

CHAPTER 190

(HB 319)

AN ACT relating to elections and declaring an emergency.

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

➔Section 1. KRS 242.020 is amended to read as follows:

- (1) A petition for an election shall be signed by a number of constitutionally qualified voters of the territory to be affected, equal to twenty-five percent (25%) of the votes cast in the territory at the last preceding general election. The petition may consist of one (1) or more separate units, and shall be filed with the county clerk *in accordance with this section.*
- (2) (a) *Before a petition for election may be presented for signatures, an intent to circulate the petition, including a copy of the unsigned petition, shall be filed with the county clerk by any person or group of persons seeking the local option election.*
- (b) *After a petition for a local option election has received no fewer than the number of qualifying signatures required by subsection (1) of this section, the signed petition shall be filed with the county clerk.*
- (c) *If the election is to be held on any day other than a primary or regular election date, a person or group of persons seeking the local option election shall post bond with the Circuit Court to cover all costs of the election within five (5) days after the signed petition is filed under paragraph (b) of this subsection. The cost of the election shall be established by the county judge/executive to determine the bond amount.*
- (3) The petition for election, in addition to the *signature and legibly printed* name of ~~each~~ voter, shall state also the voter's residence address, ~~year~~ date of birth, and the correct date upon which the voter's name was signed.
- ~~(4)~~(3) No signer *of the petition* may withdraw his or her name or have it taken from the petition after the petition has been filed. If the name of any person has been placed on the petition for election without that person's authority, the person may appear before the county judge/executive before the election is ordered and upon proof that the person's name was placed on the petition without his or her authority, the person's name *and personal information required in subsection (3) of this section shall* ~~may~~ be eliminated by an order of the county judge/executive. When the person's name *and personal information* has been eliminated, he or she shall not be counted as a petitioner.
- ~~(5)~~(4) A petition seeking a local option election under this section shall state "We the undersigned registered voters hereby petition for an election on the following question: 'Are you in favor of the sale of alcoholic beverages in (name of territory)?'". No petition for a referendum shall be circulated for more than six (6) months prior to its filing.
- ~~(6)~~(5) After a petition for election has been filed *in conformity with this section*, the county judge/executive shall make an order on the order book of the court directing *that the local option questions may be placed on the ballot for the next primary or regular* ~~an~~ election to be held in that territory. *If the date of the local option election stated in the petition as provided in subsection (1) of Section 2 of this Act is a date other than a primary or regular election day, all election costs for such a local option election shall be borne by the person or group of persons who circulated the petition.*
- ~~(7)~~(6) Substantial compliance with the wording designated under this chapter for a particular type of petition is sufficient to validate the actual wording of the petition.

➔Section 2. KRS 242.030 is amended to read as follows:

- (1) The date of the local option election *shall* ~~may~~ be stated in the petition for *the local option* election. ~~If the date is not stated, it shall be designated by the county judge/executive.~~
- (2) The local option election shall be held not earlier than sixty (60) *and not* ~~not~~ later than *one hundred fifty (150)* ~~ninety (90)~~ days after the date the petition is filed with the county clerk.

- (3) The local option election ~~may~~~~[shall not]~~ be held on the same day that a primary or ~~regular~~~~[general]~~ election is held in the territory ~~[or any part of the territory, nor within thirty (30) days next preceding or following a regular political election].~~
- (4) A local option election in any territory less than the county ~~may~~~~[shall not]~~ be held on the same day on which an election for the entire county is held ~~[, except as approved in KRS 242.125].~~
- (5) No local option election shall be held in the same territory more than once in every three (3) years.
- (6) *In order for the local option election to be held on the day fixed by law for holding a primary, the petition shall be filed not earlier than the first Wednesday after the first Monday in November of the year preceding the day on which the primary is to be held and not later than the last Tuesday in January preceding the day fixed by law for holding the primary.*
- (7) *In order for the local option election to be held on the day fixed by law for a regular election, the petition shall be filed not later than the second Tuesday in August preceding the day fixed by law for holding the regular election.*

➔Section 3. KRS 242.1242 is amended to read as follows:

- (1) (a) To promote economic development and tourism in any dry or moist county, **urban-county government, charter county, consolidated local government, unified local government**, or city, in which a qualified historic site is located, a local option election for the limited sales of alcoholic beverages by the drink may be held in the precinct of the county, **urban-county government, charter county, consolidated local government, or unified local government** where the qualified historic site is located, notwithstanding any other provision of the Kentucky Revised Statutes.
- (b) A petition seeking a local option election under this section shall state "We the undersigned registered voters hereby petition for an election under this section on the following question: 'Are you in favor of the sale of alcoholic beverages by the drink at qualified historic sites in (name of precinct)?'".
- (2) A local option election for the limited sale of alcoholic beverages by the drink held under subsection (1) of this section shall be conducted in the same manner as specified in KRS 242.020; 242.030~~[(1), (2), and (5)]~~; 242.040; and 242.060 to 242.120. The form of the proposition to be voted upon shall be "Are you in favor of the sale of alcoholic beverages by the drink at qualified historic sites in the (name of precinct)?".

➔Section 4. KRS 242.1244 is amended to read as follows:

- (1) (a) In order to promote economic development and tourism, other provisions of the Kentucky Revised Statutes notwithstanding, a dry or moist city, ~~or~~ county, **urban-county government, charter county, consolidated local government, or unified local government** may, by petition in accordance with KRS 242.020, hold a local option election on the sale of alcoholic beverages by the drink at restaurants and dining facilities that seat a minimum of fifty (50) persons and derive a minimum of seventy percent (70%) of their gross receipts from the sale of food if alcoholic beverages are purchased in conjunction with a meal. A petition seeking a local option election under this subsection shall state "We the undersigned registered voters hereby petition for an election on the following question: 'Are you in favor of the sale of alcoholic beverages by the drink at restaurants and dining facilities with a seating capacity of at least fifty (50) persons and which derive at least seventy percent (70%) of their gross receipts from the sale of food if the alcoholic beverage is purchased in conjunction with a meal?'".
- (b) The **local option** election shall be held in accordance with KRS 242.030~~[(1), (2), and (5)]~~, 242.040, and 242.060 to 242.120, and the proposition on the ballot shall state "Are you in favor of the sale of alcoholic beverages by the drink in (name of city or county) at restaurants and dining facilities with a seating capacity of at least fifty (50) persons and which derive at least seventy percent (70%) of their gross receipts from the sale of food if the alcoholic beverage is purchased in conjunction with a meal?". If the majority of the votes in an election held pursuant to this subsection are "Yes," licenses may be issued to qualified restaurants and dining facilities, and the licensees may be regulated and taxed in accordance with KRS 243.072.
- (2) (a) In order to promote economic development and tourism, other provisions of the Kentucky Revised Statutes notwithstanding, a dry or moist city, ~~or~~ county, **urban-county government, charter county, consolidated local government, or unified local government** may, by petition in accordance with KRS 242.020, hold a local option election on the sale of alcoholic beverages by the drink at restaurants and dining facilities which seat a minimum of one hundred (100) persons and derive a minimum of seventy percent (70%) of their gross receipts from the sale of food.

- (b) A petition seeking a local option election under this subsection shall state "We the undersigned registered voters hereby petition for an election on the following question: 'Are you in favor of the sale of alcoholic beverages by the drink in (name of city or county) at restaurants and dining facilities with a seating capacity of at least one hundred (100) persons and which derive at least seventy percent (70%) of their gross receipts from the sale of food?'".
- (c) The **local option** election shall be held in accordance with KRS 242.030~~[(1), (2), and (5)]~~, 242.040, and 242.060 to 242.120, and the proposition on the ballot shall state "Are you in favor of the sale of alcoholic beverages by the drink in (name of city or county) at restaurants and dining facilities with a seating capacity of at least one hundred (100) persons and which derive at least seventy percent (70%) of their gross receipts from the sale of food?". If the majority of the votes in an election held pursuant to this subsection are "Yes," licenses may be issued to qualified restaurants and dining facilities and the licensees may be regulated and taxed in accordance with KRS 243.072.

- (3) A local option proposition under subsection (1) of this section is a separate proposition than a local option proposition held under subsection (2) of this section, so that a separate limited local option election is required for sales under each subsection. A territory may, by separate limited local option elections, simultaneously allow alcoholic beverage sales under subsections (1) and (2) of this section. A territory may also hold a limited local option election to allow alcoholic beverage sales under either subsection (1) or (2) of this section without authorizing alcoholic beverage sales under the other subsection.

➔Section 5. KRS 242.022 is amended to read as follows:

- (1) (a) To promote economic development and tourism in any dry or moist county, **urban-county government, charter county, consolidated local government, unified local government**, or city, in which a state park is located, a local option election for the limited sales of alcoholic beverages by the drink may be held in a city,~~[-or]~~ county, **urban-county government, charter county, consolidated local government, or unified local government**, precinct where the state park's qualifying lodge or golf course is located, notwithstanding any other provision of the Kentucky Revised Statutes.
- (b) A petition seeking a local option election under this section shall state "We the undersigned registered voters hereby petition for an election under KRS 242.022 on the following question: 'Are you in favor of the sale of alcoholic beverages by the drink at the state park located in (name of precinct)'".
- (2) A local option election for the limited sale of alcoholic beverages by the drink held under subsection (1) of this section shall be conducted in the same manner as specified in KRS 242.020; 242.030~~[(1), (2), and (5)]~~; 242.040; and 242.060 to 242.120. The form of the proposition to be voted upon shall be "Are you in favor of the sale of alcoholic beverages by the drink at the state park located in the (name of precinct)'".
- (3) When a majority of the votes cast at an election held under subsections (1) and (2) of this section are in favor of establishing moist territory, the entire state park shall become moist in the manner specified in KRS 242.200.

➔Section 6. KRS 117.075 is amended to read as follows:

- (1) Any qualified voter who has not been declared mentally disabled by a court of competent jurisdiction, and who, on account of age, disability or illness, is not able to appear at the polls on election day may vote **by a mail-in absentee ballot pursuant to subsection (2) of this section or in person pursuant to Section 7 of this Act**~~[in the following manner]~~.
- (2) At least seven (7) days prior to the date of the election and prior to the close of normal business hours, **a qualified voter may**~~he shall~~ present to the **county** clerk by mail or in person his **or her** application for **a mail-in**~~an~~ absentee ballot containing a verified statement that his **or her** inability to appear is due to age, disability, or illness. The request for the **mail-in absentee ballot** application may be made by telephone, facsimile machine, mail, or in person. Within three (3) days of receipt of the request, the **county** clerk shall mail to the voter **a mail-in**~~an~~ absentee ballot and envelopes, and the voter shall cast his **or her** vote in accordance with KRS 117.086. The **mail-in absentee** ballot shall be returned by the voter to the county clerk by mail.
- ~~(3)~~~~(2)~~ Ballots furnished pursuant to the provisions of this section shall include the **slates of candidates and**~~names of~~ all candidates for which the voter is entitled to vote.

➔Section 7. KRS 117.085 is amended to read as follows:

- (1) All requests for an application for **a mail-in**~~an~~ absentee ballot may be transmitted by telephone, facsimile machine, by mail, by electronic mail, or in person. **The county clerk shall transmit all applications for a mail-in absentee ballot**~~[Except as provided in paragraph (b) of this subsection, all applications for an absentee ballot shall be transmitted only]~~ by mail to the voter or in person at the option of the voter, **except as provided in paragraph (b) of this subsection**~~[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 **mail-in** absentee ballot application may be requested by the voter or the spouse, parents, or children of the voter, but shall be restricted to the use of the voter. Except for qualified voters who apply pursuant to the requirements of KRS 117.075 and 117.077, those who are incarcerated in jail but have yet to be convicted, those who are uniformed-service voters as defined in KRS 117A.010 that are confined to a military base on election day, and persons who qualify under paragraph (a)7. of this subsection, **mail-in** absentee ballots shall not be mailed to a voter's residential address located in the county in which the voter is registered.~~[In the case of ballots returned by mail,]~~ The county clerk shall provide **a mail-in**~~an~~ absentee ballot, two (2) official envelopes for returning the **mail-in absentee** ballot, and instructions for voting to a voter who presents a completed application for **mail-in**~~an~~ absentee ballot as provided in this section and who is properly registered as stated in his or her **mail-in absentee ballot** application.
- (a) **A qualified voter**~~[The following voters]~~ may apply to cast **his or her vote**~~[their votes]~~ by mail-in absentee ballot if the application is received not later than the close of business hours seven (7) days before the election, **and if the voter is:**
1. ~~[Voters]~~ Permitted to vote by **a mail-in** absentee ballot pursuant to KRS 117.075;
 2. **A resident**~~[Voters who are Residents]~~ of Kentucky who **is a**~~[are]~~ covered **voter**~~[voters]~~ as defined in KRS 117A.010;
 3. **A student**~~[Voters who are Students]~~ who temporarily **resides**~~[reside]~~ outside the county of **his or her**~~[their]~~ residence;
 4. ~~[Voters who are]~~ Incarcerated in jail **and**~~[who have been]~~ charged with a crime, but **has**~~[have]~~ not been convicted of the crime;
 5. **Changing or has changed his or her**~~[Voters who change their]~~ place of residence to a different state while the registration books are closed in the new state of residence before an election of electors for President and Vice President of the United States, **in which case the voter**~~[who]~~ shall be permitted to cast **a mail-in**~~an~~ absentee ballot for electors for President and Vice President of the United States only;
 6. ~~[Voters who]~~ Temporarily **residing**~~[reside]~~ outside the state but~~[who are]~~ still eligible to vote in this state;
 7. ~~[Voters who are]~~ Prevented from voting in person at the polls on election day and from casting an **in-person** absentee ballot~~[in person]~~ in the county clerk's office on all days **in-person** absentee voting is conducted~~[prior to election day]~~ because **his or her**~~[their]~~ employment location requires **him or her**~~[them]~~ to be absent from the county **of his or her residence** all hours and all days **in-person** absentee voting is conducted in the county clerk's office; ~~or [and]~~
 8. **A participant**~~[Voters who are program Participants]~~ in the Secretary of State's crime victim address confidentiality protection program as authorized by KRS 14.312.
- (b) Residents of Kentucky who are covered voters as defined in KRS 117A.010 may apply for **a mail-in**~~an~~ absentee ballot by means of the federal post-card application, which may be transmitted to the county clerk's office by mail, by facsimile machine, or by means of the electronic transmission system established under KRS 117A.030(4). The **federal post-card** application may be used to register, reregister, and to apply for **a mail-in**~~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 or her seal to the application form upon receipt.
- (c) **In-person** absentee voting shall be conducted in the county clerk's office or other place designated by the county board of elections and approved by the State Board of Elections during normal business hours for at least the twelve (12) working days before the election. A county board of elections may permit **in-person** absentee voting to be conducted on a voting machine for a period longer than the twelve (12) working days before the election.

- (d) Any qualified voter in the county *of his or her residence* who is not permitted to vote by a *mail-in* absentee ballot under paragraph (a) of this subsection who will be absent from the county *of his or her residence* on any election day may, at any time during normal business hours on those days *in-person* absentee voting is conducted in the county clerk's office, make application in person to the county clerk to *cast an in-person absentee* 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.
- (e) *A qualified voter*~~{The following voters}~~ may, at any time during normal business hours on those days *in-person* 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, *if the voter*:
1. *Is a resident*~~{Voters who Are residents}~~ of Kentucky who *is a*~~{are}~~ covered *voter*~~{voters}~~ as defined in KRS 117A.010, who will be absent from the county *of his or her residence* on any election day;
 2. *Is a student*~~{Voters who Are students}~~ who temporarily *resides*~~{reside}~~ outside the county of *his or her*~~{their}~~ residence;
 3. *Has*~~{Voters who Have}~~ surgery, *or whose spouse has surgery*, scheduled that will require hospitalization on election day~~{, and the spouse of the voter}~~;
 4. ~~{Voters who}~~ Temporarily *resides*~~{reside}~~ outside the state, but *is*~~{who are}~~ still eligible to vote in this state and~~{ who}~~ will be absent from the county *of his or her residence* on any election day;
 5. *Is a resident*~~{Voters who Are residents}~~ of Kentucky who *is a*~~{are}~~ uniformed-service *voter*~~{voters}~~ as defined in KRS 117A.010 confined to a military base on election day, *learns*~~{and who learn}~~ of that confinement within seven (7) days or less of an election, and *is*~~{are}~~ not eligible for a *mail-in*~~{paper}~~ absentee ballot under this subsection;~~{and}~~
 6. *Is*~~{A voter who is a pregnant woman}~~ in her last trimester of pregnancy at the time she wishes to vote under this paragraph. The application form for a voter under this subparagraph 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; *or*
 7. *Has not been declared mentally disabled by a court of competent jurisdiction and, on account of age, disability, or illness, is not able to appear at the polls on election day.*
- (f) Voters who change their place of residence 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 *in-person* absentee ballot for President and Vice President only, by making 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, *up to the close of normal business hours on the day before the election.*
- (g) Any member of the county board of elections, any precinct election officer appointed to serve in a precinct other than that in which he or she is registered, any alternate precinct election officer, any deputy county clerk, any staff for the State Board of Elections, and any staff for the county board of elections 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 or she is registered receives his or her appointment while *in-person* absentee voting is being conducted in the county, *the*~~{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. *Precinct election officers'*~~{H ease 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.
- (h) 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 *in-person*

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 *in-person* 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 *in-person*~~the~~ absentee voting, the county clerk or deputy county clerks shall supervise the *in-person* absentee voting.

- (i) Any individual qualified to appoint challengers for the day of an election may also appoint challengers to observe all *in-person* 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.
- (2) The *county* clerk shall type the name of the voter permitted to vote by *mail-in* absentee ballot on the *mail-in absentee ballot application form* for that person's use and no other. The *mail-in* 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 *a mail-in*~~an~~ absentee ballot. The *mail-in absentee ballot application 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 *mail-in absentee ballot application form*~~application~~.
- (3) If the county clerk finds that the voter is properly registered as stated in his or her *mail-in absentee ballot application form*~~application~~ and qualifies to receive *a mail-in*~~an~~ absentee ballot by mail, he or she shall mail to the voter *a mail-in*~~an~~ absentee ballot, two (2) official envelopes for returning the *mail-in absentee ballot*, and instructions for voting. The county clerk shall complete a postal form for a certificate of mailing for *mail-in absentee* ballots mailed within the fifty (50) states, and it shall be stamped by the postal service when the *mail-in absentee* ballots are mailed. *A mail-in*~~An~~ absentee ballot may be transmitted by facsimile machine or by the electronic transmission system established under KRS 117A.030(4) to a covered voter as defined in KRS 117A.010. The covered voter shall be notified of the options for transmittal of the *mail-in* absentee ballot, and the *mail-in* absentee ballot shall be transmitted by the method chosen for receipt by the resident of Kentucky who is a covered voter.
- (4) *Mail-in* absentee ballots which are requested prior to the printing of the *mail-in absentee* ballots shall be mailed or otherwise transmitted as provided in subsection (3) of this section by the county clerk to the voter within three (3) days of the receipt of the printed ballots. ~~and~~ *Mail-in* absentee ballots ~~which are~~ requested *after*~~subsequent to~~ the receipt of the ballots by the county clerk shall be mailed or otherwise transmitted as provided in subsection (3) of this section to the voter within three (3) days of the receipt of the request.
- (5) The *county* clerk shall cause *mail-in absentee* ballots to be printed fifty (50) days prior to each primary or regular election, and forty-five (45) days prior to a special election.
- (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, precinct number, and signatures of two (2) witnesses if the voter signs the form with the use of a mark instead of the voter's signature. A detachable flap on the inner envelope shall provide space for the voter's signature, voting address, precinct number, signatures of two (2) witnesses if the voter signs the form with the use of a mark instead of the voter's signature and notice of penalty provided in KRS 117.995(5). The *county* 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 *county* clerk shall retain the *mail-in ballot application form*~~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 *a mail-in*~~an~~ absentee ballot by mail but who knows at least seven (7) days before the date of the election that he or she will be in *his or her county of residence*~~the county~~ on election day and who has not voted pursuant to the provisions of KRS 117.086 shall cancel his or her *mail-in* absentee ballot and vote in person. The voter shall return the *mail-in* 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 *mail-in* absentee ballot, the *county* 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 *county* clerk shall

remove the voter's name from the list of persons who were sent *mail-in* absentee ballots, and the voter may vote in the precinct in which he or she is properly registered.

- (8) Any voter qualified for a mail-in absentee ballot who does not receive a requested mail-in *absentee* ballot within a reasonable amount of time shall contact the county clerk, who shall reissue a second *mail-in absentee* ballot. The county clerk shall keep a record of the *mail-in* absentee ballots issued and returned by mail, and the *in-person* absentee voting that is performed on the 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, to verify that only the first voted ballot to be returned by the voter is counted. Upon the return of any ballot after the first ballot is returned, the *county* clerk shall mark on the outer envelope of the sealed ballot the words "Canceled because ballot reissued."
- (9) Any covered voter as defined in KRS 117A.010 who has received *a mail-in~~in~~* absentee ballot but who knows that he or she will be in the county on election day and who has not voted pursuant to the provisions of KRS 117.086 shall cancel his or her *mail-in* absentee ballot and vote in person. The voter shall return the *mail-in* absentee ballot to the county clerk's office on or before election day. Upon the return of the *mail-in* absentee ballot, the *county* clerk shall mark on the outer envelope of the sealed *mail-in absentee* ballot or the unmarked *mail-in absentee* ballot the words "Canceled because voter appeared to vote in person." Sealed envelopes so marked shall not be opened. If the covered voter is unable to return the *mail-in* absentee ballot to the county clerk's office on or before election day, at the time he or she votes in person, he or she shall sign a written oath as to his or her qualifications on the form prescribed by the State Board of Elections pursuant to KRS 117.245. The *county* clerk shall remove the voter's name from the list of persons who were sent *mail-in* absentee ballots, provide the voter with written authorization to vote at the precinct, and the voter may vote in the precinct in which he or she is properly registered.
- (10) Notwithstanding the provisions of the Kentucky Open Records Act, KRS 61.870 to 61.884, the information contained in an application for *a mail-in~~in~~* absentee ballot shall not be made public until after the close of business hours on the election day for which the application applies. This subsection shall not prohibit at any time the disclosure, upon request, of the total number of applications for *mail-in* absentee ballots that have been filed, or the disclosure to the Secretary of State or the State Board of Elections, if requested or if otherwise required by law, of any information in an application for *a mail-in~~in~~* absentee ballot.

➔Section 8. Whereas, the cost of local option elections has burdened local fiscal court budgets to the breaking point and it is necessary to permit local option elections to be held at the same time that primaries and regular elections are scheduled in order to relieve local governments of this burden, an emergency is hereby declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Signed by Governor April 11, 2017.