committees, caucus campaign
 8 committees, political issues committees, permanent committees, and party
 9 executive committees to any religious, charitable, civic, eleemosynary, or other
 10 causes or organizations established primarily for the public good is expressly
 11 prohibited; except that it shall not be construed as a violation of this section for:

12 (a) A candidate or a slate of candidates to contribute to religious, civic, or
 13 charitable groups; or

14 (b) A state or county executive committee of a political party to contribute up to
 15 one hundred dollars (\$100) per year to a nonprofit civic organization if the
 16 organization promotes civic education, voter registration efforts, or patriotic
 17 events.

18 (3) No candidate, slate of candidates, committee, or contributing organization, nor
 19 anyone acting on their behalf, shall accept any anonymous contribution in excess of
 20 one hundred dollars (\$100), and all anonymous contributions in excess of one
 21 hundred dollars (\$100) shall be returned to the donor, if the donor can be
 22 determined. If no donor is found, the contribution shall escheat to the state. No
 23 candidate, slate of candidates, committee, or contributing organization, nor anyone
 24 acting on their behalf shall accept anonymous contributions in excess of two
 25 thousand dollars (\$2,000) in the aggregate in any one (1) election. Anonymous
 26 contributions in excess of two thousand dollars (\$2,000) in the aggregate which are
 27 received in any one (1) election shall escheat to the state.

- 1 (4) No candidate, slate of candidates, committee, or contributing organization, nor
2 anyone on their behalf, shall accept a cash contribution in excess of one hundred
3 dollars (\$100) in the aggregate from each contributor in any one (1) election. No
4 candidate, slate of candidates, committee, or contributing organization, nor anyone
5 on their behalf, shall accept a cashier's check or money order in excess of the
6 maximum cash contribution limit unless the instrument clearly identifies both the
7 payor and the payee. A contribution made by cashier's check or money order which
8 identifies both the payor and payee shall be treated as a contribution made by check
9 for purposes of the contribution limits contained in this section. No person shall
10 make a cash contribution in excess of one hundred dollars (\$100) in the aggregate
11 in any one (1) election to a candidate, slate of candidates, committee, or
12 contributing organization, nor anyone on their behalf.
- 13 (5) No candidate, slate of candidates, committee, contributing organization, nor anyone
14 on their behalf, shall accept any contribution in excess of one hundred dollars
15 (\$100) from any person who shall not become eighteen (18) years of age on or
16 before the day of the next general election.
- 17 (6) Except as provided in subsection (22) of this section, no candidate, slate of
18 candidates, campaign committee, nor anyone acting on their behalf, shall accept a
19 contribution of more than two thousand dollars (\$2,000) as indexed for inflation
20 every odd-numbered year using the preceding year's percent increase in the non-
21 seasonally adjusted annual average Consumer Price Index for all Urban Consumers
22 (CPI-U), U.S. City Average, All Items, for that year as published by the United
23 States Bureau of Labor Statistics and rounded to the nearest hundred dollars, from
24 any person, permanent committee, or contributing organization in any one (1)
25 election. No person, permanent committee, or contributing organization shall
26 contribute more than two thousand dollars (\$2,000) as indexed for inflation every
27 odd-numbered year using the preceding year's percent increase in the non-

- 1 seasonally adjusted annual average Consumer Price Index for all Urban Consumers
 2 (CPI-U), U.S. City Average, All Items, as published by the United States Bureau of
 3 Labor Statistics and rounded to the nearest hundred dollars, to any one (1)
 4 candidate, campaign committee, nor anyone acting on their behalf, in any one (1)
 5 election.
- 6 (7) Permanent committees or contributing organizations affiliated by bylaw structure or
 7 by registration, as determined by the Registry of Election Finance, shall be
 8 considered as one (1) committee for purposes of applying the contribution limits of
 9 subsection (6) of this section.
- 10 (8) No permanent committee shall contribute funds to another permanent committee for
 11 the purpose of circumventing contribution limits of subsection (6) of this section. A
 12 permanent committee or independent expenditure-only committee may make
 13 unlimited contributions to an independent expenditure-only committee, or as
 14 allowed by federal law to a federally registered political committee, provided that if
 15 a contribution is earmarked for a particular independent expenditure, the person
 16 making the independent expenditure shall disclose the contribution when reporting
 17 the independent expenditure pursuant to subsection (1) of this section.
- 18 (9) No person shall contribute funds to a permanent committee, political issues
 19 committee, or contributing organization for the purpose of circumventing the
 20 contribution limits of subsection (6) of this section.
- 21 (10) No person shall contribute more than two thousand dollars (\$2,000), as indexed for
 22 inflation every odd-numbered year using the preceding year's percent increase in
 23 the non-seasonally adjusted annual average Consumer Price Index for all Urban
 24 Consumers (CPI-U), U.S. City Average, All Items, for that year as published by the
 25 United States Bureau of Labor Statistics and rounded to the nearest hundred dollars,
 26 to a permanent committee or contributing organization in any one (1) year.
- 27 (11) (a) No person shall contribute more than five thousand dollars (\$5,000) to the

1 state executive committee of a political party in any one (1) year. The
 2 contribution limit in this paragraph shall not apply to a contribution
 3 designated exclusively for a state executive committee's building fund account
 4 established under KRS 121.172.

5 (b) No person shall contribute more than five thousand dollars (\$5,000) to a
 6 subdivision or affiliate of a state political party in any one (1) year.

7 (c) No person shall contribute more than five thousand dollars (\$5,000) to a
 8 caucus campaign committee in any one (1) year.

9 (12) No person shall make a payment, distribution, loan, advance, deposit, or gift of
 10 money to another person to contribute to a candidate, a slate of candidates,
 11 committee, contributing organization, or anyone on their behalf. No candidate, slate
 12 of candidates, committee, contributing organization, nor anyone on their behalf
 13 shall accept a contribution made by one (1) person who has received a payment,
 14 distribution, loan, advance, deposit, or gift of money from another person to
 15 contribute to a candidate, a slate of candidates, committee, contributing
 16 organization, or anyone on their behalf.

17 (13) (a) Subject to the provisions of subsection (17) of this section and paragraph (b)
 18 of this subsection, no candidate or slate of candidates for nomination to any
 19 state, county, city, or district office, nor their campaign committees, nor
 20 anyone on their behalf, shall solicit or accept contributions for primary
 21 election expenses after the date of the primary. No person other than the
 22 candidate or slate of candidates shall contribute for primary election expenses
 23 after the date of the primary.

24 (b) Within the sixty (60) calendar days following the primary election, a
 25 candidate or slate of candidates for nomination to any state, county, city, or
 26 district office, their campaign committees, or anyone on their behalf may
 27 solicit or accept contributions for the sole purpose of paying off primary

election debt. Contributions accepted under this subsection shall be subject to the contribution limits contained in KRS 121.150.

(14) Subject to the provisions of subsection (17) of this section, no candidate or slate of candidates for any state, county, city, or district office at a regular election, nor their campaign committees, nor anyone on their behalf, shall solicit or accept contributions for regular election expenses after the date of the regular election. No person other than the candidate or slate of candidates shall contribute for regular election expenses after the date of the regular election.

(15) Subject to the provisions of subsection (17) of this section, no candidate or slate of candidates for nomination or election to any state, county, city, or district office, nor their campaign committees, nor anyone on their behalf, shall solicit or accept contributions for special election expenses after the date of the special election. No person other than the candidate or slate of candidates shall contribute for special election expenses after the date of the special election.

(16) The provisions of subsections (13) and (14) of this section shall apply only to those candidates in a primary or regular election which shall be conducted subsequent to January 1, 1989. The provisions of subsection (15) of this section shall apply only to those candidates or slates of candidates in a special election which shall be conducted subsequent to January 1, 1993.

(17) A candidate, slate of candidates, or a campaign committee may solicit and accept contributions after the date of a primary election, regular election, or special election to defray necessary expenses that arise after the date of the election associated with election contests, recounts, and recanvasses of a specific election, complaints regarding alleged campaign finance violations that are filed with the registry pertaining to a specific election, or other legal actions pertaining to a specific election to which a candidate, slate of candidates, or campaign committee is a party, and for repayment of debts and obligations owed by the campaign or

1 previous campaign for the same office. Reports of contributions received and
 2 expenditures made after the date of the specific election shall be made in
 3 accordance with KRS 121.180.

4 (18) No candidate, slate of candidates, committee, except a political issues committee,
 5 independent expenditure-only committee, or contributing organization, nor anyone
 6 on their behalf, shall knowingly accept a contribution from a corporation, directly
 7 or indirectly, except to the extent that the contribution is designated to a state
 8 executive committee's building fund account established under KRS 121.172.

9 (19) Nothing in this section shall be construed to restrict the ability of a corporation to
 10 administer its permanent committee insofar as its actions can be deemed not to
 11 influence an election as prohibited by KRS 121.025.

12 (20) No candidate, slate of candidates, or committee, nor anyone on their behalf, shall
 13 solicit a contribution of money or services from a state employee, whether or not
 14 the employee is covered by the classified service provisions of KRS Chapter 18A.
 15 However, it shall not be a violation of this subsection for a state employee to
 16 receive a solicitation directed to him as a registered voter in an identified precinct as
 17 part of an overall plan to contact voters not identified as state employees.

18 (21) No candidate or slate of candidates for any office in this state shall accept a
 19 contribution, including an in-kind contribution, which is made from funds in a
 20 federal campaign account. No person shall make a contribution, including an in-
 21 kind contribution, from funds in a federal campaign account to any candidate or
 22 slate of candidates for any office in this state. **However, it shall not be a violation**
 23 **of this subsection for a federal candidate to contribute to a party executive**
 24 **committee if the amount of the contribution does not exceed the contribution**
 25 **limit contained in subsection (11) of this section and the contribution is not**
 26 **earmarked for a particular candidate or slate of candidates.**

27 (22) It shall be permissible for a married couple to make a contribution with one (1)

1 check that reflects the combined individual contribution limits of each individual
 2 spouse per election, as set forth in subsection (6) of this section, for all elections in
 3 a calendar year and the following shall be required to be written on the check:

- 4 (a) The signatures of both spouses on the signature line of the check; and
- 5 (b) The designation of each contribution amount and the election or elections to
 6 which they apply shall be memorialized on the memo line of the check.

7 **(23) Nothing in this section or in any other provision of this chapter shall be**
 8 **construed to prohibit a qualified political party committee, including a state or**
 9 **county executive committee, from endorsing, supporting, opposing, or making**
 10 **otherwise lawful contributions or expenditures supporting or opposing a**
 11 **candidacy designated as nonpartisan under state law. The endorsement, support,**
 12 **or opposition by a political party committee shall not affect the nonpartisan status**
 13 **of the office or the candidate.**

14 ➡ Section 18. KRS 121.190 is amended to read as follows:

- 15 (1) All newspaper or magazine advertising, posters, circulars, billboards, handbills,
 16 sample ballots, **digital media**, and paid-for television or radio announcements, or
 17 any other type of general public political advertising, which expressly advocate the
 18 election or defeat of a clearly identified candidate, slate of candidates, or group of
 19 candidates for nomination or election to any public office, or expressly advocate or
 20 oppose a ballot measure, shall be identified by the words "paid for by" followed by
 21 the name and address of the individual or committee which paid for the
 22 communication; except that if paid for by a candidate, slate of candidates, or
 23 campaign committee, it shall be identified only by the words "paid for by" followed
 24 by the name of the candidate, slate of candidates, or campaign committee,
 25 whichever is applicable. For television and radio broadcasts, compliance with
 26 Federal Communications Commission regulations regarding sponsored programs
 27 and broadcasts by candidates for public office shall be considered compliance with

1 this section.

2 (2) The disclaimer described in subsection (1) of this section shall appear and be
3 presented in a clear and conspicuous manner to give the reader or observer adequate
4 notice of the identity of the purchaser of the communication. A disclaimer does not
5 comply with this section if the disclaimer is difficult to read or if the placement of
6 the disclaimer is easily overlooked.

7 (3) The provisions of subsection (1) of this section shall not apply to:

8 (a) Any news articles, editorial endorsements, opinion, or commentary writings,
9 or letter to the editor printed in a newspaper, magazine, flyer, pamphlet, or
10 other periodical not owned or controlled by a candidate or committee;

11 (b) Any editorial endorsements or opinions aired by a broadcast facility not
12 owned or controlled by a candidate or committee;

13 (c) Any communication by a person made in the regular course and scope of the
14 person's business or any communication made by a membership organization
15 solely to members of the organization and the members' families; and

16 (d) Any communication that refers to any candidate only as part of the popular
17 name of a bill or statute.

18 (4) (a) A person shall not use, cause or permit to be used, or continue to use any
19 published, distributed, or broadcast political advertising containing express
20 advocacy that the person knows does not include the disclosure required by
21 subsection (1) of this section. A person is presumed to know that the use of
22 political advertising is prohibited by this subsection if the registry notifies the
23 person in writing that the use is prohibited.

24 (b) A person who learns that political advertising signs that have been distributed
25 do not include the disclosure required by subsection (1) of this section or
26 include a disclosure that does not comply with subsection (1) of this section
27 does not commit a violation of this subsection if the person makes a good-

1 faith attempt to remove or correct those signs within forty-eight (48) hours
2 and provides the registry with proof of correction.

3 (5) The management of newspapers and magazines shall keep a one (1) year record of
4 all statements, articles, or advertisements referred to in subsection (1) of this
5 section, that appear in their publications, however, nothing in subsection (1) of this
6 section shall be construed to require editors or editorial writers of newspapers and
7 magazines to identify themselves in the manner therein required with any article or
8 editorial written by them as part of their duties as an employee or employer.

9 ➔Section 19. Whereas, it is critically important to protect the integrity and
10 reliability of the electoral process in order to safeguard the fundamental right to vote, and
11 it is a reasonable legislative task to seek improvement, modernization, and transparency
12 in campaign finance and election procedures without undue delay in notice to the people
13 of the Commonwealth and its election officials tasked with administering the election
14 laws within this state, an emergency is declared to exist, and this Act takes effect upon its
15 passage and approval by the Governor or upon its otherwise becoming a law.