

## CHAPTER 89

( SB 2 )

AN ACT relating to voter identification and making an appropriation therefor.

WHEREAS, it is critically important to protect the integrity and reliability of the electoral process in order to ensure that there is proper detection and deterrence of voter fraud and to safeguard the fundamental right to vote; and

WHEREAS, it is a reasonable legislative task to seek improvement and modernization of election procedures, boost public confidence in the electoral process, and maintain our system of governance; and

WHEREAS, the members of this honorable body seek to preserve the Commonwealth's election integrity, honor within the democratic process and the right to vote, minimize the burdensome obligation that comes with any uncertainty in election results, and guarantee that the election results are final and complete;

NOW, THEREFORE,

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 117 IS CREATED TO READ AS FOLLOWS:

(1) *Except as provided in subsection (4) of this section, on the day of a primary, an election, or during in-person absentee voting, if a voter is unable to provide proof of identification as required under Section 15 of this Act, and as defined under Section 23 of this Act, a voter may cast a ballot if the individual:*

(a) *Is eligible to vote under KRS 116.025;*

(b) *Is entitled to vote in that precinct; and*

(c) *In the presence of the election officer, executes a voter's affirmation, on a form prescribed and furnished by the State Board of Elections pursuant to administrative regulations promulgated under KRS Chapter 13A, affirming:*

1. *The voter is a citizen of the United States;*

2. *The voter's date of birth to the best of the voter's knowledge and belief;*

3. *The voter is qualified to vote in this precinct under KRS 116.025;*

4. *The voter's name, and that the voter is generally known by that name, or the name is as stated on his or her voter registration card;*

5. *The voter has not voted and will not vote in any other precinct;*

6. *The voter's current residential address, including the street address number and, if different from the voter's current address, the voter's residential address prior to the close of the registration books under KRS 116.045, and the date the voter moved;*

7. *The voter understands that making a false statement on the affirmation is punishable under penalties of perjury; and*

8. *The voter has one (1) of the following impediments to procure proof of identification as defined in Section 23 of this Act:*

a. *Lack of transportation;*

b. *Inability to obtain his or her birth certificate or other documents needed to show proof of identification;*

c. *Work schedule;*

d. *Lost or stolen identification;*

e. *Disability or illness;*

f. *Family responsibilities;*

g. *The proof of identification has been applied for, but not yet received; or*

*h. The voter has a religious objection to being photographed.*

- (2) *In addition to the requirements of subsection (1) of this section, to cast a ballot, the voter who is unable to provide proof of identification shall provide to an election officer:*
- (a) *The voter's Social Security Card;*
  - (b) *Any identification card issued by a county in this state which has the name of the voter stated and has been approved in writing by the State Board of Elections pursuant to administrative regulations promulgated under KRS Chapter 13A;*
  - (c) *Any identification card with the voter's photograph and the name of the voter stated;*
  - (d) *Any food stamp identification card, electronic benefit transfer card, or supplemental nutrition assistance card, that is issued by this state and has the name of the voter stated; or*
  - (e) *A credit or debit card with the name of the voter stated.*
- (3) *After the election officer obtains the affirmation from the voter required by subsection (1) of this section, and after the voter provides the documents under subsection (2) of this section, the voter shall sign the precinct signature roster and shall proceed to cast his or her vote in a ballot completion area.*
- (4) *If the voter is personally known to the election officer, the election officer may execute an election officer affirmation, on a form prescribed and furnished by the State Board of Elections pursuant to administrative regulations promulgated under KRS Chapter 13A, affirming the voter's identification as being personally known to him or her. Once the affirmation is executed by the election officer, the voter shall sign the precinct signature roster and shall proceed to cast his or her vote in a ballot completion area. For purposes of this subsection, "personally known" means that the election officer knows the voter's name and that the voter is a resident of the community.*
- (5) *The voter affirmation and the election officer affirmations executed under this section shall be processed in the same manner as an oath of voter affidavit as prescribed by subsections (3) and (4) of Section 17 of this Act.*

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 117 IS CREATED TO READ AS FOLLOWS:

*On the day of a primary, an election, or during in-person absentee voting when a federal elective office is on the ballot, if a voter is unable to provide proof of identification, as required under Section 15 of this Act and as defined under Section 23 of this Act, or the voter fails to meet the requirements of Section 1 of this Act, the voter may cast a provisional ballot for the federal elective office of President, Vice President, United States Senator, and United States House of Representative if the individual conforms to the provisional voting requirements in accordance with the Help America Vote Act of 2002.*

➔Section 3. KRS 116.065 is amended to read as follows:

Each application for registration, change of affiliation, transfer of registration, *federal provisional ballot*, or absentee ballot *or federal provisional absentee ballot*, as absentee ballots *and federal provisional absentee ballots* are provided for by *KRS 117.077*, KRS 117.085, *and Section 2 of this Act* shall be verified by a written declaration by the applicant that it is made under the penalties of perjury.

➔Section 4. KRS 117.066 is amended to read as follows:

- (1) In the case of a precinct comprised of a small number of registered voters, the county board of elections may, pursuant to KRS 117.055, utilize the facilities of another precinct as a voting location. Additionally, the county board of elections may petition the State Board of Elections to allow the precinct election officers of the larger precinct to serve as precinct election officers for the precinct that is the subject of the petition. The petition shall designate both the smaller precinct and the larger precinct with which it is to be included, the type of voting machine or machines to be used, and whether supplemental paper ballots are to be used. The petition shall contain a full explanation of the reasons why inclusion is desirable.
- (2) If the petition submitted pursuant to subsection (1) of this section is approved by the State Board of Elections, the election shall be conducted according to the following provisions:
- (a) One voting machine may be utilized for both precincts if the State Board of Elections certifies that separate ballots may be placed upon the voting machine to be used without endangering the integrity of the ballots or without violating any other election law. Otherwise, separate voting machines shall be used for each precinct. In the instance of a precinct which has a small number of voters such that the use

of a separate voting machine would be cost-prohibitive, the county clerk may make application to the State Board of Elections to use supplemental paper ballots under KRS 118.215 to conduct the voting for the small precinct on election day. If the use of supplemental paper ballots is approved by the State Board of Elections, at the close of voting on election day, the locked *supplemental paper* ballot box shall be transported to the county board of elections *along with the federal provisional ballot receptacle*, and ballots shall be counted by the county board of elections as provided by KRS 117.275(10) to ~~(14)~~~~(13)~~;

- (b) Separate precinct voter rosters shall be maintained for each precinct, and steps shall be taken to insure that voters cast their ballot in their duly authorized precinct; and
- (c) A separate set of elections forms and reports required by this chapter and the State Board of Elections shall be maintained for each precinct.

➔Section 5. KRS 117.085 is amended to read as follows:

- (1) All requests for an application for a mail-in 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 to the voter by mail, electronic mail, or in person at the option of the voter, except as provided in paragraph (b) of this subsection. *Except as otherwise provided in KRS 117.077*, 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.
  - (a) *Except as otherwise provided in KRS 117.077*, a qualified voter may apply to cast his or her vote by mail-in absentee ballot if the completed application is received not later than the close of business hours seven (7) days before the election, and if the voter is:
    1. A resident of Kentucky who is a covered voter as defined in KRS 117A.010;
    2. A student who temporarily resides outside the county of his or her residence;
    3. Incarcerated in jail and charged with a crime, but has not been convicted of the crime;
    4. Changing or has changed his or her 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 shall be permitted to cast a mail-in absentee ballot for electors for President and Vice President of the United States only;
    5. Temporarily residing outside the state but still eligible to vote in this state;
    6. Prevented from voting in person at the polls on election day and from casting an in-person absentee ballot in the county clerk's office on all days in-person absentee voting is conducted because his or her employment location requires him or her 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;
    7. A participant in the Secretary of State's crime victim address confidentiality protection program as authorized by KRS 14.312; or
    8. Not able to appear at the polls on election day on the account of age, disability, or illness, and who has not been declared mentally disabled by a court of competent jurisdiction.
  - (b) Residents of Kentucky who are covered voters as defined in KRS 117A.010 may apply for a mail-in 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 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) A qualified voter 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 *provides proof of identification as defined in Section 23 of this Act or meets the requirements of Section 1 or 2 of this Act, and the voter:*
1. Is a resident of Kentucky who is a covered voter 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 who temporarily resides outside the county of his or her residence;
  3. Has surgery, or whose spouse has surgery, scheduled that will require hospitalization on election day;
  4. Temporarily resides outside the state, but is still eligible to vote in this state and will be absent from the county of his or her residence on any election day;
  5. Is a resident of Kentucky who is a uniformed-service voter as defined in KRS 117A.010 confined to a military base on election day, learns of that confinement within seven (7) days or less of an election, and is not eligible for a mail-in absentee ballot under this subsection;
  6. Is 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;
  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; or
  8. Is not permitted to vote by a mail-in absentee ballot under paragraph (a) of this subsection, but who will be absent from the county of his or her residence on election day.
- (e) 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.
- (f) 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 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' verification of appointment shall also contain the date of appointment. The applications shall be restricted to the use of the voter only.
- (g) 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 absentee voting, the county clerk or deputy county clerks shall supervise the in-person absentee voting.

- (h) 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, **which shall include the voter affirmation form as prescribed in subsection (1)(c) of Section 1 of this Act**, 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, **an instructional statement prescribing the requirements for providing a copy of the voter's proof of identification or voter affirmation when applicable**, and the voter's mailing address for a mail-in absentee ballot. The mail-in absentee ballot application form shall be verified and signed by the voter, **and the voter shall provide a copy of his or her proof of identification, as defined in Section 23 of this Act, or the executed voter affirmation as described in subsection (1)(c) of Section 1 of this Act**. 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.
- (3) (a) If the county clerk finds that the voter is properly registered as stated in his or her mail-in absentee ballot application form and qualifies to receive a mail-in absentee ballot by mail, he or she shall mail to the voter a mail-in absentee ballot, two (2) official envelopes for returning the mail-in absentee ballot, and instructions for voting.
- (b) 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 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. Mail-in absentee ballots requested after 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 ~~secrecy~~ 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 ~~secrecy~~ envelope immediately below the blank space for the voter's signature. The ~~secrecy~~ envelope shall be blank. The county clerk shall retain the **voter's** mail-in ballot application form, **which shall include the photographed copy of the voter's proof of identification or the voter affirmation as prescribed by subsection (1)(c) of Section 1 of this Act**, and the postal form required by subsection (3) of this section for twenty-two (22) months after the **primary or** election.
- (7) Any person who has received a mail-in 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 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 **and federal in-person provisional 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 **mail-in absentee** ballot after the first **mail-in absentee** 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 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 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 absentee ballot.

➔Section 6. KRS 117.0851 is amended to read as follows:

Absentee **ballots and federal provisional absentee** ballots cast, as **absentee ballots and federal provisional absentee ballots are** provided by KRS 117.077, ~~KRS~~ 117.085, **and Section 2 of this Act** shall all be tabulated in the same manner, as shall be provided by this chapter.

➔Section 7. KRS 117.086 is amended to read as follows:

- (1) (a) The voter returning his **or her** absentee ballot by mail shall mark his **or her** ballot, seal it in the ~~secrecy~~ ~~inner~~ envelope, and then ~~seal~~ ~~in~~ the outer envelope, and mail it to the county clerk as ~~shall~~ ~~be~~ provided ~~in~~ ~~by~~ this chapter.
- (b) The voter shall sign the detachable flap and the outer envelope in order to validate the ballot. A person having power of attorney for the voter and who signs the detachable flap and outer envelope for the voter shall complete the voter assistance form as required by KRS 117.255. The signatures of two (2) witnesses are required if the voter signs the form with the use of a mark instead of the voter's signature. A resident of Kentucky who is a covered voter as defined in KRS 117A.010 who has received an absentee ballot transmitted by facsimile machine or by means of the electronic transmission system established under KRS 117A.030(4) shall transmit the voted ballot to the county clerk by mail only, conforming with ballot security requirements that may be promulgated by the **State Board of Elections** ~~state board~~ by administrative regulation **under KRS Chapter 13A**. In order to be counted, the ballots shall be received by the **county** clerk by at least the time established by the election laws generally for the closing of the polls, which time shall not include the extra hour during which those voters may vote who were waiting in line to vote at the scheduled poll closing time.
- (2) Any voter who shall be absent from the county on election day, but who does not qualify to receive **a mail-in** ~~in~~ ~~an~~ absentee ballot ~~by mail~~ under the provisions of KRS 117.085, and all voters qualified to vote prior to

the election under the provisions of KRS 117.085, shall vote at the main office of the county clerk or other place designated by the county board of elections, and approved by the State Board of Elections, prior to the day of election. The *county* clerk may provide for such voting by the voting equipment in general use in the county either at the precinct, the equipment as may be used to tabulate absentee ballots, or any other voting equipment approved by the State Board of Elections for use in Kentucky, except as follows:

- (a) Any voter qualifying to vote in the *county* clerk's office or other place designated by the county board of elections, and approved by the State Board of Elections, who receives assistance to vote shall complete the voter assistance form required by KRS 117.255; ~~and~~
  - (b) Any voter qualifying to vote in the *county* clerk's office or other place designated by the county board of elections, and approved by the State Board of Elections, whose qualifications are challenged *on grounds other than inability to provide proof of identification* by any clerk or deputy shall complete an "Oath of Voter" affidavit; *and*
  - (c) *Any voter qualifying to vote in the county clerk's office or other place designated by the county board of elections and approved by the State Board of Elections, who is unable to provide proof of identification as defined in Section 23 of this Act, may cast an in-person absentee ballot or federal provisional in-person absentee ballot in accordance with Section 1 or 2 of this Act.*
- (3) When the *county* clerk uses general voting equipment as provided for in subsection (2) of this section, each voter casting his vote at the *county* clerk's office or other place designated by the county board of elections, and approved by the State Board of Elections, shall sign an "Absentee Ballot Signature Roster."
  - (4) The *county* clerk shall designate a location within his *or her* office where the ballots shall be cast secretly. The county clerk, with the approval of the State Board of Elections, may establish locations other than his *or her* main office in which the voters may execute their ballots. Public notice of the locations shall be given pursuant to KRS Chapter 424, and similar notice by mail shall be given to the county *chairs*~~{chairmen}~~ of the two (2) political parties whose candidates polled the largest number of votes in the county at the last *regular*~~{general}~~ election.
  - (5) The State Board of Elections shall promulgate administrative regulations *under KRS Chapter 13A* to provide for casting ballots *in accordance with*~~{as provided in}~~ subsection (2) of this section.
  - (6) The *county* clerk shall deposit all of the *mail-in* absentee ballots~~{returned by mail}~~ in a locked ballot box immediately upon receipt without opening the outer envelope. The ballot box shall be locked with three (3) locks. The keys to the box shall be retained by the three (3) members of the central absentee ballot counting board, if one is appointed, or by the members of the board of elections, and the box shall remain locked until the ballots are counted. All voting equipment on which ballots are cast as permitted in subsection (2) of this section shall also remain locked and the keys shall be retained by the three (3) members of the central absentee ballot counting board, if one is appointed, or by the members of the board of elections, and the equipment shall remain locked until the ballots are counted.
  - (7) The *county* clerk shall keep *separate lists*~~{a list}~~ for each election of all persons who:
    - (a) Return their absentee ballots by mail;~~{or who}~~
    - (b) Cast their ballots in the *county* clerk's office or other place designated by the county board of elections and approved by the State Board of Elections; *and*
    - (c) *Cast their federal provisional in-person absentee ballots under subsection (2)(c) of this section.*

*The county clerk*~~{, and}~~ shall send a copy of each list to the *State Board of Elections*~~{state board}~~ after *any primary or*~~{the}~~ election day~~{for which the list applies}~~. Notwithstanding the provisions of the Kentucky Open Records Act, KRS 61.870 to 61.884, each list of all persons who return their absentee ballots by mail or *who* cast their ballots in the clerk's office or other designated and approved place shall not be made public until after the close of business hours on the *primary or* election day for which the list applies. The county clerk and the Secretary of State shall keep a record of the number of votes cast by *each method listed in paragraphs (a) to (c) of this subsection*~~{absentee ballots returned by mail and cast 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}~~, which are cast in any *primary or* election as a part of the official returns of the *primary or* election.

- (8) The county board of elections shall report to the State Board of Elections within ten (10) days after any primary or *regular*~~{general}~~ election as to the number of rejected absentee ballots, *including rejected mail-in*

**absentee ballots and ballots cast under subsection (2) of this section**, and the reasons for **rejecting the**~~rejected absentee~~ ballots on a form prescribed **and furnished** by the State Board of Elections in administrative regulations promulgated under KRS Chapter 13A.

➔Section 8. KRS 117.0863 is amended to read as follows:

- (1) Except for those voters who have been certified as requiring assistance in voting on a permanent or annual basis, any person voting by means of ~~a~~**an** **mail-in** absentee ballot ~~by mail~~ or 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, as provided in this chapter who receives assistance in voting shall be required to complete the voter assistance form required by KRS 117.255.
- (2) Any person who assists another person in voting by use of an **mail-in** absentee ballot ~~by mail~~ or 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, shall complete the voter assistance form required by KRS 117.255.
- (3) The detachable flap on all **mail-in** absentee ballot envelopes shall have printed upon it the voter assistance form required by KRS 117.255, as well as a notice of the penalty for failure to complete the form.
- (4) The State Board of Elections shall promulgate **by administrative regulations under KRS Chapter 13A** a voter assistance form which shall be in a form acceptable to the Attorney General.

➔Section 9. KRS 117.0865 is amended to read as follows:

Any person who aids another in completing an absentee ballot **or a federal provisional absentee ballot** shall not solicit or encourage that person to vote for or against any candidate, party, or issue. Any person who violates this section shall be guilty of a Class D felony.

➔Section 10. KRS 117.087 is amended to read as follows:

- (1) The challenge of an absentee ballot returned by mail shall be in writing and in the hands of the county clerk before 8 a.m. on election day.
- (2) The county board of elections shall count the absentee ballots returned by mail and the votes cast 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. **Federal provisional in-person absentee ballots shall be processed in accordance with Section 2 of this Act.** The board may appoint a central ballot counting board of not less than three (3) members, who shall be qualified voters and no more than two-thirds (2/3) of whom shall be members of the same political party, to count the ballots at the direction of the county board of elections.
- (3) Beginning at 8 a.m. on election day, the board shall meet at the **county** clerk's office to count the absentee ballots returned by mail and the ballots cast 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. Candidates or their representatives shall be permitted to be present. The county board of elections shall authorize representatives of the news media to observe the counting of the ballots. The board shall open the boxes containing absentee ballots returned by mail and remove the envelopes one (1) at a time. As each envelope is removed, it shall be examined to ascertain whether the outer envelope and the detachable flap are in proper order and have been signed by the voter. A person having power of attorney for the voter and who signs the detachable flap and outer envelope for the voter shall complete the voter assistance form required by KRS 117.255. The signatures of two (2) witnesses are required if the voter signs the form with the use of a mark instead of the voter's signature. All unsigned **mail-in** absentee ballots shall be rejected automatically. The **chair**~~chairman~~ of the county board of elections shall compare the signatures on the outer envelope, ~~and~~ the detachable flap with the signature of the voter that appears on the registration card. If the outer envelope and the detachable flap are found to be in order, the **chair**~~chairman~~ shall read aloud the name of the voter. If the vote of the voter is not rejected on a challenge then made as provided in subsection (4) of this section, the **chair**~~chairman~~ shall remove the detachable flap and place the **secrecy**~~inner~~ envelope unopened in a ballot box which has been provided for the purpose.
- (4) When the name of a voter who cast **a mail-in absentee ballot**~~an absentee ballot by mail~~ is read aloud by the **chair**~~chairman~~, the vote of the voter may be challenged by any board member or by the written challenge provided in subsection (1) of this section and the challenge may be determined and the vote accepted or rejected by the board as if the voter was present and voting in person; but if the outer envelope and the detachable flap are regular, and **each** substantially comply with the provisions of this chapter, they shall be considered as showing that the voter is prima facie entitled to vote. If the vote of a voter is rejected pursuant to



the challenge, the ~~secretary~~ envelope shall not be opened, but returned to the outer envelope upon which the ~~chair~~ shall write on the envelope the word "rejected."

- (5) After the challenges have been made and all the blank ~~secretary~~ envelopes have been placed in a ballot box, the box shall be thoroughly shaken to redistribute the absentee ballots in the box. The board shall open the ballot box, remove the absentee ballots from the ~~secretary~~ envelopes, and count the ballots.
- (6) The board shall unlock any voting equipment used to cast ballots in the **county** clerk's office or other place designated by the county board of elections, and approved by the State Board of Elections, as provided for in KRS 117.086, and a total of all ballots shall be made and recorded on the form provided by the State Board of Elections.
- (7) The county board of elections, the county clerk, and all individuals permitted to be present for the counting of absentee ballots pursuant to subsection (2) of this section shall not make public the absentee ballot results determined as provided in this section until after 6 p.m. prevailing time.

➔Section 11. KRS 117.145 is amended to read as follows:

- (1) At least fifteen (15) days before any special election, and at least fifty (50) days before any primary or regular election, the county clerk of each county shall cause to be printed and ready for use ballot labels for each candidate who, and each question which, is entitled to be voted upon in such election. The ballot labels shall be printed on clear white paper or other material which shall be furnished by the printer. They shall be printed in black ink, in plain, clear type clearly legible to a person with normal vision, and shall be of a size to fit the ballot frames. The labels shall include the necessary party designations.
- (2) Each county clerk shall have printed a sufficient number of paper absentee ballots, *voter affirmations, and election official affirmations*. The *voter affirmation, if applicable, and the* absentee ballot shall be used for voting by absent voters; by precinct officers who have been assigned to a precinct other than their own; by members of a county board of elections; by voters so disabled by age, infirmity, or illness as to be unable to appear at the polls; and for voting in an emergency situation. The ballot stubs shall be consecutively numbered and the county board shall keep a record, by number, of all absentee ballots used for any of the purposes listed ~~in this subsection~~.
- (3) *Each county clerk shall have printed a sufficient number of federal provisional ballots, which, except for the candidates listed, shall have the same form as the absentee ballots. A federal provisional ballot shall indicate that the ballot is a federal provisional ballot. The federal provisional ballot stubs shall be consecutively numbered, and the county board of elections shall keep a record, by number, of all federal provisional ballots used for votes cast by provisional voters in federal elections.*
- ~~(4)(3)~~ No later than the Friday preceding a special or regular election, the county clerk shall equip the voting machines with the necessary supplies for the purpose of write-in votes. The county clerk shall also attach a pencil or pen to the voting machine for write-in purposes.
- ~~(5)(4)~~ If supplemental paper ballots have been approved as provided in KRS 118.215, the county clerk shall cause to be printed a sufficient number of paper ballots for the registered voters of each precinct. The paper ballots shall have stubs which are numbered consecutively. The quality of paper on which the supplemental paper ballots are printed shall be determined by *administrative* regulations promulgated *under KRS Chapter 13A* by the secretary of the Finance and Administration Cabinet.

➔Section 12. KRS 117.175 is amended to read as follows:

The county clerk shall, with the county attorney, prepare a sufficient number of instruction cards containing a diagram showing the front of the voting machine as it will appear on the day of the election, instructions as to the proper method of voting by the use of the machine, and instructions as to the proper method of casting a write-in vote. *For federal provisional ballots and* supplemental paper ballots, ~~if have been~~ approved, as provided in KRS 118.215, the instruction cards shall indicate the offices, candidates, and questions which will appear on the *supplemental* paper ballots, *the offices that will appear on the federal provisional ballot*, ~~and~~ the instructions for marking and depositing the *supplemental paper* ballots, *instructions for filling out the federal provisional ballot, and instructions on how to properly execute the voter affirmations*. The cards shall be examined and approved by the county board of elections at the time the machines are examined and approved. The cards shall be delivered to each election clerk by the county clerk at the time that other election supplies are delivered and the election clerk shall post the card at the polling place.

➔Section 13. KRS 117.187 is amended to read as follows:

- (1) The State Board of Elections shall regularly provide special training regarding the election laws and methods of enforcement to all members of county boards of elections, county attorneys, Commonwealth's attorneys, and certain members of the Department of Kentucky State Police.
- (2) The county board of elections shall provide special training before each primary and regular election, and any special election held during a year in which no elections are scheduled, to all election officers, alternates, and certified challengers regarding their duties and the penalties for failure to perform. Election officers, including alternates, and certified challengers shall attend the training session, unless excused by the county board of elections for reason of illness or other emergency. Any person who fails to attend a training session without being excused shall be prohibited from serving as an election officer or challenger for a period of five (5) years. The training provided by the county board of elections shall include but not be limited to the following:
  - (a) Operation of the voting machine or ballot cards;
  - (b) Posting of necessary signs and notices at the polling place;
  - (c) Voter assistance;
  - (d) Maintaining precinct rosters;
  - (e) Confirmation of a voter's identity;
  - (f) Challenge of a voter;
  - (g) Completing changes of address or name at the polling place;
  - (h) Qualifications for voting in a primary ~~election~~;
  - (i) Electioneering and exit polling;
  - (j) Write-in voting procedures;
  - (k) Persons who may be in the voting room;
  - (l) Election violations and penalties;
  - (m) Assistance which may be provided by law enforcement officers;
  - (n) Election reports;
  - (o) Disability awareness;
  - (p) Provisional voting *and provisional absentee voting* ~~process~~;
  - (q) Election emergency contingency plan; ~~and~~
  - (r) Elections and voting equipment security plan; *and*
  - (s) *Proof of identification.*
- (3) The county attorney shall attend the training session for election officers to assist in explaining the duties and penalties for failure to perform.
- (4) Compensation in the minimum amount of ten dollars (\$10) for reimbursement of actual expenses shall be paid by the county to the election officers for attending the training session.

➔Section 14. KRS 117.195 is amended to read as follows:

- (1) At least one (1) hour prior to the opening of the polls, the county clerk shall deliver each machine, with the operating device and mechanism and the device covering the registering counters securely locked, to the clerk of the precinct in which it is to be used, and shall take a receipt indicating the distinguishing number of the machine. The clerk of the precinct shall cause the machine to be arranged in the voting place so that the front of the machine, on which appear the ballot labels and the operating devices, will not be visible, when being operated, to any person other than the voter.
- (2) In polling places in which machines for multiple precincts are located, the county clerk shall post a sign near each machine identifying the precinct for which the machine has been designated.
- (3) *For federal provisional ballots, and*~~if~~ supplemental paper ballots *if* ~~have been~~ approved as provided in KRS 118.215, the county clerk shall, at least one (1) hour prior to the opening of the polls, deliver:

- (a) A sufficient number of ballots, *and supplemental paper ballots if approved*, for the registered voters of each precinct;~~;~~
- (b) A sufficient number of voting booths for voting *federal provisional ballots, and supplemental* paper ballots~~;~~ *if approved*;
- (c) *A sufficient amount of* string *and*~~;~~ rubber stamps for marking "Spoiled" and "Unused" ballots;~~and~~
- (d) A locked ballot box *or receptacle* for *federal provisional ballots, and a separate locked ballot box for supplemental paper ballots if approved, for* each precinct; *and*
- (e) *A sufficient number of federal provisional voter ballots, voter affirmations, and election official affirmations.*

The county clerk shall take a receipt for the number of *federal provisional* ballots, *and supplemental paper ballots if approved*, issued and the ballot ~~boxes~~ *or ballot receptacles* for each precinct. The county clerk shall retain the keys to all ballot boxes *and ballot receptacles*.

➔Section 15. KRS 117.225 is amended to read as follows:

- (1) Any person desiring to vote on election day shall give his *or her* name and address to the clerk of the election *and shall provide proof of identification as defined in Section 23 of this Act.*
- (2) *A voter who votes in person at a precinct polling place that is located at a state licensed care facility where the voter resides is not required to provide proof of identification, as defined in Section 23 of this Act, before voting in a primary or an election.*
- (3) If the voter's~~person's~~ name is listed on the precinct list furnished by the State Board of Elections as provided in KRS 117.025, *the voter provides proof of identification, the voter is exempt pursuant to subsection (3) of this section, or the voter otherwise satisfies the requirements of Section 1 of this Act*, and if no challenge is made, *then* he *or she* shall sign his *or her* name on the precinct list in the space opposite his *or her* printed name. The voter's signature shall constitute *the voter's*~~his~~ verification that *the voter*~~he~~ is a properly registered and qualified voter. The voter shall then retire alone to cast his *or her* vote on the voting machine. The county board of elections may provide to each precinct the original registration form of each voter entitled to vote in that precinct. These forms shall be used to compare signatures in those precincts to which the forms are provided.
- ~~(4)(2)~~ If supplemental paper ballots are used, as provided in KRS 118.215, after voting on the voting machine the voter shall take the supplemental paper ballot with the stub intact and retire alone to the voting booth provided for voting paper ballots. After voting the supplemental paper ballot, the voter shall remove the numbered stub, hand the stub to an election ~~officer~~*official* and deposit the voted ballot in the locked *supplemental paper* ballot box *in the presence of a precinct election officer.*

➔Section 16. KRS 117.227 is amended to read as follows:

*Except as otherwise provided*, election officers shall confirm the identity of each voter by *proof of identification as defined in Section 23 of this Act*~~personal acquaintance or by a document, such as a motor vehicle operator's license, Social Security card, any identification card that has been issued by the county and which has been approved in writing by the State Board of Elections, any identification card with picture and signature, any United States government issued identification card, any Kentucky state government issued identification card with picture, or credit card~~. The election officer confirming the identity shall sign the precinct voter roster and list the method of *proof of* identification.

➔Section 17. KRS 117.245 is amended to read as follows:

- (1) The fact that a person is registered constitutes only prima facie evidence of his *or her* right to vote and does not prevent the officers of any election from refusing to allow him *or her* to vote for cause.
- (2) When the officers of an election disagree as to the qualifications of a voter or if his *or her* right to vote is disputed by a challenger, *other than for failure to provide proof of identification as defined in Section 23 of this Act*, the voter shall sign a written oath as to his *or her* qualifications before he *or she* is permitted to vote. The oath shall be in such form *prescribed and furnished*~~as prescribed~~ by the State Board of Elections *pursuant to administrative regulations promulgated under KRS Chapter 13A.*~~and~~ Twenty (20) printed copies *of these oaths* shall be included in the election supplies of each precinct.

- (3) The subscribed oaths shall be returned to the county clerk who shall deliver them to the Commonwealth's attorney.
- (4) The Commonwealth's attorney and county attorney shall investigate each of the oaths and cause to be summoned before the grand jury the witnesses they or either of them, deem proper, and the grand jury shall make a thorough investigation of all votes so cast, and return indictments against all persons illegally voting. The foreman of the grand jury shall return to the county clerk all of the oaths upon which no indictments are found. The *county* clerk shall safely keep them as a part of the records of his *or her* office, and shall produce any or all of them, when required, to any subsequent grand jury.

➔Section 18. KRS 117.255 is amended to read as follows:

- (1) The voter shall be instructed by the officers of election, with the aid of the instruction cards and the model, in the use of the machine, if the voter so requests.
- (2) Except for those voters who have been certified as requiring assistance on a permanent basis, no voter shall be permitted to receive any assistance in voting at the polls unless *the voter*~~he~~ makes and signs an oath that, because of blindness, other physical disability, or an inability to read English, *the voter*~~he~~ is unable to vote without assistance. The oath shall be upon a voter assistance form prescribed *and furnished* by the State Board of Elections *pursuant to administrative regulations promulgated under KRS Chapter 13A*. Any person assisting a voter shall complete the voter assistance form.
- (3) Upon making and filing the oath with the precinct clerk, the voter requiring assistance shall retire to the voting machine or ballot completion area with the precinct judges, and one (1) of the judges shall, in the presence of the other judge and the voter, operate the machine or complete the ballot as the voter directs. A voter requiring assistance in voting may, if *the voter*~~he~~ prefers, be assisted by a person of *the voter's*~~his~~ own choice who is not an election officer, except that the voter's employer, an agent of the voter's employer, or an officer or agent of the voter's union shall not assist a voter.
- (4) The precinct election clerk shall swear a person assisting a voter in voting to operate the voting machine or complete the ballot in accordance with the directions of the voter, and the person sworn shall enter the voting booth or ballot completion area and operate the machine or complete the ballot for the voter as the voter directs.
- (5) A voter who requires voting assistance on a permanent basis because of blindness or other physical disability may apply to the county board of elections for certification. Application may be made when registering to vote or completing the voter assistance form by indicating that the reason for obtaining assistance is permanent. The county board of elections shall determine whether the applicant requires assistance on a permanent basis. The county board of elections shall notify the county clerk of persons certified as requiring permanent voting assistance and the county clerk shall enter the certification on the voter's registration record. The State Board of Elections shall indicate on the precinct roster of voters those voters who are certified to receive assistance permanently without signing the voter assistance form at the precinct.
- (6) "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 insure the secrecy of the vote. No voter shall be assisted under this subsection unless the judges and the sheriff of election are satisfied of the truth of the facts stated in the oath. The voter shall state in his *or her* oath the specific reason that requires him *or her* to receive assistance.
- (7) No voter shall be permitted to occupy the voting machine more than two (2) minutes if other voters are waiting to use it, except that those voters who because of a disability need extra time to cast a ballot shall be given a reasonable amount of time to vote.
- (8) In *primaries*~~primary elections~~, before a voter is permitted to use the voting machine, a judge of the election shall adjust the machine so that the voter will only be able to vote for the persons for whom the voter is qualified to vote.
- (9) If the machine is so constructed as to require adjustment after one (1) person has voted before another person may vote, the judges of election shall adjust it after each person has voted.
- (10) The election officers shall constantly maintain a watch in order to prevent any person from voting more than once.
- (11) *For voters voting as federal provisional voters, or* if supplemental paper ballots have been approved~~ed~~ as provided in KRS 118.215, the voter shall vote his *or her federal provisional or supplemental* ballot in privacy in a *voting* booth provided for that purpose by the county clerk. If the voter spoils his *or her* ballot, *the*

~~voter~~ shall return the spoiled paper ballot to an election ~~officer~~ who shall stamp the ballot "Spoiled," initial and place the spoiled ballot in an envelope provided for that purpose. The voter shall be issued a second *federal provisional or* supplemental paper ballot. Upon completion of voting, the voter shall remove the numbered stub from the ballot, hand the stub to an election ~~officer~~ and deposit the voted ballot in the *appropriate* locked ballot box *or locked receptacle* in the presence of ~~an~~ election ~~officer~~.

- (12) The election sheriff shall be responsible for reporting violations of this section.

➔Section 19. KRS 117.265 is amended to read as follows:

- (1) A voter may, at any regular or special election, cast a write-in vote for any person qualified as provided in subsection (2) or (3) of this section, whose name does not appear upon the ballot label for any office, by writing the name of his or her choice upon the appropriate device for the office being voted on provided on the voting machine as required by KRS 117.125. Any candidate for city, county, urban-county, consolidated local government, charter county government, or unified local government office who is defeated in a partisan or nonpartisan primary shall be ineligible as a candidate for the same office in the regular election. Any voter utilizing *a federal provisional ballot, a federal provisional in-person absentee ballot, or a* ~~mail-in~~ absentee ballot for a regular or special election may write in a vote for any eligible person whose name does not appear upon the ballot, by writing the name of his or her choice under the office.
- (2) Write-in votes shall be counted only for candidates for election to office who have filed a declaration of intent to be a write-in candidate with the Secretary of State or county clerk, depending on the office being sought, on or before the fourth Friday in October preceding the date of the regular election and not later than the second Friday before the date of a special election. In the case of a special election administered under KRS 118.730, a declaration of intent to be a write-in candidate shall be filed at least twenty-eight (28) days before the day of the election. The declaration of intent shall be filed no earlier than the first Wednesday after the first Monday in November of the year preceding the year the office will appear on the ballot, and no later than 4 p.m. local time at the place of filing when filed on the last date on which papers may be filed. The declaration of intent shall be on a form prescribed *and furnished* by the Secretary of State.
- (3) A person shall not be eligible as a write-in candidate:
- (a) For more than one (1) office in a regular or special election; or
  - (b) If his or her name appears upon the ballot label for any office, except that the candidate may file a notice of withdrawal prior to filing an intent to be a write-in candidate for office when a vacancy in a different office occurs because of:
    1. Death;
    2. Disqualification to hold the office sought;
    3. Severe disabling condition which arose after the nomination; or
    4. The nomination of an unopposed candidate.
- (4) Persons who wish to run for President and Vice-President shall file a declaration of intent to be a write-in candidate, along with a list of presidential electors pledged to those candidates, with the Secretary of State on or before the fourth Friday in October preceding the date of the regular election for those offices. The declaration of intent shall be filed no earlier than the first Wednesday after the first Monday in November of the year preceding the year the office will appear on the ballot, and no later than 4 p.m. local time at the place of filing when filed on the last date on which papers may be filed. Write-in votes cast for the candidates whose names appear on the ballot shall apply to the slate of pledged presidential electors, whose names shall not appear on the ballot.
- (5) The county clerk shall provide to the precinct election officers certified lists of those persons who have filed declarations of intent as provided in subsections (2) and (3) of this section. Only write-in votes cast for qualified candidates shall be counted.
- (6) Two (2) election officers of opposing parties shall upon the request of any voter instruct the voter on how to cast a write-in vote.

➔Section 20. KRS 117.275 is amended to read as follows:

- (1) At the count of the votes in any precinct, any candidate or slate of candidates and any representatives to witness and check the count of the votes therein, who are authorized to be appointed as is provided in subsection (9) of this section, shall be admitted and be permitted to be present and witness the count.
- (2) As soon as the polls are closed, and the last voter has voted, the judges shall immediately lock and seal the voting equipment so that the voting and counting mechanism will be prevented from operation, and they shall sign a certificate stating:
  - (a) That the voting equipment has been locked against voting and sealed;
  - (b) The number of voters, as shown on the public counters;
  - (c) The number registered on the protective or accumulative counter or device, if any; and
  - (d) The number or other designation of the voting equipment, which certificate shall be returned by the judges of election to the officials authorized by law to receive it. The judges shall compare the number of voters, as shown by the counter of the voting equipment, with the number of those who have voted as shown by the protective or accumulative counter or device, if any.
- (3) Where voting equipment is used which does not print the candidates' names along with the total votes received on a general return sheet or record for that equipment, the procedure to be followed shall be as follows:
  - (a) The judges, in the presence of the representatives mentioned in subsection (1) of this section, if any, and of all other persons who may be lawfully within the polling place, shall give full view of all the counter numbers;
  - (b) The judges shall enter, in ink, the total votes cast for each candidate, and slate of candidates, and for and against each question on the return sheets; and
  - (c) Each precinct election officer shall sign the return sheets, and a copy of the return sheets shall be posted on the precinct door.
- (4) Where voting equipment is used that prints the candidates' names along with the total votes received on a return sheet or record for that equipment, the precinct election officers shall sign the return sheets or record for the voting equipment, which shall be posted on the door of the precinct.
- (5) If any officer shall decline to sign the return sheets, he or she shall state the reason in writing, and a copy thereof, signed by the officer, shall be enclosed with the return sheets.
- (6) Each of the return sheets, if applicable, and the record of the voting equipment shall be enclosed in an envelope. One (1) copy of the return sheets, if applicable, one (1) copy of the record of the voting equipment, and the write-in roll, if any write-in votes were cast in the precinct, shall be directed to the county board of elections of the county in which the election is being held. One (1) copy of the return sheets or record of the voting equipment shall be given to the county clerk of the county in which the election is being held and to each of the local governing bodies of the two (2) dominant political parties, but a local governing body of a dominant political party may decline a copy of the precinct election return by filing a written declination with the county board of elections prior to the election, and upon this declination, a printed copy shall not be issued to the political party so declining. The declination on file shall be effective for that election and any subsequent elections until revoked by the local governing body of a dominant political party by filing a written revocation with the county board of elections. The envelope shall have endorsed thereon a certificate of the election officers, stating the number of the machine, the precinct where it has been used, the number on the seal, and the number on the protective or accumulative counter or device at the close of the polls.
- (7) Following the tabulation of all votes cast in the election, including absentee votes and write-in votes, the county board shall mail a copy of the precinct-by-precinct summary of the tabulation sheets showing the results from each precinct to the State Board of Elections and the county clerk shall mail or deliver the precinct signature rosters from each precinct to the State Board of Elections during the period established by KRS 117.355(3).
- (8) As soon as possible after the completion of the count, the two (2) judges shall return to the county board of elections the keys to the voting machine received and receipted for by them, and the county clerk in which the precinct is located shall have the voting machine properly boxed or securely covered and removed to a proper and secure place of storage.
- (9) In primaries, each candidate, slate of candidates, or group of candidates may designate to the county board of elections a representative to witness and check the vote count. In regular elections, the governing authority of

each political party, each candidate for member of board of education, nonpartisan candidate, independent candidate, or independent ticket may designate a representative to the county board of elections to witness and check the vote count. The county board of elections shall authorize representatives of the news media to witness the vote count.

- (10) ***For all federal provisional ballots, if applicable, and*** ~~if~~ supplemental paper ballots ~~if have been~~ approved, as provided in KRS 118.215, after the polls are closed, the two (2) judges shall return to the county clerk's office the locked ***federal provisional ballot receptacle and the supplemental paper*** ballot box, all ballot stubs, spoiled ballots, and unvoted ballots at the same time as the tabulation of votes from the voting machine is delivered. The county clerk shall issue a receipt for the number of ballot stubs, unvoted ballots, spoiled ballots, and the ballot ~~boxes~~ ***or ballot receptacle***.
- (11) The county board of elections, or its designee, shall count and tally the ***supplemental*** paper ballots manually or with the use of tabulating equipment which does not involve an additional voting system. The results of the vote tally shall be certified by the county board of elections to the county clerk and to the Secretary of State.
- (12) ***The county board of elections shall tabulate the valid federal provisional ballots. The results of the vote tally shall be certified by the county board of elections to the county clerk and to the Secretary of State. The county board shall mail a copy of the precinct-by-precinct summary of the valid federal provisional ballot tabulation sheets showing the results from each precinct to the State Board of Elections.***
- ~~(13)~~ (12) The county board of elections shall authorize the candidates, slates of candidates, or their representatives, and representatives of the news media to be present during the counting of the ***supplemental and federal provisional*** paper ballots.
- ~~(14)~~ (13) Except as otherwise required in this chapter that certain records and papers relating to specified elections be retained for twenty-two (22) months, the county clerk shall retain the voted ***federal provisional ballots, voter affirmations, election official affirmations, and the supplemental*** paper ballots for twenty-two (22) months and the unvoted ***federal provisional ballots, the voter affirmations, election official affirmations, and the supplemental*** paper ballots for sixty (60) days after each election day, after which time they shall be destroyed in a manner to render them unreadable by the county board of elections if no contest or recount action has been filed.

➔Section 21. KRS 117.305 is amended to read as follows:

- (1) The canvass and returns provided for in KRS 117.275 shall constitute the official returns of the precinct, unless before 4 p.m. on the Tuesday following a primary or regular election, or before 4 p.m. on the day following a special election held for the purpose of filling a vacancy, the county clerk or county board of elections takes notice of a discrepancy in the tally of votes cast in any precinct or number of precincts, or a candidate makes a written request to the county board of elections in the case of a candidate who has filed with the county clerk, or the Secretary of State in the case of a candidate who has filed with the Secretary of State, to check and recanvass the voting machines, ***valid federal provisional ballots, valid federal provisional absentee ballots,*** and absentee ballots of any precinct or any number of precincts involving his ***or her*** race. After this time period has elapsed and notice is taken, the county ~~election~~ ***board of elections*** shall assemble at 9 a.m. on the Thursday following the filing deadline to request a recanvass, and not sooner, and recheck and recanvass each machine and make a proper return thereof to the county clerk, and the canvass and return shall become the official returns for the election. In making the recanvass, the board shall make a record of the number of the seal upon the voting machine and, without unlocking the machine against voting, recanvass the vote cast thereon. If, after a recanvass, it is found that the original canvass of the returns has been correctly made from the machine, and that there still remains a discrepancy unaccounted for, this discrepancy shall be noted. If, upon recanvass, it appears that the original canvass of the returns by the election officers was incorrect, the returns and all papers being prepared by the board shall be corrected accordingly. The county board of elections shall, immediately upon receipt of a request for a recanvass, notify each candidate for the office of the time and place of the recanvass. At the recanvass, each political party represented on the board may appoint a representative there to be its governing body, and also each candidate to be voted for may be present, either in person or by a representative or both. The county board of elections shall authorize representatives of the news media to observe the recanvass of the votes cast on the voting machine in each precinct. Nothing in this section shall prohibit an individual from requesting, in addition to a recanvass, a recount as authorized by KRS Chapter 120.
- (2) The State Board of Elections shall prescribe ***and furnish*** forms to be used by county boards of election to report all recanvassed votes. The form shall include the following information:

- (a) The name of the county in which the recanvass was conducted;
- (b) The date of the report;
- (c) The date of the election;
- (d) The office for which the recanvass was conducted;
- (e) The names of each candidate for the office being recanvassed; and
- (f) The machine votes, absentee votes, ***valid federal provisional votes, valid federal provisional absentee votes***, and vote totals for each candidate, as well as write-in votes cast in a regular or special election for candidates whose names did not appear on the ballot.

The report shall be signed by each member of the county board of elections.

- (3) The county board of elections shall file its recanvass report as prescribed in administrative regulations promulgated by the State Board of Elections in conformity with KRS Chapter 13A.
- (4) The State Board of Elections shall promulgate administrative regulations in accordance with KRS Chapter 13A to establish the proper procedures for conducting a recanvass for each type of voting system approved by the State Board of Elections and in use in Kentucky.

➔Section 22. KRS 117.365 is amended to read as follows:

Upon the first day a grand jury convenes after a primary, ***regular***~~[general]~~ election, or special election, the county clerk shall present to the grand jury all voter assistance forms, ***all voter and election official affirmations***, and all applications for absentee ballots which shall have been completed in the immediately preceding primary, ***regular***~~[general]~~ election, or special election. The county clerk may photocopy applications for absentee ballots, ***voter and election official affirmations***, and voter assistance forms, certify them as true copies of the originals, and present the grand jury with those certified copies instead of the originals. The county clerk shall retain all applications for absentee ballots, ***voter and election official affirmations***, and one (1) copy of each voter assistance form as part of the records of the office and shall produce certified copies of any or all of them, when required, to any subsequent grand jury.

➔Section 23. KRS 117.375 is amended to read as follows:

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

- (1) "Electronic or electromechanical voting system" means a system of casting votes by use of marking devices and tabulating ballots employing automatic tabulating equipment or data processing equipment.
- (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) "Voting device" means either an apparatus in which paper ballots or ballot cards are used in connection with an implement by which a voter registers his ***or her*** votes with ink or other substance or by punching, or an apparatus by which such votes are registered electronically, so that in either case the votes so registered may be computed and tabulated by means of automatic tabulating equipment.
- (4) "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.
- (5) "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.
- (6) "Ballot" or "official ballot" means the voting machine ballot label, ballot cards, paper ballots, 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 ***or regular***~~[general]~~ or special election by the Secretary of State or the county clerk.
- (7) "Voting punch device" means an apparatus in which ballots or ballot cards are inserted for the piercing of ballots by the voter. The hole may be in the form of a round dot, rectangle, square, or any other shape that will clearly indicate the intent of the voter.
- (8) "Vote marking device" means any approved device for marking a paper ballot with ink or other substance which will enable the ballot to be tabulated by means of automatic tabulating equipment.



- (9) "Secrecy envelope" means the envelope handed to the voter with his *or her* ballot into which the voter shall place his *or her* voted ballot cards.
- (10) "Precinct ballot counter" means an automatic tabulating device used at the precinct to tabulate and process ballots.
- (11) "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.
- (12) *"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 Marines, or the Kentucky National Guard, and if 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 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.*
- (13) *"Federal provisional voter" means a person:*
- (a) *Who is registered to vote;*
  - (b) *Whose name appears 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 Section 2 of this Act.*
- (14) *"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.*

➔Section 24. KRS 117.383 is amended to read as follows:

The State Board of Elections shall prescribe rules and *promulgate administrative* regulations *under KRS Chapter 13A* which shall include but not be limited to the following:

- (1) Achieve and maintain the maximum degree of correctness, impartiality, and efficiency of the procedures of voting;
- (2) Count, tabulate, and record votes;
- (3) Establish a method for placing items on the electronic voting device, which shall, as closely as possible, follow the requirements pertaining to ballot labels;
- (4) Design the ballot cards *and federal provisional ballot cards*, including a numerical system to *ensure*~~insure~~ an accurate record of all voting activities;

- (5) Instruct voters in the use of the voting device;
- (6) Provide for checking the accuracy of the equipment;
- (7) Provide necessary supplies, including those necessary for a write-in vote and secrecy envelopes for punch cards or data processing cards to insure voter privacy;
- (8) As part of the official canvass, provide for a manual recount of randomly selected precincts representing three percent (3%) to five percent (5%) of the total ballots cast in each election;
- (9) Provide a method for maintaining sufficient documents and records so that votes can be recounted. Such documents and records shall include any material other than a ballot card which is imprinted with the names of candidates and issues voted upon. Records shall be maintained in such a manner that a specific piece of printed material listing issues and candidates can be matched with the specific ballot cards which were marked in reliance upon such printed material. Except as otherwise required in this chapter that certain records and papers relating to specified elections be retained for twenty-two (22) months, such documents and records shall be maintained for thirty (30) days following an election; **and**
- (10) ***Unless contrary to the Help America Vote Act of 2002, ensure that all federal provisional voting shall be conducted in a manner as prescribed by KRS Chapters 116 to 120.***

➔Section 25. KRS 117.385 is amended to read as follows:

- (1) A voter who spoils or defaces a ballot card or marks it erroneously shall return the card to ~~an~~**the** election ~~officer~~**officials**. The election ~~officer~~**officials** shall deliver to the voter another ballot card, but no voter may receive more than three (3) ballot cards including the one originally delivered to the voter. Upon return of a defective ballot card, an election ~~officer~~**official** shall cancel it by writing in ink on the back the word "spoiled." The canceled ballot card shall be placed with spoiled ballots to be returned with the election returns.
- (2) (a) After marking the ballot card, the voter shall place it inside the secrecy envelope and return it to an election ~~officer~~**official**, who shall deposit the ballot in the **appropriate** ballot box.
- (b) When precinct ballot counters are used, the voter, **unless voting a federal provisional ballot**, may either:
  1. Insert his **or her** ballot contained in the secrecy envelope provided and deposit the emptied ballot container envelope with the election ~~officer~~**official** presiding over the ballot counter; or
  2. Deposit the ballot in the ballot box;
 for processing by **a** precinct election ~~officer~~**officials** after the polls close.

➔Section 26. KRS 117.995 is amended to read as follows:

- (1) Any person appointed to serve as an election officer but who shall knowingly and willfully fail to serve and who is not excused by the county board of elections for the reasons specified in this chapter shall be guilty of a violation and shall be ineligible to serve as an election officer for a period of five (5) years.
- (2) Any county clerk or member of the county board of elections who knowingly and willfully violates any of the provisions of this chapter, including furnishing applications for absentee ballots **and federal provisional absentee ballots** to persons other than those specified by the provisions of this chapter and failure to type the name of the voter on the application form as required by the provisions of this chapter, shall be guilty of a Class D felony.
- (3) Any officer who willfully fails to prepare or furnish ballot labels, **federal provisional ballots, federal provisional absentee ballots**, or absentee ballots or fails to allow a qualified voter to cast his or her vote on the machine as required of the voter by this chapter shall be guilty of a Class A misdemeanor.
- (4) Any election officer who knowingly and willfully violates any of the provisions of this chapter, including failure to enforce the prohibition against electioneering established by KRS 117.235, shall be guilty of a Class A misdemeanor for the first offense and a Class D felony for each subsequent offense.
- (5) Any person who signs a name other than his or her own on an application for an absentee ballot, ~~or on~~ the verification form for the ballot, ~~or on~~ an emergency absentee ballot affidavit, **a voter or election official affirmation**, or any person who votes an absentee ballot other than the one issued in his or her name, or any person who applies for the ballot for the use of anyone other than himself or herself or the person designated by the provisions of this chapter, or any person who makes a false statement on an application for an absentee ballot or on an emergency absentee ballot affidavit shall be guilty of a Class D felony.

- (6) Any person who violates any provision of KRS 117.235 or 117.236 related to prohibited activities during absentee voting or on election day, after he or she has been duly notified of the provisions by any precinct election officer, county clerk, deputy county clerk, or other law enforcement official, shall, for each offense, be guilty of a Class A misdemeanor.
- (7) Any person who knowingly and willfully prepares or assists in the preparation of an inaccurate or incomplete voter assistance form or fails to complete a voter assistance form when required shall be guilty of a Class A misdemeanor for the first offense and a Class D felony for each subsequent offense; however, if a voter has been permanently certified as requiring voting assistance, there shall be no offense for the failure of the voter to complete the form.
- (8) The members of a county board of elections ~~who fail that fails~~ to provide the training to precinct election officers required by KRS 117.187(2) shall be subject to removal by the State Board of Elections.
- (9) Any local or state election official, including the Secretary of State, employees of the Secretary, and members of the State Board of Elections and their staff, who knowingly and willfully uses the voter registration roster in violation of KRS 117.025(3)(a) shall, for each offense, be guilty of a Class A misdemeanor.

➔Section 27. KRS 118.015 is amended to read as follows:

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

- (1) A "political party" 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, **a federal provisional ballot, a federal provisional absentee ballot**, or a supplemental paper ballot which has been authorized for the use of the voters in any primary **or regular** ~~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 **or her** 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 28. KRS 118.305 is amended to read as follows:

- (1) Except as provided in KRS 118.345, and subject to the provisions of subsections (2), (3), and (4) of this section, the county clerk of each county shall cause to be printed for the voting machines and on the absentee ballots for the regular election the names of the following persons:
  - (a) Candidates of a political party, as defined in KRS 118.015, who have received certificates of nomination at the preceding primary, or certificates of nomination under KRS 118.185, and whose certificates of nomination have been filed with the Secretary of State or the appropriate county clerk;
  - (b) Candidates of a political party, as defined in KRS 118.015, who have been nominated for an unexpired term in a manner determined by the governing authority of the party, as provided in KRS 118.115, and

whose evidences of nomination have been filed with the Secretary of State or the appropriate county clerk within the time prescribed in this chapter;

- (c) Candidates of a political party, as defined in KRS 118.015, who have been nominated by the governing authority of the party to fill a vacancy in the candidacy of a person nominated at the preceding primary ~~election~~, as provided in KRS 118.105, and whose certificates of nomination have been filed with the Secretary of State or the appropriate county clerk, by at least the date provided by the election law generally for such filing;
  - (d) Candidates who have been nominated by a political organization as provided in KRS 118.325 and whose certificates or petitions of nomination have been filed with the Secretary of State or the appropriate county clerk within the time prescribed in this chapter;
  - (e) Independent candidates who have been nominated by petition as provided in KRS 118.315, and whose petitions of nomination have been filed with the Secretary of State or the appropriate county clerk within the time prescribed in this chapter;
  - (f) Successful nominees of all nonpartisan primaries which shall have been conducted;
  - (g) Candidates who have filed a petition of candidacy as shall be required to fill a vacancy which shall appear on the ballot;
  - (h) The county clerk shall determine whether the name of any replacement candidate who has been nominated as provided in KRS 118.105(5) may be placed on the machine ballot or ballot cards and whether the voting machine may be reprogrammed to count the votes cast for that candidate or whether the ballot or ballot cards must be reprinted to accommodate votes cast for any replacement candidate and shall take the appropriate action to accommodate the replacement of any candidate. If the county clerk determines that the name of any replacement candidate cannot be accommodated on the existing ballot or ballot cards and if there is insufficient time before the election to reprint the entire ballot, the county clerk shall request approval to use supplemental paper ballots for voting for that office only in the same manner as permitted for other situations as provided in KRS 118.215(5), and, if approved, shall have an adequate number of supplemental paper ballots printed for voting for that office and only votes cast for that office by means of the supplemental paper ballots shall be tabulated and recorded by the precinct election officers and county board of elections. All actions by a county clerk, the State Board of Elections, and the Secretary of State which are necessary to provide for voting at a regular election for candidates nominated pursuant to KRS 118.105(5) shall be carried out with all possible speed. When a candidate has been replaced as provided in KRS 118.105(5) after absentee *and federal provisional absentee* ballots have been printed and distributed for the regular election, neither the precinct election officers nor the county board of elections shall tabulate or record any absentee *or federal provisional absentee* votes cast for the candidate who was replaced. If ballots are reprinted or supplemental paper ballots are printed, or if voting machines must be reprogrammed to count the votes cast for a replacement candidate, the costs for the printing and reprogramming shall be paid by the political party who has nominated a replacement candidate, or proportionately by each political party if each party nominates a replacement candidate;
  - (i) Candidates for President and Vice President of the United States, of those political parties and organizations who have nominated presidential electors as provided in KRS 118.325, if the certificate of nomination of the electors has been filed with the Secretary of State within the time prescribed in this chapter;
  - (j) Candidates for soil and water district supervisors who have been nominated by petition as provided in KRS 262.210; and
  - (k) Candidates for city office for which no nonpartisan primary has been conducted in a city which requires nonpartisan city elections.
- (2) Any candidate for city office who is defeated in a partisan or nonpartisan primary shall be ineligible as a candidate for the same office in the regular election.
  - (3) Candidates for members of boards of education shall have their names printed on ballot labels and absentee ballots for the regular election only after filing as provided in KRS 160.220.
  - (4) Except as provided in KRS 118.105 and 118.115, no candidate's name shall be printed upon the ballot labels, *federal provisional ballots, federal provisional absentee ballots*, and absentee ballots for any regular election as the nominee of any political party, as defined in KRS 118.015, or under the emblem of any political party,

as so defined, except those candidates who have been duly and regularly nominated as nominees of that party at a primary held as provided in this chapter.

- (5) No county clerk shall knowingly cause to be printed, upon the ballot labels, *federal provisional ballots*, *federal provisional absentee ballots*, or absentee ballots for any regular election, the name of any candidate of a political party, as defined in KRS 118.015, who has not been nominated in the manner provided in the ~~primary election~~ laws *governing primaries* or the name of any candidate who is not in compliance with the restrictions concerning party registration and candidacy provided in of KRS 118.315(1).
- (6) The names of candidates for President and Vice President shall be certified in lieu of certifying the names of the candidates for presidential electors.
- (7) When a vacancy occurs in an elective office which is required by law to be filled temporarily by appointment, the officer or body designated by law to make the appointment, or in the case of an office to be filled by appointment from a list of nominations, the officer or body designated by law to make the nominations, shall immediately notify in writing both the county clerk and Secretary of State of the vacancy.
- (8) A judge who elected to retire as a Senior Status Special Judge in accordance with KRS 21.580 shall not become a candidate or a nominee for any elected office during the five (5) year term prescribed in KRS 21.580(1)(a)1., regardless of the number of days served by the judge acting as a Senior Status Special Judge.

➔Section 29. KRS 118.405 is amended to read as follows:

No candidate's name shall appear on any voting machine, *federal provisional ballot*, *federal provisional absentee ballot*, or absentee ballot more than once, except that a candidate's name may appear twice if he *or she* is a candidate for a primary or a regular election and also a candidate to fill a vacancy in the same office required to be filled at a special election, when the special election to fill a vacancy is scheduled for the regular election day.

➔Section 30. KRS 119.005 is amended to read as follows:

- (1) A "ballot" or "official ballot" means the voting machine ballot label, ballot cards, paper ballots, an absentee ballot, a special ballot, *a federal provisional ballot*, *a federal provisional absentee ballot*, or a supplemental paper ballot which has been authorized for the use of the voters in any primary *or regular* ~~general~~ or special election by the Secretary of State or the county clerk;
- (2) "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;
- (3) "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;
- (4) "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 *or her* vote in an election.

➔Section 31. KRS 120.005 is amended to read as follows:

- (1) A "ballot" or "official ballot" means the voting machine ballot label, ballot cards, paper ballots, an absentee ballot, a special ballot, *a federal provisional ballot*, *a federal provisional absentee ballot*, or a supplemental paper ballot which has been authorized for the use of the voters in any primary *or regular* ~~general~~ or special election by the Secretary of State or the county clerk;
- (2) "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;
- (3) "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;
- (4) "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 vote in an election.

➔Section 32. KRS 186.531 is amended to read as follows:

- (1) As used in this section:
  - (a) "AOC Fund" means the circuit court clerk salary account created in KRS 27A.052;

- (b) "GF" means the general fund;
- (c) "IP" means instruction permit;
- (d) "License Fund" means the KYTC photo license account created in KRS 174.056;
- (e) "MC" means motorcycle;
- (f) "MC Fund" means the motorcycle safety education program fund established in KRS 15A.358;
- (g) "OL" means operator's license; and
- (h) "PIDC" means personal identification card.

- (2) The fees imposed for voluntary travel ID operator's licenses, instruction permits, and personal identification cards shall be as follows. The fees received shall be distributed as shown in the table. The fees shown, unless otherwise noted, are for an eight (8) year period:

Card Type	Fee	Road Fund	License Fund	AOC Fund	GF	MC Fund
OL (initial/renewal)	\$48	\$31	\$7	\$10	\$0	\$0
OL (Under 21) (Up to 4 years)	\$18	\$8.50	\$5	\$4.50	\$0	\$0
Any OL, MC OL or combination (duplicate /corrected)	\$15	\$5.25	\$4	\$4	\$1.75	\$0
Motor vehicle IP (3 years)	\$18	\$6	\$5	\$5	\$2	\$0
Motorcycle IP (1 year)	\$18	\$6	\$5	\$2	\$1	\$4
Motorcycle OL (initial/renewal)	\$48	\$19.50	\$9	\$9.50	\$0	\$10
Combination vehicle/MC OL (initial/renewal)	\$58	\$28	\$7	\$13	\$0	\$10
PIDC (initial/renewal)	\$28	\$11	\$8	\$6	\$3	\$0
PIDC (duplicate/corrected)	\$15	\$6	\$4	\$3.50	\$1.50	\$0

- (3) *Except as provided in subsection (9) of this section*, the fees imposed for standard operator's licenses, instruction permits, and personal identification cards shall be as follows. The fees received shall be distributed as shown in the table. The fees shown, unless otherwise noted, are for an eight (8) year period:

Card Type	Fee	Road Fund	License Fund	AOC Fund	GF	MC Fund
OL (initial/renewal)	\$43	\$28	\$7	\$8	\$0	\$0
OL (Under 21)						

(Up to 4 years)	\$15	\$7.50	\$4	\$3.50	\$0	\$0
Any OL, MC OL or combination (duplicate /corrected)	\$15	\$5.25	\$4	\$4	\$1.75	\$0
Motor vehicle IP (3 years)	\$15	\$5	\$4	\$4	\$2	\$0
Motorcycle IP (1 year)	\$15	\$5	\$4	\$1	\$1	\$4
Motorcycle OL (initial/renewal)	\$43	\$17.50	\$8	\$7.50	\$0	\$10
Combination vehicle/MC OL (initial/renewal)	\$53	\$25	\$7	\$11	\$0	\$10
PIDC (initial/renewal)	\$23	\$8	\$8	\$4	\$3	\$0
PIDC (duplicate/corrected)	\$15	\$6	\$4	\$3.50	\$1.50	\$0
PIDC (no fixed address) KRS 186.4122(5) and 186.4123(5)	\$10	\$0	\$5	\$5	\$0	\$0

- (4) The fee for a second or subsequent duplicate personal identification card for a person who does not have a fixed, permanent address, as allowed under KRS 186.4122(5) and 186.4123(5), shall be the same as for a duplicate regular personal identification card.
- (5) The fee for a four (4) year original or renewal license issued pursuant to KRS 186.4101 shall be fifty percent (50%) of the amount shown in subsections (2) and (3) of this section. The distribution of fees shown in subsections (2) and (3) of this section shall also be reduced by fifty percent (50%) for licenses that are issued for four (4) years.
- (6) Any fee for any identity document applied for using alternative technology under KRS 186.410 and 186.4122 shall be distributed in the same manner as a document applied for with the circuit clerk.
- (7) (a) An applicant for an original or renewal operator's license, commercial driver's license, motorcycle operator's license, or personal identification card shall be requested by the clerk to make a donation to promote an organ donor program.
- (b) A donation under this subsection shall be two dollars (\$2) for any license or card with an eight (8) year term, and one dollar (\$1) for any license or card with a term of less than eight (8) years.
- (c) The donation under this subsection shall be added to the regular fee for an original or renewal motor vehicle operator's license, commercial driver's license, motorcycle operator's license, or personal identification card. One (1) donation may be made per issuance or renewal of a license or any combination thereof.
- (d) The fee shall be paid to the circuit clerk and shall be forwarded by the clerk on a monthly basis to the Kentucky Circuit Court Clerks' Trust for Life, and such moneys are hereby appropriated to be used exclusively for the purpose of promoting an organ donor program. A donation under this subsection shall be voluntary and may be refused by the applicant at the time of issuance or renewal.

- (8) In addition to the fees outlined in this section, the following individuals, upon application for an initial or renewal operator's license, instruction permit, or personal identification card, shall pay an additional application fee of thirty dollars (\$30), which shall be deposited in the road fund:
- (a) An applicant who is not a United States citizen or permanent resident and who applies under KRS 186.4121 or 186.4123; or
  - (b) An applicant who is applying for an instruction permit, operator's license, or personal identification card without a photo under KRS 186.4102(9).
- (9) ***There shall be no fee assessed for the initial, renewal, or duplicate standard personal identification card to an individual, if the individual:***
- (a) ***Does not possess a valid operator's license or a commercial driver's license; and***
  - (b) ***Is at least eighteen (18) years of age on or before the day of the next regular election.***

➔Section 33. KRS 117.035 is amended to read as follows:

- (1) There shall be a county board of elections, which shall, at the direction and under the supervision of the State Board of Elections, administer the election laws and the registration and purgation of voters within the county.
- (2)
  - (a) The board shall consist of the county clerk, the sheriff, and two (2) members appointed by the State Board of Elections not later than July 1 following the election of persons to statewide office, for a term of four (4) years and until their successors are appointed.
  - (b) The sheriff shall not serve on the board during any year in which he or she is a candidate, but shall recommend to the board a temporary replacement to serve in his or her place. If the sheriff cannot serve because he or she is sick, injured, or otherwise incapacitated, he or she may recommend a temporary replacement to serve in his or her place until the sheriff may resume his or her duties or a vacancy in office is declared.
  - (c) The county clerk may, at his or her option, continue to serve on the board during a year in which he or she is a candidate. If the clerk elects not to serve, he or she shall recommend a temporary replacement to serve in his or her place. If the county clerk cannot serve because he or she is sick, injured, or otherwise incapacitated, he or she may recommend a temporary replacement to serve in his or her place until the county clerk may resume his or her duties or a vacancy in office is declared.
  - (d)
    1. Notwithstanding the provisions of KRS 61.080, service on the board of elections shall be compatible with the holding of any other county or city office.
    2. The members shall be at least twenty-one (21) years of age, qualified voters in the county from which they are appointed, and shall not have been convicted of any election law offense.
    3. One (1) member shall be appointed from a list of five (5) names submitted by the county executive committee of each political party as defined in KRS 118.015. If there are two (2) or more contending executive committees of the same political party in any county, the one recognized by the written certificate of the chair of the state central committee of the political party shall be the one authorized to submit the lists.
    4. If the State Board of Elections does not receive the list as required by subparagraph 3. of this paragraph for each political party for each county by the deadline established in paragraph (a) of this subsection or within one (1) month of a vacancy, then the chair of the state central committees for the political parties may submit lists of five (5) names of qualified residents from the remaining counties by August 1 following the election of persons to statewide office or within two (2) months of a vacancy.
    5. If the State Board of Elections does not receive a list from either the county executive committee under subparagraph 3. of this paragraph or the chair of the state executive committee under subparagraph 4. of this paragraph, then the State Board of Elections shall appoint a qualified resident from the county at its next regularly scheduled meeting in September following the election of persons to statewide office or within three (3) months of a vacancy.
    6. A member appointed by the State Board of Elections may be removed by the State Board of Elections for cause.



7. A member appointed by the State Board of Elections may be removed by the State Board of Elections upon a request approved by a two-thirds (2/3) vote of the full membership of the county executive committee that submitted the member's name. The county executive shall provide conclusive evidence of the committee's membership and evidence of the committee's two-thirds (2/3) vote before the State Board of Elections removes any member appointed by the State Board of Elections.
  8. If an appointee is temporarily unable to act, a temporary appointee shall be named by the State Board of Elections. A temporary appointee shall serve until the original appointee notifies the State Board of Elections that he or she is able to resume his or her term.
  9. A member appointed by the State Board of Elections shall not serve on the board if he or she is a candidate for public office, and the member shall resign upon filing papers to become a candidate for public office or shall be removed from office by the State Board of Elections. A member who resigns or is removed because of his or her candidacy shall not resume his or her term following the completion of the candidacy.
  10. Vacancies and temporary vacancies shall be filled in the same manner as provided for original appointments, and the person appointed to fill the vacancy or temporary vacancy shall be of the same political party as his or her predecessor.
- (e) Compensation and payment of actual expenses of members shall be set by the fiscal court either as an amount payable on an annual basis, or as an amount payable on a per diem basis of not less than fifteen dollars (\$15) nor more than one hundred dollars (\$100) for each day the board meets.
- (3) A majority of the board shall constitute a quorum. The county clerk shall serve as chair of the meetings and may vote. In case of a tie, the chair may cast an additional vote. Records shall be kept of all proceedings, and the records shall be public and kept at the office of the county clerk.
  - (4) The board shall meet as follows:
    - (a) During years in which a primary or regular election is scheduled, the board shall meet at least once every other month and may meet more frequently if necessary upon the call of the chair or upon written agreement of two (2) or more members of the board. The call shall provide notice as prescribed by KRS 61.823.
    - (b) During years in which no primary or regular election is scheduled, the board shall meet at the call of the chair or upon written agreement of two (2) or more members of the board. The call shall provide notice as prescribed by KRS 61.823.
    - (c) The board shall meet and stay in session on primary, regular election, and special election days to correct clerical errors, ~~to~~~~and~~ rule on questions regarding voter registration *and proof of identification*, and may make to the election officers such certifications as may be necessary. On primary, regular election, and special election days, appeals may be made to a Circuit Judge, but a ruling of the board shall be reversed only upon a finding that it was arbitrary and capricious.
  - (5) The board may employ, on a bipartisan basis, a staff sufficient to carry out the duties assigned to the board.

**Vetoed April 13, 2020. Veto overridden and became law April 14, 2020.**