

**CHAPTER 63****(HB 32)**

AN ACT relating to elections.

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

Section 1. KRS 116.025 is amended to read as follows:

- (1) Every person who is a resident of this state and the precinct in which he *or she* offers to vote on or before the day preceding the closing of the registration books for any primary, general, or special election, who possesses on the day of any election the qualifications set forth in Section 145 of the Constitution, exclusive of the durational residency requirements, who is not disqualified under that section or under any other statute, and who is registered as provided in this chapter, may vote for all officers to be elected by the people and on all public questions submitted for determination at that election, in the precinct in which he *or she* is qualified to vote. Any person who shall have been convicted of any election law offense which is a felony shall not be permitted to vote until his *or her* civil rights have been restored by executive pardon.
- (2) Any person charged with or indicted for a crime, whether or not in custody for same, who has not yet been convicted of the offense and who is not otherwise ineligible to vote, may vote for all offices to be elected by the people and on all public questions submitted for determination at that election, in the precinct in which he *or she* is qualified to vote.
- (3) A registered voter who changes his *or her* place of residence from one (1) precinct to another within the same county while the registration books are closed shall be permitted to update the voting records and to vote in the present election at the appropriate precinct for the current address as set forth in KRS 116.085(3).
- (4) Notwithstanding any provision of law to the contrary, any registered voter who changes his *or her* place of residence from one (1) precinct to another within the same county prior to the closing of the registration books and who fails to transfer his *or her* registration with the county clerk prior to the date the registration books are closed shall be permitted to vote in the present election at the appropriate precinct for the current address as set forth in KRS 116.085(2).
- (5) Any registered voter who changes his *or her* place of residence to a different county while the registration books are closed shall be permitted to vote at the appropriate precinct for his *or her* former residence in the present election and shall thereafter transfer his *or her* voter registration.
- (6) ***Any registered voter who changes his or her place of registration to a different state while the registration books are closed in the new state of residence before a presidential election shall be permitted to cast an absentee ballot for President and Vice President only, notwithstanding subsection (1) of this section, by mail or at the county clerk's office of the former residence or other place designated by the county board of elections and approved by the State Board of Elections.***

Section 2. KRS 116.035 is amended to read as follows:

The following rules, so far as applicable, shall be observed in determining the residence of a person offering to vote:

- (1) A voter's residence shall be deemed to be at the place where his *or her* habitation is, and to which, when absent, he *or she* has the intention of returning;
- (2) A voter shall not lose his *or her* residence by absence for temporary purposes merely; nor shall he *or she* obtain a residence by being in a county or precinct for such temporary purposes, without the intention of making that county or precinct his *or her* home;
- (3) A voter shall lose his *or her* residence by removal to another state or county with intention to make his *or her* permanent residence there, or by removal to and residence in another state, with intention to reside there an indefinite time, or by voting there, even though he *or she* may have had the intention to return to this state at some future period;
- (4) The place where the family of a married *person*~~[man]~~ resides shall generally be considered his *or her* residence, unless the family so resides for a temporary purpose. If his family is permanently in one (1) place, and he *or she* transacts~~[his]~~ business in another, the former shall be *the*~~[his]~~ residence.

Section 3. KRS 116.045 is amended to read as follows:

- (1) Any person may register as a voter during the period registration is open if he *or she* possesses, or will possess on the day of the next regular election, the qualifications set forth in KRS 116.025.
- (2) The county clerk shall cause all registration to be closed the fourth Tuesday preceding through the first Monday following, any primary or general election, and the twenty-eight (28) days prior to and seven (7) days following any special election. ***If the last day of registration falls on a state or federal holiday, the period runs until the end of the next day which is not a Saturday or Sunday nor a state or federal holiday.*** During the period that registration is closed, the county clerk may accept and process registrations. Any voter who registers during the period that registration is closed, except for any registered voter who transfers his *or her* registration pursuant to KRS 116.085(2) or (3), shall not be permitted to vote in the upcoming election.
- (3) In all counties, the county clerk shall receive registrations, transfers, or changes of party affiliation at branch offices at any place in the county during those periods that the registration books are open except for those transfers pursuant to KRS 116.085(2) or 116.085(3). However, notice in the manner provided by KRS Chapter 424 shall be given at least three (3), but not more than fourteen (14), days in advance of the time and place of any branch registration, and ten (10) days' written notice shall be given to the county executive committee of each major political party in the county in which the branch registration is to be held.
- (4) Any person may register to vote or may change his *or her* party affiliation in any of the following ways:
  - (a) In person;
  - (b) By mail;
  - (c) By means of the federal post card application, if the person is a resident of Kentucky and a member of the Armed Forces, or a dependent of members of the Armed Forces, or overseas citizen;
  - (d) By mail-in application form prescribed by the Federal Election Commission pursuant to the National Voter Registration Act of 1993; or

- (e) By other methods of registration, or reregistration, approved by the State Board of Elections, including the use of voluntary interested groups and political parties, under the proper supervision and directions of the county clerk, which may include door to door canvassing.
- (5) Upon receipt of the form prescribed by the State Board of Elections or the Federal Election Commission pursuant to the National Voter Registration Act of 1993, properly filled out and signed by the applicant, the county clerk shall register the applicant.
- (6) Any individual or group shall have access to a reasonable number of voter registration forms including the mail-in application form prescribed by the Federal Election Commission pursuant to the National Voter Registration Act of 1993 in the county clerk's office. The individual or group shall act under the proper supervision and directions of the county clerk and shall return these completed forms to the county clerk for official registration by the county clerk.
- (7) No later than December 31, 1994, the Transportation Cabinet shall equip all driver's license agencies to comply with the provisions of the National Voter Registration Act of 1993. The Secretary of State shall provide assistance and interpretation to the Transportation Cabinet in determining the requirements of the National Voter Registration Act of 1993.
- (8) ***The county clerk shall enter the specific party identification of the voter with a political party, political organization, or political group as defined in Section 9 of this Act, or independent status, as indicated by the voter on the voter registration form, into the statewide voter registration system. The State Board of Elections shall promulgate regulations under KRS Chapter 13A to provide for tracking of the registration of voters identifying with political organizations and political groups as defined in Section 9 of this Act, and voters of independent status.***

Section 4. KRS 116.0452 is amended to read as follows:

- (1) For the purpose of determining whether a voter registration application is received during the period in which registration books are open under KRS 116.045(2), an application shall be deemed timely received:
  - (a) In the case of registration with a motor vehicle driver's license application, if the valid voter registration form of the applicant is accepted by the circuit clerk before the registration books are closed;
  - (b) In the case of registration by mail, if the valid voter registration form of the applicant is ***legibly*** postmarked before the registration books are closed;
  - (c) In the case of registration with a voter registration agency, if the valid voter registration form of the applicant is accepted at the voter registration agency before the registration books are closed; and
  - (d) In any other case, if the valid voter registration form of the applicant is received by the appropriate county clerk before the registration books are closed.
- (2) The county clerk shall send notice to each applicant of the disposition of the application.
- (3) The name of a registered voter shall not be removed from the registration books except:
  - (a) Upon request of the voter;

- (b) As provided by KRS 116.113, upon notice of death, declaration of incompetency, or conviction of a felony; or
  - (c) Upon failure to respond to a confirmation mailing sent pursuant to KRS 116.112(3) and failure to vote or appear to vote and, if necessary, correct the registration record of the voter's address in an election during the period beginning on the date of the notice and ending on the day after the date of the second general election for Federal office that occurs after the date of the notice.
- (4) The identity of the voter registration agency or circuit clerk's office through which any particular voter is registered shall not be disclosed to the public.

Section 5. KRS 116.0455 is amended to read as follows:

- (1) (a) Each motor vehicle driver's license application, including any renewal application, submitted to the appropriate motor vehicle authority shall serve as an application for voter registration unless the applicant fails to sign the voter registration application.
  - (b) An application for voter registration submitted under paragraph (a) of this subsection shall be considered as updating any previous voter registration by the applicant.
- (2) No information relating to the failure of an applicant for a motor vehicle driver's license to sign a voter registration application may be used for any purpose other than voter registration.
- (3) (a) The Transportation Cabinet shall include a voter registration application form as part of an application for a motor vehicle driver's license.
  - (b) The voter registration application portion of an application for a motor vehicle driver's license shall comply with the requirements of Section 5 of Public Law 103-31, the National Voter Registration Act of 1993.
- (4) Any change of address form submitted for purposes of a motor vehicle driver's license shall serve as notification of change of address for voter registration for the registrant involved unless the registrant states on the form that the change of address is not for voter registration purposes.
- (5) (a) A completed voter registration portion of an application for a motor vehicle driver's license accepted by a circuit clerk shall be transmitted to the county clerk of the county of the applicant's voting residence not later than ten (10) days after the date of acceptance.
  - (b) If a voter registration application is accepted within five (5) days before the last day for registration to vote in an election, the application shall be transmitted to the county clerk of the county of the applicant's voting residence not later than five (5) days after the date of acceptance.
- (6) ***The circuit clerk shall provide to the county clerk a declination statement signed by an applicant if the applicant has declined to register to vote.***

Section 6. KRS 116.112 is amended to read as follows:

- (1) The State Board of Elections shall establish a voter registration purge program using the change-of-address information supplied by the United States Postal Service through its licensees or other sources to identify voters whose addresses may have changed.

- (2) If it appears from information provided by the postal service or other sources that a voter has moved to a different address in the same county in which the voter is currently registered, the State Board of Elections shall provide to the county board of elections the information necessary to change the registration records to show the new address and the ~~State~~~~county~~ Board of Elections shall send *to the new address*~~[voter]~~ a notice of the change by forwardable mail *on a form prescribed by the State Board of Elections* and a postage prepaid, pre-addressed return form by which the voter may verify or correct the address information. ***If the county board of elections requests authorization from the State Board of Elections to send address confirmation notices as provided in this subsection, the State Board of Elections shall grant the request.***
- (3) If it appears from information provided by the postal service or other sources that a voter has moved to a different address not in the same county, the State Board of Elections shall send to the address from which the voter was last registered, by forwardable mail, a notice on a form prescribed by the State Board of Elections, with a postage prepaid and pre-addressed return card on which the voter may state his current address. If a county board of elections requests authorization from the state board to send address confirmation notices as provided in this subsection, the state board shall grant the request.
- (4) The state or county boards of elections shall not remove the name of a voter from the registration records on the ground that the voter has changed his residence unless the voter:
- (a) Confirms in writing that the voter has changed residence to a place outside the county; or
  - (b)
    1. Has failed to respond to the notice described in subsection (3) of this section; and
    2. Has not voted or appeared to vote and, if necessary, correct the registration records of the voter's address in an election during the period beginning on the date of the notice and ending on the day after the date of the second general election for Federal office that occurs after the date of the notice.
- ~~{(e)}~~ If a county board of elections requests authorization from the state board to conduct purges of voters in its county in accordance with the provisions of this subsection, the state board shall grant the request.
- (5) The State Board of Elections shall establish an inactive list of all voters who fail to respond to the notice described in subsection (3) of this section and do not vote or appear to vote in an election during the period beginning on the date of the notice and ending on the day after the date of the second general election for Federal office that occurs after the date of the notice. If a county board of elections requests authorization from the state board to establish an inactive list of voters for its county, the state board shall grant the request.
- (6) The State Board of Elections shall complete, not later than ninety (90) days prior to the date of a primary or general election, any program the purpose of which is to systematically remove the names of ineligible voters from the registration records.
- (7) Voters placed on an inactive list are to be counted only for purposes of voting and not for purposes of establishing or modifying precincts, calculating the amount of reimbursement of county clerks by the State Board of Elections for certain election-related expenses, or reporting official statistics, except as provided by the Federal Election Commission's regulations promulgated pursuant to the National Voter Registration Act of 1993.

- (8) (a) The State Board of Elections and county boards of elections shall maintain for at least two (2) years and shall make available for public inspection and, where available, photocopying at a reasonable cost, all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of the registration records, except to the extent that the records relate to the declination to register to vote or the identity of a voter registration agency through which any particular voter is registered.
- (b) The records maintained pursuant to paragraph (a) of this subsection shall include lists of the names and addresses of all persons to whom notices described in subsection (3) are sent, and information concerning whether each person has responded to the notice as of the date that inspection of the records is made.

Section 7. KRS 116.113 is amended to read as follows:

- (1) Upon receipt of notification from the Cabinet for Health Services *or other reliable sources* of the death of a person, the State Board of Elections shall within five (5) days cause the removal of the name of that person from the voter registration records it maintains, except that no voter's name may be removed during the period of time the registration books are closed for any primary, general, or special election.
- (2) Upon receipt of notification from the circuit clerk that a person has been declared incompetent, the State Board of Elections shall within five (5) days cause the removal of the name of that person from the voter registration records it maintains, except that no voter's name may be removed during the period of time the registration books are closed for any primary, general, or special election.
- (3) Upon receipt of notification from the Administrative Office of the Courts that a person has been convicted of a felony offense, the State Board of Elections shall within five (5) days cause the removal of the name of that person from the voter registration records it maintains, except that no voter's name may be removed during the period of time the registration books are closed for any primary, general, or special election.
- (4) Following the purge of a name from the records of the State Board of Elections, the state board shall notify the clerk of the county in which the voter lived of the action; and the county clerk shall within ten (10) days update the county voter registration files to reflect the necessary change. If a protest is filed by the voter, the county board shall hear it at its next regular monthly meeting. If the county board decides in favor of the protesting voter, the voter's registration record shall be restored, including his voting record. If the protest is filed while the registration books are closed and the county board decides in favor of the protesting voter, the county board shall issue the voter an "Authorization to Vote" for the upcoming election and the voter's record shall be restored when the registration books open following the election.

Section 8. KRS 116.155 is amended to read as follows:

All forms pertaining to registration shall be prescribed and furnished by the State Board of Elections. The registration form shall include the voter's name; date of birth; *membership in a political party, political organization, or political group as defined in Section 9 of this Act, or independent status*; Social Security number, if any; mailing and residence addresses, if different; and such other information as the State Board of Elections may deem necessary. No person shall be denied the right to register because of the failure to include his Social Security number. All forms which require a voter's signature shall provide for verification by the signer thereof.

Section 9. KRS 118.015 is amended to read as follows:

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

- (1) A "political party"~~[within the meaning of this chapter,]~~ is an affiliation or organization of electors representing a political policy and having a constituted authority for its government and regulation, and whose candidate received at least twenty percent (20%) of the total vote cast at the last preceding election at which presidential electors were voted for;~~[.]~~
- (2) The word "election" used in reference to a state, district, county, or city election, includes the decisions of questions submitted to the qualified voters as well as the choice of officers by them;~~[.]~~
- (3) A "ballot" or "official ballot" means the voting machine ballot label, ballot cards, paper ballots, an absentee ballot, or a supplemental paper ballot which has been authorized for the use of the voters in any primary, general, or special election by the Secretary of State or the county clerk;~~[.]~~
- (4) "Ballot label" means the cards, papers, booklet, pages, or other material on which appear the names of candidates and the questions to be voted on by means of ballot cards or voting machines;~~[.]~~
- (5) "Ballot card" means a tabulating card on which votes may be recorded by a voter by use of a voting punch device or by marking with a pen or special marking device;~~[.]~~
- (6) "Voting machine" or "machine" shall include lever machines and, as far as applicable, any electronic or electromechanical unit and supplies utilized or relied upon by a voter in casting and recording his votes in an election;~~[.]~~
- (7) The word "resident" used in reference to a candidate in a state, district, county, or city election shall mean actual resident, without regard to the residence of the spouse of the candidate;
- (8) ***"Political organization" means a political group not constituting a political party within the meaning of subsection (1) of this section but whose candidate received two percent (2%) or more of the vote of the state at the last preceding election for presidential electors; and***
- (9) ***"Political group" means a political group not constituting a political party or a political organization within the meaning of subsections (1) and (8) of this section.***

Section 10. KRS 118.045 is amended to read as follows:

- (1) Every voting location on the day upon which any election is held shall, during voting hours, display an American flag of dimensions of reasonable size, which shall be firmly attached to the ***main*** entrance of the voting location so that it will be readily visible to the general public.
- (2) A precinct sheriff shall attach the American flag to the ***main*** entrance of the voting location upon the opening of the polls on the election day and shall remove the same upon the closing of the polls.
- (3) The fiscal court of every county shall purchase out of its general fund sufficient American flags for every~~[entrance to a]~~ voting location in that county.

Section 11. KRS 117.045 is amended to read as follows:

- (1) The county board of elections shall in the manner prescribed by this section, not later than March 20 each year, except in a year in which no primary and regular elections are scheduled, appoint for each precinct in the county two (2) judges, one (1) clerk and one (1) sheriff of election. They shall serve in all elections held in the county during the year~~;~~ ~~except as provided in KRS Chapter 242].~~ If a special election is ordered to be held in a year in which no elections are scheduled, the county executive committee of each political party in each county in the territory affected by the special election shall, not later than twenty-eight (28) days preceding the date of the special election, submit a written list of nominees for precinct election officers to serve in the special election in a manner consistent with the provisions of subsection (2) of this section. The county board of elections in each county in the territory affected by the special election shall, not later than twenty-one (21) days preceding the date of the special election, appoint precinct election officers to serve in the special election in a manner consistent with the provisions of subsections (4), (5), and (6) of this section. The State Board of Elections shall promulgate an administrative regulation establishing evaluation procedures which county boards of elections may use to qualify persons nominated to serve as precinct election officers.
- (2) The county executive committees of the two (2) political parties having representation on the State Board of Elections may, on or before March 15 each year, designate in writing to the county board of elections a list of not less than four (4) names for each precinct; except that, in any precinct where there are not as many as four (4) persons possessing the qualifications of an election officer belonging to the political party filing the list, a lesser number may be designated. If there are two (2) or more contending executive committees of the same party in any county, the one (1) recognized by the written certificate of the chairman of the state central committee of the party shall be the one (1) authorized to submit the lists. The lists shall contain the full name, address, phone number, and Social Security number, if available, of each person listed. The lists shall be accompanied by a signed statement from each person stating that he is willing to serve, has not failed to serve without excuse in the past, and has not been convicted of an election law offense or any felony, unless the person's civil rights have been restored by the Governor. The State Board of Elections shall prescribe by administrative regulation the form of the list.
- (3) The Attorney General shall notify each party state central committee of the duties of the party.
- (4) If lists are submitted, the county board of elections shall select one (1) judge at each voting place from each political party's list, and the county board shall select the sheriff from one (1) political party's list and the clerk from the other. If no lists are submitted, the two (2) members of the county board of elections who are appointed by the State Board of Elections may submit lists; and the county board shall select the sheriff and one (1) judge from one (1) list and the clerk and the other judge from the remaining list. If no lists are submitted, the county board shall select the sheriff and one (1) judge from the membership of one (1) party and the clerk and the other judge from the membership of the remaining party. The county board shall, when possible, also appoint an adequate number of alternate precinct election officers from names on the lists which were submitted but which were not selected by the county board as precinct election officers. If alternate precinct election officers are not appointed from the lists of nominees who were not selected as precinct election officers, the county board of elections shall submit its method of selecting alternate precinct election officers to the State Board of Elections for its approval.



- (5) If, after all reasonable efforts have been made, the county board of elections is unable to find two (2) qualified officers for each precinct who are affiliated with the two (2) political parties having representation on the State Board of Elections, the county board shall submit a list of emergency election officer appointments to the State Board of Elections. The county board shall also present, in writing, its efforts to recruit and appoint election officers as prescribed in subsection (4) of this section. The list of emergency appointments may include qualified voters not affiliated with the two (2) parties represented on the state board. The state board, after its review, may approve any or all of the emergency appointments submitted by the county board or may direct the county board to take other action. Any emergency appointment shall be made for the next ensuing election only.
- (6) In addition to precinct election officers appointed under subsection (1) of this section, a county board of elections may appoint up to two (2) additional precinct election officers per precinct with the approval of the State Board of Elections. The state board shall promulgate an administrative regulation establishing conditions under which additional precinct officers may be approved.
- (7) The county board of elections shall, within ten (10) days before the next ensuing election, give each election officer written notice of his appointment. The board may direct the sheriff of the county to serve the notice of appointment, if it deems the action is necessary.
- (8) The State Board of Elections may require the county board of elections to submit its list of precinct officers for review. The State Board of Elections may, after a hearing, direct the removal of any election officer who the board finds would not fairly administer the state election laws. The state board shall replace any officer so removed. The board shall provide for the method and manner of the hearing by administrative regulation.
- (9) An election officer shall be a qualified voter of the precinct; except that, where no qualified voter of the required political party is available within the precinct, the election officer shall be a qualified voter of the county. An election officer shall not be a candidate or the spouse, parent, brother, sister, or child of a candidate who is to be voted for at the election. An election officer shall not have changed his voter registration party affiliation for one (1) year prior to his appointment. An election officer may be removed, for cause, at any time up to five (5) days before an election. Vacancies shall be filled by the county board with alternate precinct election officers and the person appointed to fill the vacancy shall be of the same political party as the vacating officer, except for emergency appointments made as provided in subsection (5) of this section.
- (10) If the county board of elections fails to appoint election officers, or if any officer is not present at the precinct at the time for commencing the election, or refuses to act, and if no alternate is available, the officer in attendance representing the political party of the absentee shall appoint a suitable person to act in his place for that election. If both representatives of the same political party are absent, qualified voters present affiliating with that party shall elect, viva voce, suitable persons to act in their places.
- (11) Each election officer shall be paid a minimum of sixty dollars (\$60) per election day served, and such an additional amount as compensation as may be determined by the county board of elections, with the approval of the governing body which would be responsible for funding the election officers' pay, for each election in which the election officer serves, to be paid by the county. For delivering the election packets to the polls, the precinct election officers shall receive in addition the mileage reimbursement provided for state employees,

for each mile necessarily traveled in the delivery of the packets to the polls, or a flat fee if the fee equals or exceeds that amount. For delivering election returns, the precinct election judges shall receive in addition the mileage reimbursement provided for state employees for each mile necessarily traveled from the place of voting to and from the place of delivery, or a flat fee if the fee equals or exceeds that amount. The fee paid to the precinct election judges for delivering election returns shall be paid by the county.

Section 12. KRS 117.085 is amended to read as follows:

- (1) All requests for an application for an absentee ballot may be transmitted by telephone, facsimile machine, by mail, or in person. Except as provided in paragraph (b) of this subsection, all applications for an absentee ballot shall be transmitted only by mail or in person at the option of the voter, except that the county clerk shall hand an application for an absentee ballot to a voter permitted to vote by absentee ballot who appears in person to request the application, or shall mail the application to a voter permitted to vote by absentee ballot who requests the application by telephone, facsimile machine, or mail. The absentee ballot application shall be restricted to the use of the voter or the spouse, parents, or children of the voter. Except for qualified voters who apply pursuant to the requirements of KRS 117.075 and 117.077, and those who are incarcerated in jail but have yet to be convicted and persons who qualify under subparagraph 5. of paragraph (a) of this subsection, no absentee ballots shall be mailed to a voter who resides within the county in which he is registered. In the case of ballots returned by mail, the county clerk shall provide an absentee ballot, two (2) official envelopes for returning the ballot, and instructions for voting to a voter who presents a completed application for an absentee ballot as provided in this section and who is properly registered as stated in his application.
  - (a) The following voters may apply to cast their votes by absentee ballot at any time not later than the close of business hours seven (7) days before the election:
    1. Voters permitted to vote by absentee ballot pursuant to KRS 117.075;
    2. Residents of Kentucky who are members of the Armed Forces, dependents of members of the Armed Forces, and citizens residing overseas;
    3. Students who temporarily reside outside the county of their residence and other voters who temporarily reside outside the state but who are still eligible to vote in this state;
    4. Persons who are incarcerated in jail who have been charged with a crime but have not been convicted of the crime; and
    5. Persons who are prevented from voting in person at the polls on election day and from casting an absentee ballot in person in the county clerk's office on all days absentee voting is conducted prior to election day because their employment location requires them to be absent from the county all hours and all days absentee voting is conducted in the county clerk's office.
  - (b) Residents of Kentucky who are members of the Armed Forces, dependents of members of the Armed Forces, and overseas citizens, may apply for an absentee ballot by means of the federal post-card application, which may be transmitted to the county clerk's office by mail or by facsimile machine. The application may be used to register, reregister, and to apply for an absentee ballot. If the federal post-card application is

received at any time not less than seven (7) days before the election, the county clerk shall affix his seal to the application form upon receipt.

- (c) Any other qualified voter in the county who is not permitted to vote by absentee ballot under paragraph (a) of subsection (1) of this section who shall be absent from the county on any election day may, at any time during normal business hours on at least any of the twelve (12) working days before the election, make application in person to the county clerk to vote on a voting machine in the county clerk's office or other place designated by the county board of elections and approved by the State Board of Elections. A county board of elections may permit absentee voting to be conducted on a voting machine for a period longer than the twelve (12) working days before the election prescribed above.
- (d) Any member of the county board of elections, any precinct election officer appointed to serve in a precinct other than that in which he is registered, and any alternate precinct election officer may vote on a voting machine in the county clerk's office or other place designated by the county board of elections, and approved by the State Board of Elections, up to the close of normal business hours on the day before the election. The application form for those persons shall be prescribed by the State Board of Elections and, in the case of application by precinct election officers, shall contain a verification of appointment signed by a member of the county board of elections. If an alternate precinct election officer or a precinct election officer appointed to serve in a precinct other than that in which he is registered receives his appointment while absentee voting is being conducted in the county, such officer may vote on a voting machine in the county clerk's office or other place designated by the county board of elections, and approved by the State Board of Elections, up to the close of normal business hours on the day before the election. In case of such voters, the verification of appointment shall also contain the date of appointment. The applications shall be restricted to the use of the voter only.
- (e) Any pregnant woman who is in her last trimester of pregnancy at the time she wishes to vote under this paragraph may vote on a voting machine in the county clerk's office or other place designated by the county board of elections, and approved by the State Board of Elections. She may vote at any time during business hours on at least any of the twelve (12) working days before the election up to the close of business hours on the day before the election. The application form for those persons shall be prescribed by the State Board of Elections, which shall contain the woman's sworn statement that she is in fact in her last trimester of pregnancy at the time she wishes to vote, and shall be made in person to the county clerk, at any time during any of the twelve (12) working days before the election. A county board of elections may permit absentee voting to be conducted on a voting machine for a period longer than the twelve (12) working days before the election as prescribed above.
- (f) The members of the county board of elections or their designees who provide equal representation of both political parties may serve as precinct election officers, without compensation, for all absentee voting performed on a voting machine in the county clerk's office or other place designated by the county board of elections and approved by the State Board of Elections. If the members of the county board of elections or their designees serve as precinct election officers for the absentee voting, they shall perform the same duties and exercise the same authority as precinct election officers

who serve on the day of an election. If the members of the county board of elections or their designees do not serve as precinct election officers for the absentee voting, the county clerk or deputy county clerks shall supervise the absentee voting.

- (g) Any individual qualified to appoint challengers for the day of an election may also appoint challengers to observe all absentee voting performed at the county clerk's office or other place designated by the county board of elections, and approved by the State Board of Elections, and those challengers may exercise the same privileges as challengers appointed for observing voting on the day of an election at a regular polling place.
  - (h) ***Residents of Kentucky who are members of the Armed Forces confined to a military base on election day and learn of that confinement within seven (7) days or less of an election and are not eligible for a paper absentee ballot under subsection (1) of this section may, at any time during normal business hours on those days absentee voting is conducted in the county clerk's office, make application in person to the county clerk to vote on a voting machine in the county clerk's office or other place designated by the county board of elections and approved by the State Board of Elections.***
- (2) The clerk shall type the name of the voter permitted to vote by absentee ballot on the application form for that person's use and no other. The absentee ballot application form shall be in the form prescribed by the State Board of Elections, shall bear the seal of the county clerk, and shall contain the following information: name, residential address, precinct, party affiliation, statement of the reason the person cannot vote in person on election day, statement of where the voter shall be on election day, statement of compliance with residency requirements for voting in the precinct, and the voter's mailing address for an absentee ballot. The form shall be verified and signed by the voter. A notice of the actual penalty provisions in KRS 117.995(2) and (5) shall be printed on the application.
  - (3) If the county clerk finds that the voter is properly registered as stated in his application and qualifies to receive an absentee ballot by mail, he shall mail to the voter an absentee ballot, two (2) official envelopes for returning the ballot, and instructions for voting. The county clerk shall complete a postal form for a certificate of mailing for ballots mailed within the fifty (50) states, and it shall be stamped by the postal service when the ballots are mailed. An absentee ballot may be transmitted by facsimile machine to a resident of Kentucky who is a member of the Armed Forces, a dependent of a member of the Armed Forces, or a citizen residing overseas.
  - (4) Absentee ballots which are requested prior to the printing of the ballots shall be mailed by the county clerk to the voter within three (3) days of the receipt of the printed ballots; and absentee ballots which are requested subsequent to the receipt of the ballots by the county clerk shall be mailed to the voter within three (3) days of the receipt of the request.
  - (5) The clerk shall cause ballots to be printed fifty (50) days prior to each primary or general election and fifteen (15) days prior to each runoff primary.
  - (6) The outer envelope shall bear the words "Absentee Ballot" and the address and official title of the county clerk and shall provide space for the voter's signature, voting address, and precinct number. A detachable flap on the inner envelope shall provide space for the voter's signature, voting address, precinct number, and notice of penalty provided in KRS 117.995(5). The clerk shall type the voter's address and precinct number in the upper left

hand corner of the outer envelope and of the detachable flap on the inner envelope immediately below the blank space for the voter's signature. The inner envelope shall be blank. The clerk shall retain the application and the postal form required by subsection (3) of this section for twenty-two (22) months after the election.

- (7) Any person who has received an absentee ballot by mail but who knows at least seven (7) days before the date of the election that he will be in the county on election day and who has not voted pursuant to the provisions of KRS 117.086 shall cancel his absentee ballot and vote in person. He shall return his absentee ballot to the county clerk's office no later than seven (7) days prior to the date of the election. Upon the return of the absentee ballot, the clerk shall mark on the outer envelope of the sealed ballot or the unmarked ballot the words "Canceled because voter appeared to vote in person." Sealed envelopes so marked shall not be opened. The clerk shall remove the voter's name from the list of persons who were sent absentee ballots, and the voter may vote in the precinct in which he is properly registered.

**Approved March 19, 2002**