

## **117.001 Definitions for chapter.**

As used in this chapter:

- (1) "Audit log" means a detailed record of all actions and events that have occurred on the voting system, including:
  - (a) Log-in attempts with username and time stamp;
  - (b) Election definition and setup;
  - (c) Ballot preparation and results processing;
  - (d) Diagnostics of any type; and
  - (e) Error and warning messages and operator response;
- (2) "Automatic tabulating equipment" means apparatus necessary to automatically examine and count votes as designated on ballots and data processing machines which can be used for counting ballots and tabulating results;
- (3) "Ballot" or "official ballot" means the official presentation of offices and candidates to be voted for, including write-in candidates, and all public questions submitted for determination, and shall include a voting machine ballot, a paper ballot, an absentee ballot, a federal provisional ballot, a federal provisional absentee ballot, or a supplemental paper ballot which has been authorized for the use of voters in any primary, regular election, or special election by the Secretary of State or the county clerk;
- (4) "Ballot box" means any box, bag, or other container that can be locked, sealed, or otherwise rendered tamper-resistant, for receiving ballots;
- (5) "Ballot marking device" means any approved device for marking a ballot which will enable the ballot to be tabulated manually or by means of automatic tabulating equipment;
- (6) "Election" or "elections" means any primary, regular election, or special election;
- (7) "Election officer" has the same meaning as in KRS 118.015;
- (8) (a) "Electioneering communication" means any communication broadcast by cable, internet, television, or radio, presented on an electronic billboard, made in telephone calls to personal residences, or otherwise electronically distributed that:
  1. Unambiguously refers to any candidate for any state, county, city, or district office, or to any ballot measure;
  2. Is broadcast, printed, mailed, delivered, made, or distributed within forty-five (45) days before a primary or regular election; and
  3. Is broadcast to, distributed to, in telephone calls made to, or otherwise distributed to an audience that includes members of the electorate for such public office or the electorate associated with the ballot containing the ballot measure.
- (b) "Electioneering communication" does not include:
  1. Any news articles, editorial endorsements, opinions or commentary, writings, or letters to the editor printed in a newspaper, magazine, or other periodical not owned or controlled by a candidate, committee, or

- political party;
2. Any editorial endorsements or opinions aired by a broadcast facility not owned or controlled by a candidate, committee, or political party;
  3. Any communication by persons made in the regular course and scope of their business or any communication made by a membership organization solely to members of such an organization and their families;
  4. Any communication that refers to any candidate only as part of the popular name of a bill or statute;
  5. A communication that constitutes a contribution or independent expenditure as defined in KRS 121.015; or
  6. A bona fide newscast, news interview, news documentary, or on-the-spot coverage of a bona fide news event broadcast on any radio or television broadcasting station, including a cable or satellite television operator, programmer, or producer, that is not owned or controlled by a candidate, committee, or political party, provided that the entity does not remove or modify any disclaimer provided by the sponsor of the communication;
- (9) "E-poll book" means an electronic device capable of holding a file of voter data and related information for use in identifying registered voters prior to a voter's receiving or casting a ballot, and allowing a voter to electronically sign in on an electronic registered voter roster in lieu of signing a paper registered voter roster;
- (10) "Federal provisional voter" means a person:
- (a) Who does not appear to be registered to vote;
  - (b) Whose name does not appear on the precinct roster;
  - (c) Who has not provided proof of identification to the precinct election officer before voting in a federal election; and
  - (d) Who elects to proceed with voting a federal provisional ballot under KRS 117.229;
- (11) "Federal provisional ballot" or "federal provisional absentee ballot" means ballots which have been authorized by the Secretary of State or the county clerk to be used by federal provisional voters in any federal primary or election;
- (12) "Information content provider" means any person or entity that is responsible, in whole or in part, for the creation or development of information provided through the internet or any other interactive computer service;
- (13) "Inner envelope" or "secrecy envelope" means the envelope provided to the voter with a ballot into which the voter shall place his or her voted ballot;
- (14) "Interactive computer service":
- (a) Means any information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, including specifically a service or system that provides access to the internet and such services offered or systems operated by libraries or educational institutions; and

- (b) Does not include exemptions in the Communications Decency Act of 1996, as amended, 47 U.S.C. sec. 230;
- (15) "Political group" has the same meaning as in KRS 118.015;
- (16) "Political organization" has the same meaning as in KRS 118.015;
- (17) "Precinct ballot counter" means an automatic tabulating device used at the precinct to tabulate and process ballots;
- (18) "Proof of identification" means a document that was issued by:
  - (a) The United States or the Commonwealth of Kentucky, and the document contains:
    - 1. The name of the individual to whom the document was issued; and
    - 2. A photograph of the individual to whom the document was issued;
  - (b) The United States Department of Defense, a branch of the uniformed services, the Merchant Marine, or the Kentucky National Guard, and the document contains:
    - 1. The name of the individual to whom the document was issued; and
    - 2. A photograph of the individual to whom the document was issued;
  - (c) A public or private college, university, or postgraduate technical or professional school located within the United States, and the document contains:
    - 1. The name of the individual to whom the document was issued; and
    - 2. A photograph of the individual to whom the document was issued; or
  - (d) Any city government, county government, urban-county government, charter county government, consolidated local government, or unified local government, which is located within this state, and the document contains:
    - 1. The name of the individual to whom the document was issued; and
    - 2. A photograph of the individual to whom the document was issued;
- (19) "Sponsor" means the person or entity paying for the electioneering communication. If a person or entity acts as an agent for another or is reimbursed by another for the payment, the original source of the payment is the sponsor;
- (20) (a) 1. "Synthetic media" means an audio recording or video recording of an identifiable natural individual's appearance, action, or speech that has been intentionally manipulated with the use of generative adversarial network techniques in a manner to create a realistic but false audio or video that produces:
  - a. A depiction that, to a reasonable individual, is of an identifiable natural individual in appearance, action, or speech that did not actually occur in reality and that was created without the consent of such individual; and
  - b. A fundamentally different understanding or impression of the appearance, action, or speech than a reasonable person would have from the unaltered, original version of the audio recording or video recording.

2. As used in this paragraph:
  - a. "Generative adversarial network" means a machine learning model that uses neural networks to develop new data and make more accurate predictions; and
  - b. "Neural network" means a machine learning algorithm modeled on the human brain and nervous system.
- (b) "Synthetic media" does not include content that contains a disclosure under KRS 117.322(1).
- (21) "Voting booth" or "ballot completion area" means an area in which a voter casts his or her vote or completes his or her ballot which is designed to ensure the secrecy of the vote;
- (22) "Vote center" means a consolidated precinct of the county;
- (23) "Voting equipment" means any physical component of a voting system and includes voting machines where voting machines are in operation;
- (24) "Voting machine" or "machine":
  - (a) Means a part of a voting system that consists of one (1) or more electronic devices that operate independently or as a combination of a ballot marking device and an electronic or automatic vote tabulation device; and
  - (b) Does not include an e-poll book;
- (25) "Voting system":
  - (a) Means the total combination of physical, mechanical, electromechanical, or electronic equipment, including the software, hardware, firmware, and documentation required to program, control, and support that equipment, that is used to:
    1. Define ballots;
    2. Cast and count votes;
    3. Report or display election results; and
    4. Maintain and produce any audit trail information;
  - (b) Includes the practices and associated documentation used to:
    1. Identify system components and versions of those components;
    2. Test the system during its development and maintenance;
    3. Maintain records of system errors and defects;
    4. Determine specific system changes to be made to a system after the initial qualification of the system;
    5. Make available any materials to the voter, such as notices, instructions, forms, or paper ballots; and
  - (c) Does not include an e-poll book; and
- (26) "Voter-verified paper audit trail" means a contemporaneous paper record of a ballot printed for the voter to confirm his or her votes before the voter casts his or her ballot that:
  - (a) Allows the voter to verify the voter's ballot choices before the casting of the

voter's ballot;

- (b) Is not retained by the voter;
- (c) Does not contain individual voter information;
- (d) Is produced on paper that is sturdy, clean, and resistant to degradation; and
- (e) Is readable in a manner that makes the voter's ballot choices obvious to the voter or any person without the use of computer or electronic code.

**Effective:** March 24, 2025

**History:** Amended 2025 Ky. Acts ch. 66, sec. 4, effective March 24, 2025. -- Amended 2024 Ky. Acts ch. 156, sec. 1, effective July 15, 2024. -- Amended 2022 Ky. Acts ch. 87, sec. 22, effective April 7, 2022; and ch. 172, sec. 1, effective July 14, 2022. -- Repealed, reenacted as KRS 117.001, and amended 2021 Ky. Acts ch. 197, sec. 41, effective June 29, 2021. -- Amended 2020 Ky. Acts ch. 89, sec. 23, effective July 15, 2020. -- Amended 1990 Ky. Acts ch. 48, sec. 32, effective July 13, 1990. -- Created 1982 Ky. Acts ch. 360, sec. 1, effective July 15, 1982.

**Formerly codified as KRS 117.375.**