

CHAPTER 125

(HB 684)

AN ACT relating to elections.

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

➔Section 1. KRS 117.045 is amended to read as follows:

- (1) (a) The county board of elections shall in the manner prescribed by this section, not later than March 20 each year, except in a year in which no primary and regular elections are scheduled, appoint for each precinct in the county two (2) judges, one (1) clerk and one (1) sheriff of election. They shall serve in all elections held in the county during the year, except for minors seventeen (17) years of age who will become eighteen (18) years of age on or before the day of the regular election who may only serve as election officers for the primary and regular elections as provided in subsection (9) of this section.
- (b) If a special election is ordered to be held in a year in which no elections are scheduled, the county executive committee of each political party in each county in the territory affected by the special election shall, not later than twenty-eight (28) days preceding the date of the special election, submit a written list of nominees for precinct election officers to serve in the special election in a manner consistent with the provisions of subsection (2) of this section. The county board of elections in each county in the territory affected by the special election shall, not later than twenty-one (21) days preceding the date of the special election, appoint precinct election officers to serve in the special election in a manner consistent with the provisions of subsections (4), (5), and (6) of this section.
- (c) The State Board of Elections shall promulgate an administrative regulation under KRS Chapter 13A establishing evaluation procedures which county boards of elections may use to qualify persons nominated to serve as precinct election officers.
- (2) The county executive committees of the two (2) political parties having representation on the State Board of Elections may, on or before March 15 each year, designate in writing to the county board of elections a list of not less than four (4) names for each precinct; except that, in any precinct where there are not as many as four (4) persons possessing the qualifications of an election officer belonging to the political party filing the list, ***or when the State Board of Elections has approved a county board of elections' precinct consolidation plan requesting a lesser number of precinct officers***, a lesser number may be designated. If there are two (2) or more contending executive committees of the same party in any county, the one recognized by the written certificate of the chair of the state central committee of the party shall be the one authorized to submit the lists. The lists shall contain the full name, address, phone number, and Social Security number, if available, of each person listed. The lists shall be accompanied by a signed statement from each person stating that he or she is willing to serve, has not failed to serve without excuse in the past, and has not been convicted of an election law offense or any felony, unless the person's civil rights have been restored by the Governor. The State Board of Elections shall prescribe the form of the list by administrative regulation promulgated under KRS Chapter 13A.
- (3) The Attorney General shall notify each party state central committee of the duties of the party.
- (4) (a) If lists are submitted by the county executive committees under subsection (2) of this section, the county board of elections shall select one (1) judge at each voting place from each political party's list, and the county board shall select the sheriff from one (1) political party's list and the clerk from the other.
- (b) If no lists are submitted by the county executive committees under subsection (2) of this section, the two (2) members of the county board of elections who are appointed by the State Board of Elections may submit lists; and the county board of elections shall select the sheriff and one (1) judge from one (1) list and the clerk and the other judge from the remaining list.
- (c) If no lists are submitted by the county executive committees under subsection (2) of this section, or by the county board of elections under paragraph (b) of this subsection, the county clerk shall select the sheriff and one (1) judge from the membership of one (1) party and the clerk and the other judge from the membership of the remaining party. If no members of one (1) of the two (2) political parties are

available or willing to serve as a judge, the county clerk shall select any qualified and registered voter within the county to serve as a judge at a voting place.

- (d) The county board of elections shall, when possible, also appoint an adequate number of alternate precinct election officers from names on the lists which were submitted but which were not selected by the county board as precinct election officers. If alternate precinct election officers are not appointed from the lists of nominees who were not selected as precinct election officers, the county board of elections shall submit its method of selecting alternate precinct election officers to the State Board of Elections for its approval. If no lists are submitted to the county board of elections as provided in this subsection, the county clerk shall select an adequate number of alternate precinct election officers.
 - (e) The names of all precinct election officers and alternate precinct election officers selected by the county clerk shall be submitted to the county board of elections for its approval.
 - (f) Nothing in this subsection shall prevent the selection of any registered and qualified voter who is not registered with either of the two (2) political parties to serve as a precinct election officer in a precinct in which the officer resides or as otherwise provided in this subsection.
- (5) If, after all reasonable efforts have been made, neither the county board of elections nor the county clerk are able to find two (2) qualified officers for each precinct who are affiliated with the two (2) political parties having representation on the State Board of Elections or any other qualified and registered voter within the county, the county board of elections shall submit a list of emergency election officer appointments to the State Board of Elections. The county board of elections shall also present, in writing, its efforts to recruit and appoint election officers as prescribed in subsection (4) of this section. The State Board of Elections, after its review, may approve any or all of the emergency appointments submitted by the county board of elections or may direct the county board to take other action. Any emergency appointment shall be made for the next ensuing election only.
- (6) In addition to precinct election officers appointed under subsection (1) of this section, a county board of elections or the county clerk may appoint up to two (2) additional precinct election officers per precinct with the approval of the State Board of Elections. The State Board of Elections shall promulgate an administrative regulation under KRS Chapter 13A establishing conditions under which additional precinct officers may be approved.
- (7) The county board of elections shall, not less than ten (10) days before the next ensuing election, send to each election officer written notice of his or her appointment. The county board of elections may direct the sheriff of the county to serve the notice of appointment, if it deems the action is necessary.
- (8) The State Board of Elections may require the county board of elections to submit its list of precinct officers for review. The State Board of Elections may, after a hearing, direct the removal of any election officer who the board finds would not fairly administer the state election laws. The State Board of Elections shall provide for the method and manner of the hearing by administrative regulation promulgated under KRS Chapter 13A, and shall replace any officer so removed.
- (9) (a) An election officer shall be a qualified voter of the precinct; except that, where no qualified voter of the required political party is available within the precinct, the election officer shall be a qualified voter of the county.
- (b) A minor seventeen (17) years of age who will become eighteen (18) years of age on or before the day of the regular election may serve as an election officer for the primary and regular elections in which he or she is qualified to vote; however, no precinct shall have more than one (1) person serving as an election officer who is a minor seventeen (17) years of age.
- (c) An election officer shall not be a candidate for office during the election year.
- (d) An election officer shall not be the spouse, parent, brother, sister, or child of a candidate who is to be voted for at the election in the precinct in which the election officer will serve on election day.
- (e) An election officer shall not have changed his or her voter registration party affiliation after December 31 immediately preceding his or her appointment to serve for the primary, or after the second Tuesday in August to serve for the regular election.
- (f) An election officer may be removed, for cause, at any time up to five (5) days before an election. Vacancies shall be filled by the county board of elections or the county clerk with alternate precinct election officers and if the vacancy occurs in the appointment of a judge, the person appointed to fill the

vacancy shall be of the same political affiliation as the vacating officer, except for emergency appointments made as provided in subsection (5) of this section.

- (10) If the county board of elections or the county clerk fails to appoint election officers, or if any officer is not present at the precinct at the time for commencing the election, or refuses to act, and if no alternate is available, the officer in attendance representing the political party of the absentee shall appoint a suitable person to act in his or her place for that election. If both representatives of the same political party are absent, qualified voters present affiliating with that party shall elect, viva voce, suitable persons to act in their places.
- (11) Each election officer shall be paid a minimum of sixty dollars (\$60) per election day served, and such an additional amount as compensation as may be determined by the county board of elections, with the approval of the governing body which would be responsible for funding the election officers' pay, for each election in which the election officer serves, to be paid by the county. For delivering the election packets to the polls, the precinct election officers shall additionally receive the mileage reimbursement provided for state employees, for each mile necessarily traveled in the delivery of the packets to the polls, or a flat fee if the fee equals or exceeds that amount. For delivering election returns, the precinct election judges shall additionally receive the mileage reimbursement provided for state employees for each mile necessarily traveled in the delivery of election returns, or a flat fee if the fee equals or exceeds that amount. The fee paid to the precinct election judges for delivering election returns shall be paid by the county.

➔Section 2. KRS 117.065 is amended to read as follows:

- (1) The county board of elections shall, not later than January 15 of each year, establish the voting place for each precinct. If a change becomes necessary after that date, notice of change shall be published pursuant to KRS Chapter 424. If a change becomes necessary on election day, notice shall be posted at the former voting place. The expense of renting voting places, for which rent of not less than twenty dollars (\$20) shall be paid, shall be paid in the same manner as other election expenses.
- (2) The county board of elections shall have the authority to designate as voting places, on election day and all days of excused and no-excuse in-person absentee voting, without cost to the board, buildings constructed in whole or in part with tax revenues.
- (3) ***The county board of elections shall notify a local board of education that it intends to designate one (1) or more school buildings as voting places no later than December 1 prior to the election. The county board of elections shall specify which school buildings will be used and the expected dates and times of use.***
- (4) The county board of elections shall designate as voting places only those places which are accessible to all eligible voters, including those with physical limitations and the elderly.
- ~~(5)~~~~(4)}~~ The county board of elections shall ensure that each precinct polling place in the county has immediate access to a telephone within the polling place on the day of any election.

➔Section 3. KRS 117.066 is amended to read as follows:

- (1) The county board of elections may, pursuant to KRS 117.055 and subsection (3) of this section, designate a single voting location for more than one (1) precinct if the voting location is equipped with voting equipment capable of providing or accepting separate ballots without endangering the integrity of the ballots or without violating any other election law.
- (2) If a single voting location for more than one (1) precinct is approved under subsection (3) of this section, the primary or election shall be conducted as follows:
 - (a) One (1) voting equipment may be used for more than one (1) precinct if ballots are tabulated for each separate precinct, and if separate ballots may be placed upon any voting equipment to be used without endangering the integrity of the ballots or without violating any other election law. Otherwise, separate voting equipment shall be used for each precinct. In the instance of a precinct which has a small number of voters such that the use of separate voting equipment 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 any primary or election day. If the use of supplemental paper ballots is approved by the State Board of Elections, at the close of voting on any primary or 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(9) ***to (15)***~~(10) to (16)}~~;

- (b) Separate precinct voter rosters shall be maintained for each precinct, and steps shall be taken to ensure that voters cast their ballot in their duly authorized precinct; and
 - (c) A separate set of election forms and reports required by this chapter and the State Board of Elections shall be maintained for each precinct.
- (3) The county board of elections may petition the State Board of Elections to allow the consolidation of precincts and the consolidation of precinct election officers at any voting location where voters of more than one (1) precinct vote. The petition shall be submitted at least one hundred twenty (120) days before a primary election on a form prescribed by the State Board of Elections in administrative regulations promulgated under KRS Chapter 13A and shall include:
- (a) A list of all precincts designated to vote at the voting location;
 - (b) The address and type of facility of the voting location;
 - (c) The number and type of voting systems or voting equipment to be used at the voting location;
 - (d) The number of registered voters in each precinct designated to vote at the voting location;
 - (e) An explanation of the reasons why the consolidation is desirable;
 - (f) The plan for additional precinct officers at the voting location, the manner in which they will be assigned, and whether the voting location will be fully staffed with election officials;
 - (g) The plan for how the county clerk will publicize the location for where the voting shall occur, in addition to how each location shall be noted conspicuously to residents of the county as a "Vote Center";
 - (h) The plan for how the voting location will serve as a focal point to meet the needs of a diverse community; and
 - (i) The number of parking spaces available at the location and a determination as to whether the location has sufficient parking spaces.
- (4) Beginning on January 1, 2025, if the petition submitted under subsection (3) of this section is approved by the State Board of Elections, it shall apply for the entire year and the precinct election officers designated to serve as election officers for more than one (1) precinct shall meet the eligibility requirements of KRS 117.045.
- (5) At least one hundred twenty (120) days before *a primary or regular* ~~an~~ election, *or fifty-six (56) days before a special election*, a county board of elections may petition the State Board of Elections to allow an amendment the county board deems necessary to the petition previously submitted and approved under subsection (3) of this section.
- (6) The Secretary of State shall retain veto authority over any petition that is approved by the State Board of Elections. The State Board of Elections, upon reconsideration of the petition, shall have the power to override a veto of the Secretary of State by a three-fourths (3/4) affirmative vote of the membership of the board.

➔Section 4. KRS 117.076 is amended to read as follows:

- (1) Any voter who is qualified to vote on election day in the county of his or her residence may choose to cast a no-excuse in-person absentee ballot on the Thursday, Friday, or Saturday immediately preceding the day of an election. The available hours from which a voter may cast his or her vote during these three (3) days shall be no less than eight (8) hours between 6 a.m. and 8 p.m. prevailing time, as determined by the county board of elections of each county.
- (2) Any voter who is qualified to vote on election day in the county of his or her residence may make application to cast an excused in-person absentee ballot during normal business hours during the six (6) business days immediately preceding the Thursday of no-excuse in-person absentee voting under subsection (1) of this section. The voter who makes application under this subsection shall meet one (1) of the following requirements in order to cast his or her excused in-person absentee ballot:
 - (a) 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 the day of an election and during the days of no-excuse in-person absentee voting;
 - (b) Has surgery, or whose spouse has surgery, scheduled that will require hospitalization on the day of an election and during the days of no-excuse in-person absentee voting;

- (c) 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 the day of an election and during the days of no-excuse in-person absentee voting;
 - (d) 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 and during the days of no-excuse in-person absentee voting;
 - (e) Is in her last trimester of pregnancy;
 - (f) Has not been declared mentally disabled by a court of competent jurisdiction and, due to age, disability, or illness, is not able to appear at the polls on election day and during the days of no-excuse in-person absentee voting;
 - (g) ***Is a caregiver who is providing medical or healthcare assistance to a voter who is qualified to cast a ballot under paragraph (f) of this subsection;***
 - (h) Is a student who temporarily resides outside the county of his or her residence and will be absent from the county of his or her residence on the day of an election and during the days of no-excuse in-person absentee voting;
 - ~~(i)(h)~~ Any person employed in an occupation that is scheduled to work during all days and all hours, which shall include commute time, the polls are open on election day and during the days of no-excuse in-person absentee voting;
 - ~~(j)(i)~~ Any election officer tasked with election administration for the current election cycle; or
 - ~~(k)(j)~~ Any person prevented from voting in person at the polls on election day and from casting a no-excuse in-person absentee ballot on all days no-excuse in-person absentee voting is conducted because he or she will be absent from the county of his or her residence during all days and all hours no-excuse in-person absentee voting is conducted.
- (3) Any voter who votes an in-person absentee or federal provisional in-person absentee ballot shall provide proof of identification as defined in KRS 117.001 or meet the requirements of KRS 117.228 or 117.229.
 - (4) In-person absentee voting shall be conducted in a location within the county clerk's office where ballots shall be cast secretly. In-person absentee voting may occur in another location within the county if the location is designated by the county board of elections and approved by the State Board of Elections. The county clerk may provide for voting by the voting equipment in general use in the county or any other voting equipment approved by the State Board of Elections for use in Kentucky. 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 of the two (2) political parties whose candidates polled the largest number of votes in the county at the last regular election.
 - (5) Any voter qualifying to vote who receives assistance to vote in-person absentee shall complete the voter assistance form required by KRS 117.255.
 - (6) Any voter qualifying to vote 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.
 - (7) Each voter casting his or her vote in-person absentee shall sign an in-person absentee ballot signature roster.
 - (8) 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 conducted. If the members of the county board of elections or their designees serve as precinct election officers for 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.
 - (9) Any individual qualified to appoint challengers for the day of an election may also appoint challengers to observe all in-person absentee voting, 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.
 - (10) During the days of in-person absentee voting, all voting equipment on which in-person absentee ballots are cast shall remain locked and the keys shall be retained by at least two (2) members of the central ballot counting board who are not of the same political affiliation or by two (2) members of the county board of

elections who are not of the same political affiliation, and the voting equipment shall remain locked with a tamper-resistant seal until the ballots are counted.

- (11) No person shall transmit or publicize any tallies or counts of in-person absentee ballots, or any partial results, to any person except when provided to the county board of elections under KRS 117.087, until 6 p.m. prevailing time on the day of a primary or an election.
- (12) (a) Before and after each day of in-person absentee voting, on all voting equipment to be used, the tamper-resistant seal shall be checked to ensure it is unaltered and the number on the public counter shall be read and recorded. The status of the tamper-resistant seal shall be indicated and the number on the public counter of each voting equipment shall be recorded by the county clerk or his or her designated election official, member of the county board of elections, or member of the central ballot counting board. The status of the tamper-resistant seal and the number recorded from the public counter shall be witnessed by an election official who is of a different political affiliation than the person recording.
- (b) The status of the tamper-resistant seal and the number on the public counter shall be recorded on a form prescribed and furnished by the State Board of Elections pursuant to administrative regulations promulgated under KRS Chapter 13A.
- (c) The witness who is present shall verify, through validity of his or her signature on the form provided, the accuracy of the number recorded from the public counter, the number recorded on the prescribed form, and the status of the tamper-resistant seal.
- (d) Any irregularities observed by the election official who is recording and the election official who is a witness shall be immediately reported to the county attorney or the Office of Attorney General.
- (13) The State Board of Elections shall promulgate administrative regulations under KRS Chapter 13A to provide for the casting of ballots in accordance with this section.

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

- (1) (a) All requests for a mail-in absentee ballot shall be requested through a secure online portal established by the State Board of Elections, except for:
 - 1. Voters identified in KRS 117.077;
 - 2. Disabled voters; and
 - 3. Covered voters in paragraph (i) of this subsection;
 who have the additional option of requesting a mail-in absentee ballot application through the county clerk.
- (b) Acquiring a mail-in absentee ballot by means of the online portal shall require the voter to input personally identifiable information for verification.
- (c)
 - 1. For those voters who do not have the means of accessing the online portal, the county clerk shall fulfill a request for a mail-in absentee ballot by taking the voter's information over the telephone or in person and directly inputting that information into the secure online portal.
 - 2. If a voter under paragraph (h)3. of this subsection expresses the desire to request a mail-in absentee ballot, the jail staff shall ensure that the voter is allowed, during normal business hours, to use a telephone to receive assistance by the county clerk, as described in subparagraph 1. of this paragraph.
- (d) The online portal shall have the capacity to ensure the identity of the voter through proof of identification as required under KRS 117.227 or by means of KRS 117.228.
- (e) If a voter qualifies to receive a mail-in absentee ballot, the online portal shall transmit the mail-in absentee ballot request to the county clerk of the county in which the voter is registered to vote.
- (f) The online portal shall not be open or permit any mail-in ballot requests to occur more than forty-five (45) days immediately preceding the day of a primary or an election. The online portal shall close at 11:59 p.m. local time, fourteen (14) days immediately preceding the day of a primary or an election.
- (g) Except as otherwise provided in KRS 117.077, the mail-in absentee ballot 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.

- (h) Except as otherwise provided in KRS 117.077 and covered voters in paragraph (i) of this subsection, a qualified voter may apply to cast his or her vote by mail-in absentee ballot if the completed application is received fourteen (14) 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 excused or no-excuse in-person absentee ballot on all days in-person absentee voting is conducted because he or she will be absent from the county of his or her residence all hours and all days excused or no-excuse in-person absentee voting is conducted;
 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 or the days excused or no-excuse in-person absentee voting is conducted on the account of age, disability, or illness, and who has not been declared mentally disabled by a court of competent jurisdiction.
- (i) 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.
- (j) Any qualified voter who is disabled may use an accessible mail-in absentee ballot portal to request and receive a mail-in absentee ballot by means of an electronic transmission system as established under KRS 117A.030(4). The standards necessary to implement this paragraph shall be set by the State Board of Elections pursuant to administrative regulations promulgated under KRS Chapter 13A.
- (2) For those voters who are eligible to receive a mail-in absentee ballot by means other than the secure online portal pursuant to subsection (1) of this section, 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 for that person's use and no other. The mail-in absentee ballot application shall be in the form prescribed by the State Board of Elections, which shall include the voter affirmation form as prescribed in KRS 117.228(1)(c) and shall contain the following information: name, residential address, precinct, party affiliation, statement of the reason the person cannot vote in person on the day of an election or during the dates and time no-excuse in-person absentee voting is being conducted, statement of where the voter shall be on election day or during the dates and times no-excuse in-person absentee voting is being conducted, 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 KRS 117.001, or the executed voter affirmation as described in KRS 117.228(1)(c). 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) For those voters eligible to receive a mail-in absentee ballot, if the county clerk finds that the voter has completed and submitted an application for a mail-in absentee ballot as provided in this section, is properly registered as stated in his or her mail-in absentee ballot application, and qualifies to receive a mail-in absentee ballot by mail, the county clerk shall ~~issue only by mail~~ *issue only* to the voter a mail-in absentee ballot, two (2) official envelopes for returning the mail-in absentee ballot, and instructions for voting.

- (4) Mail-in absentee ballots shall be mailed to a voter's residential address located in the county in which the voter is registered, except for:
- (a) A qualified voter who applies pursuant to the requirements of subsection (1)(h)1., 4., and 5. of this section;
 - (b) A qualified voter covered under KRS 117.077;
 - (c) A qualified voter who applies pursuant to the requirements of subsection (1)(h)2. of this section, whose mail-in absentee ballot shall be mailed to the voter's residential address located in the county in which the voter is registered, or the voter's current residential address at the time the application for the absentee ballot is submitted, if different, due to the voter's attendance at an educational institution;
 - (d) A qualified voter who applies pursuant to the requirements of subsection (1)(h)3. of this section, whose mail-in absentee ballot shall be mailed to the jail where he or she is in custody at the time the application for the absentee ballot is submitted;~~for~~
 - (e) A qualified voter who applies pursuant to the requirements of subsection (1)(h)8. of this section, whose mail-in absentee ballot may be mailed to the address of a facility where he or she is receiving inpatient or residential medical treatment; *or*
 - (f) *A qualified voter who has been issued a mail-in absentee ballot in person by the county clerk.*

If a qualified voter who applies pursuant to paragraph (c), (d), or (e) of this subsection leaves the address where he or she requested an absentee ballot be mailed, the voter may contact the county clerk who shall issue a second ballot pursuant to subsection (9) of this section after canceling the first absentee ballot mailed to the voter.

- (5) The county clerk shall:
- (a) Transmit a mail-in absentee ballot to the voter who is eligible to receive a mail-in absentee ballot within four (4) days of receipt or within four (4) days of the ballots being available;
 - (b) 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; and
 - (c) 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. Unless a postal form for a certificate of mailing is required, the county clerk may use methods of tracking the mail-in absentee ballots by means of a printed barcode or other label that is unique to the individual voter issued by the State Board of Elections pursuant to administrative regulations promulgated under KRS Chapter 13A.
- (6) 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.
- (7) The outer envelope of the mail-in absentee ballot shall bear the words "Absentee Ballot", the address and official title of the county clerk, a printed barcode or other label that is unique to the individual voter issued by the State Board of Elections, and adequate 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. If applicable, the county clerk shall retain the voter's mail-in ballot application, which shall include the photographed copy of the voter's proof of identification or the voter affirmation as prescribed by KRS 117.228(1)(c), and the postal form required by subsection (5) of this section for twenty-two (22) months after the primary or election.
- (8) Except as otherwise provided in subsection (10) of this section, any person who has received a mail-in absentee ballot 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 or during the days of no-excuse in-person absentee voting and who has not voted by means of his or her mail-in absentee ballot 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 by mail or hand delivery 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.

- (9) 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 ~~issue another~~~~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, hand-delivered, or placed in a secure drop-box or receptacle, and the in-person absentee voting and federal in-person provisional absentee voting that is conducted, to verify that only the first voted ballot 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."
- (10) 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 or during the days of no-excuse in-person absentee voting shall cancel his or her mail-in absentee ballot and vote in person during the days of no-excuse in-person absentee voting or on the day of the election. 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. The county clerk shall remove the voter's name from the list of persons who were sent mail-in absentee ballots, allow the voter to vote by means of no-excuse in-person absentee ballot, or provide the voter with written authorization to vote at the precinct on election day. If the 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 a form prescribed by the State Board of Elections pursuant to KRS 117.245.
- (11) The State Board of Elections shall promulgate administrative regulations to:
 - (a) Ensure election officials have real-time knowledge of which voters have requested mail-in absentee ballots; and
 - (b) Provide procedures to be followed if a voter attempts to vote more than once at a primary or an election.

➔Section 6. KRS 117.086 is amended to read as follows:

- (1) (a) The voter returning his or her absentee ballot to the county clerk by mail, hand delivery, or to a secure drop-box or receptacle, shall mark his or her ballot, seal it in the secrecy envelope, and then seal the outer envelope.
- (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 by administrative regulation under KRS Chapter 13A. In order to be counted, all mail-in absentee ballots shall be received by the county clerk no later than 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) (a) The county clerk shall provide a minimum of one (1) secure ballot drop-box to receive voted mail-in absentee ballots for each primary, regular election, or special election. Public notice of all secure ballot drop-box locations shall be given in the same manner as provided under KRS 117.076(4), and posted to the website of the county clerk.
- (b) The county board of elections may seek the State Board of Elections' approval of a ballot receptacle to receive voted mail-in absentee ballots for each primary, regular election, or special election. Public

notice of all secure ballot receptacle locations shall be given in the same manner as provided under KRS 117.076(4), and posted to the website of the county clerk. Before any mail-in absentee ballot shall be allowed to be deposited inside a receptacle, the county board of elections shall inform the State Board of Elections of:

1. The number of receptacles to be used;
 2. The type of each receptacle to be used; and
 3. The receptacle location.
- (c) Any drop-box or receptacle located outside of the county clerk's office shall be:
1. Placed in a well-lit and easily accessible location;
 2. Secured to ensure immobility while in use;
 3. Under video surveillance at all times;
 4. Tamper-resistant; and
 5. Conspicuously noted as a mail-in absentee ballot drop-off location.
- (d) *The system used to conduct the video surveillance required under paragraph (c) of this subsection shall have enough storage capacity to retain sixty (60) consecutive days of continuous recording data. A request under the Kentucky Open Records Act, KRS 61.870 to 61.884, for this video after an election shall be made during the sixty (60) consecutive days following the election, and the video may be disposed of after those sixty (60) days, or upon compliance with the Kentucky Open Records Act or the closure of an investigation or any litigation, including appeals, in a District, Circuit, or federal court, whichever is later.*
- (e) A drop-box or receptacle located inside the county clerk's office shall be under direct supervision of the staff of the county clerk at all times and be accessible to the public.
- ~~(f)(e)~~ Each receptacle or drop-box shall be emptied by the county clerk and at least one (1) member of the county board of elections or one (1) member of the central ballot counting board if one is appointed, who is not of the same political affiliation as the county clerk at least once each business day or more frequently, as needed, to reasonably secure and accommodate the volume of the voter-delivered mail-in absentee ballots. The ballots deposited in the drop-box or receptacle shall be removed with a record of the date and time ballots were removed, and the names of the persons removing them. If the drop-box or receptacle is located outside the county clerk's office, the ballots shall be returned to the county clerk in locked transport containers, and the county clerk shall transfer the ballots upon receipt in accordance with subsection (3) of this section.
- ~~(g)(f)~~ Except for those times ballots are being removed and transported from a secure ballot drop box to the county clerk as provided in this subsection, the county clerk and at least one (1) member of the county board of elections who is not of the same political affiliation or one (1) member of the central ballot counting board who is not of the same political affiliation as the county clerk, shall retain the keys to all secure ballot drop-boxes, receptacles, and transport containers in use in the county.
- ~~(h)(g)~~ The State Board of Elections may establish additional security measures and procedures for the use of the ballot drop-box or receptacle through administrative regulations promulgated under KRS Chapter 13A.
- (3) Upon receipt of a mail-in absentee ballot, the county clerk shall scan the barcode or label that is unique to the individual voter to note the receipt of the mail-in absentee ballot, and deposit all of the mail-in absentee ballots in a locked ballot box immediately upon receipt without opening the outer envelope. The ballot box shall be locked with two (2) locks. The keys to the ballot box shall be retained by at least two (2) members of the county board of elections who are not of the same political affiliation or two (2) members of the central ballot counting board if one (1) is appointed, who are not of the same political affiliation, and the box shall remain locked until the ballots are processed, reviewed, or counted under KRS 117.087.
- (4) The county clerk shall keep separate lists for each election of all persons who:
- (a) Return a mail-in absentee ballot accepted under KRS 117.087;
 - (b) Vote by means of an excused or no-excuse in-person absentee ballot; and

- (c) Cast a federal provisional absentee ballot counted under 31 KAR 6:020.

The county clerk shall send a copy of each list to the State Board of Elections after any primary or election day. Notwithstanding the provisions of the Kentucky Open Records Act, KRS 61.870 to 61.884, each list of all persons who return their mail-in absentee ballots or who cast their ballots by means of an excused in-person absentee or no-excuse in-person absentee shall not be made public until after the close of business hours on the primary or election day for which the list applies, except when provided to the county board of elections under KRS 117.087. 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, which are cast in any primary or election as a part of the official certification of the primary or election.

- (5) The county board of elections shall report to the State Board of Elections within ten (10) days after any primary or regular election as to the number of rejected absentee ballots, including rejected mail-in absentee ballots and ballots cast under subsection (3) of this section, and the reasons for rejecting the ballots on a form prescribed and furnished by the State Board of Elections in administrative regulations promulgated under KRS Chapter 13A.

➔Section 7. KRS 117.228 is amended 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 KRS 117.225, and as defined under KRS 117.001, 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 KRS 117.001:
 - 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; *or*
 - (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 KRS 117.245(3) and (4).

➔Section 8. 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 any model if applicable, in the use of the voting equipment, if the voter so requests.
- (2) Except for those voters who have been certified as requiring assistance on a permanent basis under this section, no voter shall be permitted to receive any assistance in voting at the polls unless the voter makes and signs an oath that, because of blindness, other physical disability, or an inability to read English, the voter is unable to vote without assistance. The voter shall indicate in the oath the specific reason that requires the voter to receive 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 booth 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, complete the ballot as the voter directs. A voter requiring assistance in voting may, if the voter prefers, be assisted by a person of the voter's 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 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 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 voter shall swear or affirm, under penalty of perjury, that he or she requires voting assistance on a permanent basis because of a permanent physical disability. 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) No voter shall be permitted to occupy the voting booth or ballot completion area more than four (4) 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.
- (7) In primaries, before a voter is permitted to use the voting equipment, a judge of the election shall adjust the voting equipment so that the voter will only be able to vote for the persons for whom the voter is qualified to vote.
- (8) If the voting equipment 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.
- (9) The election officers shall constantly maintain a watch in order to prevent any person from voting more than once.
- (10) For voters voting as federal provisional voters, or if supplemental paper ballots have been approved 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 federal provisional or supplemental ballot, the voter shall return the spoiled federal provisional or supplemental paper ballot to an election officer who shall stamp the ballot "Spoiled," initial, and place the spoiled federal provisional or supplemental 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 federal provisional or supplemental ballot, hand the stub to an election officer and deposit the voted federal provisional or supplemental ballot in the appropriate locked ballot box or locked receptacle in the presence of an election officer.
- (11) The election sheriff shall be responsible for reporting violations of this section.

➔Section 9. 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 for any office, by writing the name of his or her choice upon the appropriate ballot for the office being voted on as required by KRS 117.125. Any candidate who is defeated or disqualified in a partisan or nonpartisan primary shall be ineligible as a candidate for the same office in the regular election, unless there is a vacancy pursuant to KRS 118.105(3). 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 ***certification deadlines established in subsection (1)(a) to (c) of Section 18 of this Act and KRS 118A.090(2)***~~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 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. ***These lists shall not be posted anywhere but a voter may request to see a copy of the list. Once the voter has reviewed the copy, it shall immediately be returned to the precinct election officer.*** 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 10. 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 ~~(8)~~~~(9)~~ of this section, shall be admitted and permitted to be present and witness the count.
- (2) As soon as the polls are closed, and the last voter has voted, the judges at that time shall immediately lock and seal the voting equipment so that the voting and counting mechanisms will be prevented from operating, 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 cumulative counter or device; and
 - (d) The number or other designation of the voting equipment.

The certificate, with any additional certificate previously prepared under KRS 117.035, 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 cumulative counter or device.

- ~~(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.~~
- ~~(4)~~~~(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.
- ~~(5)~~~~(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 or unique designation of the voting equipment, the precinct where it has been used, the number on the seal, and the number on the protective or cumulative counter or device at the close of the polls.

- ~~(6)~~~~(7)~~ During the period established by KRS 117.355(3), and following the tabulation of all votes cast in the election, including absentee votes and write-in votes:
- (a) The county board of elections shall mail, transmit via facsimile machine, hand-deliver, or submit by electronic means a copy of the precinct-by-precinct summary of the tabulation sheets showing the results from each precinct to the State Board of Elections. The copy of the precinct-by-precinct summary of the tabulation sheets showing the results from each precinct shall include the votes cast on the day of an election and during absentee voting; and
 - (b) The county clerk shall mail or deliver the precinct signature rosters from each precinct and the in-person absentee ballot signature roster to the State Board of Elections.
- ~~(7)~~~~(8)~~ For each voting location, as soon as possible after the completion of the count, the two (2) election officers who are not of the same political affiliation shall return to the county board of elections the keys to the voting equipment received and receipted for by them, and the county clerk, in each voting location, shall have the voting equipment properly boxed or securely covered and removed to a proper and secure place of storage.
- ~~(8)~~~~(9)~~ In primaries, each candidate 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, political group candidate, political organization 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.
- ~~(9)~~~~(10)~~ For all federal provisional ballots, if applicable, and supplemental paper ballots if 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 equipment 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.
- ~~(10)~~~~(11)~~ The county board of elections, or its designee, shall count and tally the supplemental paper ballots that have not been tabulated by automatic tabulating equipment at the precinct, either manually or with the use of tabulating equipment that has been certified by the State Board of Elections for use for that purpose in the county clerk's office. 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.
- ~~(11)~~~~(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 of elections 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.
- ~~(12)~~~~(13)~~ 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.
- ~~(13)~~~~(14)~~ No person shall transmit or publicize any tallies or counts of ballots, or any partial results, to any person except those persons, election officials, or entities authorized by law to receive it, until 6 p.m. prevailing time on the day of a primary or an election.
- ~~(14)~~~~(15)~~ (a) Unofficial election results transmitted online to the county board of elections or the State Board of Elections shall occur by means of a secure online connection after results are tallied on the tally

computer that has been certified in accordance with KRS 117.379 as part of a voting system as defined in KRS 117.001.

- (b) If an external device is used to upload election results for the subsequent transmission, the device shall be used for that primary or election only and be of a type approved by the State Board of Elections as part of a voting system under KRS 117.379. The upload of the election results shall occur in the presence of two (2) members of the county board of elections who are of a different political affiliation.

~~(15)(16)~~ Except as otherwise required in this chapter, all records and papers relating to specified elections shall be retained for twenty-two (22) months, and 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 11. KRS 117.295 is amended to read as follows:

- (1) For a period of thirty (30) days following any election, the voting equipment shall remain locked against voting, the ballot boxes containing all paper ballots shall remain locked, and the voting equipment and ballot boxes shall be under video surveillance. The system used to conduct the video surveillance shall have enough storage capacity to retain sixty (60) consecutive days of continuous recording data. A request under the Kentucky Open Records Act, KRS 61.870 to 61.884, for this video after an election shall be made during the sixty (60) consecutive days following the election, and the video may be disposed of after those sixty (60) days, or upon compliance with the Kentucky Open Records Act or the ~~*closure*~~~~[completion]~~ of an investigation or *any litigation, including appeals*~~[pending litigation]~~ in a District, Circuit, or federal court, whichever is later.
- (2) The voting equipment and the ballot boxes may be opened and all the data and figures therein examined:
 - (a) Upon the order of any court of competent jurisdiction, or judge thereof;
 - (b) By direction of any legislative committee or board authorized and empowered to investigate and report upon contested elections;
 - (c) By a county board of elections or its designee under the direction of the Secretary of State pursuant to a hand-to-eye recount as described in KRS 117.383; or
 - (d) As required to conduct a recount under KRS 120.157.

All the data and figures shall be examined by the court, judge, county board of elections, State Board of Elections, or committee in the presence of the officer having the custody of the voting equipment, ballots, and ballot boxes. In the event of a contest of election, the court in which the contest is pending or the committee before which the contest is being heard may, upon motion of any party to the contest, issue an order requiring that the voting equipment, ballots, and ballot boxes shall remain continuously locked for further time as may be reasonable or necessary, with due regard for the preparation of the voting equipment for a succeeding primary, regular election, or special election, but in no event shall the order compel that the voting equipment remain locked to a time within thirty (30) days next preceding any approaching primary, regular election, or special election.

- (3) During the period when the voting equipment and the ballot boxes are required to be kept locked, the keys thereto shall remain in the possession of the county board of elections. After that period, it shall be the duty of the county board of elections to return the keys to the custody of the county clerk.

➔Section 12. KRS 117.355 is amended to read as follows:

- (1) Within three (3) days after any primary or general election, the precinct election sheriff shall file a report with the chair of the county board of elections and with the local grand jury. The report shall include any irregularities observed and any recommendations for improving the election process.
- (2) Within ten (10) days after any primary or general election, the county board of elections shall file a report with the State Board of Elections and the local grand jury. The report shall include any irregularities of which the county board has knowledge and any recommendations for improving the election process. The report shall also include a breakdown by precinct of the number of voters requiring assistance to vote and the reasons therefor; the number of special ballots cast by category; and any other information required by the state board.

- (3) Within thirty (30) days after any primary or general election, the county board of elections shall transmit the information required by KRS 117.275(3) ~~to (6) [(4) to (7)]~~.
- (4) The State Board of Elections shall issue administrative regulations under KRS Chapter 13A to prescribe the forms required by this section.

➔Section 13. KRS 117.383 is amended to read as follows:

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

- (1) Count, tabulate, and record votes;
- (2) Place items on any ballot which shall, as closely as possible, follow the requirements pertaining to ballots;
- (3) Design the ballots to include a system to ensure an accurate record of all voting activities;
- (4) Instruct voters in the use of the voting system, including any ballot marking device;
- (5) Provide for checking the accuracy of the voting system;
- (6) Provide necessary supplies, including those necessary for a write-in vote, to ensure voter privacy;
- (7) Provide for the conducting and review of an audit of any component of a voting system or any voting equipment, and a review of any audit log;
- (8) Provide for the conducting and review of an election audit which shall establish the protocol by which ballots are checked, compared, and verified with the results produced by vote tallying equipment to ensure accuracy through a hand-to-eye ~~audit~~~~recount~~ defined and conducted as follows:
 - (a) To validate the accuracy and fidelity of the vote tabulation, the Secretary of State or his or her designee shall randomly select, in all counties of the Commonwealth, one (1) ballot scanner and one (1) race tabulated on that scanner for a hand-to-eye ~~audit~~~~recount~~ to be performed by each county board of elections or its designee;
 - (b) The sealed ballot boxes and signed tabulator tally tape or record from election day, as established in KRS 117.275, shall be provided by the county board of elections at an agreed upon location, and shall be accessible for public viewing. The sealed ballots are only to be unsealed in the presence of the county board of elections or its designee and public witnesses;
 - (c) A minimum of two (2) qualified poll workers, not of the same political party, shall be selected from lists of available volunteers, sworn in by the county board of elections or its designee to do the hand-to-eye ~~audit~~~~recount~~, and compensated at the local poll worker rate. A video recording device shall be used for recording the event and it may be streamed for public internet viewing. ***A request under the Kentucky Open Records Act, KRS 61.870 to 61.884, for this video after an election shall be made during the sixty (60) consecutive days following the election, and the video may be disposed of after those sixty (60) days, or upon compliance with the Kentucky Open Records Act or the closure of an investigation or any litigation, including appeals, in a District, Circuit, or federal court, whichever is later;***
 - (d) Ballots are to be aligned for stacking as needed, then viewed one (1) at a time, with each volunteer making a tally mark on a tally sheet for each vote cast for each candidate. Any ballots that are disputed or unclearly marked shall be set aside and the county board of elections or its designee shall determine voter intent;
 - (e) Once the hand-to-eye ~~audit~~~~recount~~ is completed, each volunteer shall add up the tally marks for each candidate, write down a total number of votes for each candidate, and sign the tally sheet. The county board of elections or its designee shall verify if the two (2) separate hand-to-eye tallies match. If the two (2) hand-to-eye tallies do not match each other, the process must be repeated until the totals are matching. Once this occurs, the county board of elections or its designee shall also verify the tallies by signing each tally sheet. Then, the ballots must be returned to the ballot box and resealed in the presence of the county board of elections or its designee and public witnesses;
 - (f) The county board of elections or its designee shall compare the signed register tape total from the vote tabulation machine on election day to the hand-to-eye tallies. If there is a discrepancy between the

machine count and the hand-to-eye ~~audit~~~~(recount)~~, other than instances of voter intent markings outside the designated marking area on the paper ballot that were unreadable by the scanner, or unscanned overvotes resulting from two (2) or more voter intent marks on the same race, the county board of elections or its designee shall open an election investigation including a review of election day irregularity reports. If more discrepancies are found, the county board of elections or its designee shall broaden the investigation until the reason for the discrepancy is discovered and subsequently resolved. A determination as to whether the outcome of the race could have been impacted by the discrepancies shall be made and any findings shall be reported to the Attorney General and Secretary of State; and

- (g) The county board of elections or its designee shall examine the electronic or paper sign-in records from the precinct or vote center and validate that the ballots cast and recounted were less than or equal to the sign-in records for that precinct or vote center. If the cast ballots for the precinct or vote center exceed the number of voters on the sign-in records for the precinct or vote center, the county board of elections shall open an election investigation and report the findings to the Attorney General and Secretary of State;
- (9) Provide a method for maintaining sufficient documents, including ballots and records, so that votes can be recounted;
- (10) Ensure the county board of elections produces accurate precinct-by-precinct summaries of tabulation sheets showing the results of each precinct during in-person absentee voting, election day voting, and when a county is approved to use a vote center;
- (11) Except as otherwise required in this chapter, all 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
- (12) 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 14. KRS 118.125 is amended to read as follows:

- (1) Except as provided in KRS 118.155, any person who is qualified under the provisions of KRS 116.055 to vote in any primary for the candidates for nomination by the party at whose hands he or she seeks the nomination, shall have his or her name printed on the official ballot of his or her party for an office to which he or she is eligible in that primary, upon filing, with the Secretary of State or county clerk, as appropriate, at the proper time, a notification and declaration.
- (2) The notification and declaration shall be in the form prescribed by the State Board of Elections. It shall be signed by the candidate and by not less than two (2) registered voters, ***who at the time of signing are*** of the same party ***as the candidate and*** from the district or jurisdiction from which the candidate seeks nomination. Signatures for nomination papers shall not be affixed on the document to be filed prior to the first Wednesday after the first Monday in November of the year preceding the year in which the office will appear on the ballot. The notification and declaration for a candidate shall include the following oath:

"For the purpose of having my name placed on the official primary election ballot as a candidate for nomination by the ----- Party, I, ----- (name in full as desired on the ballot as provided in KRS 118.129), do solemnly swear that my ***date of birth is ----- (month/day/year), that my*** residence address is ----- (street, route, highway, city if applicable, county, state, and zip code), that my mailing address, if different, is ----- (post office address), and that I am a registered ----- (party) voter; that I believe in the principles of the ----- Party, and intend to support its principles and policies; that I meet all the statutory and constitutional qualifications for the office which I am seeking; that if nominated as a candidate of such party at the ensuing election I will accept the nomination and not withdraw for reasons other than those stated in KRS 118.105(3); that I will not knowingly violate any election law or any law relating to corrupt and fraudulent practice in campaigns or elections in this state, and if finally elected I will qualify for the office."

The declaration shall be subscribed and sworn to before an officer authorized to administer an oath by the candidate and by the two (2) voters making the declaration and signing the candidate's petition for office.

- (3) When the notice and declaration has been filed with the Secretary of State or county clerk, as appropriate, and certified according to KRS 118.165, the Secretary of State or county clerk, as appropriate, shall have the candidate's name printed on the ballot according to the provisions of this chapter, except as provided in KRS 118.185.

- (4) Titles, ranks, or spurious phrases shall not be accepted on the filing papers and shall not be printed on the ballots as part of the candidate's name; however, nicknames, initials, and contractions of given names may be acceptable as the candidate's name.

➔Section 15. KRS 118.165 is amended to read as follows:

- (1) Except as provided in KRS Chapters 116 to 121, candidates for offices to be voted for by the electors of one (1) county or of a district less than one (1) county, except members of Congress and members of the General Assembly, shall file their nomination papers with the county clerk of the county not 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 not later than the first Friday following the first Monday in January preceding the day fixed by law for holding the primary. ***All nomination papers shall be filed no later than 4 p.m. local time at the place of filing when filed on the last date on which the papers may be filed.***
- (2) Candidates for offices to be voted for by the electors of more than one (1) county, and for members of Congress and members of the General Assembly, shall file their nomination papers with the Secretary of State not 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 not later than the first Friday following the first Monday in January preceding the day fixed by law for holding the primary. Signatures for nomination papers shall not be affixed on the document to be filed prior to the first Wednesday after the first Monday in November of the year preceding the year in which the office will appear on the ballot. All nomination papers shall be filed no later than 4 p.m. local time at the place of filing when filed on the last date on which the papers may be filed.
- (3) The Secretary of State or the county clerk shall examine the notification and declaration form of each candidate to determine whether it is regular on its face. If there is an error, the proper officer shall notify the candidate by certified mail within twenty-four (24) hours of filing.
- (4) 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 16. KRS 118.205 is amended to read as follows:

- (1) The Secretary of State and the county clerk of each county within this state shall each keep a book titled "Register of Candidates for Nomination in the Primary." The Secretary of State and each county clerk shall enter on different pages of the book for the different political parties, the title of office sought, ***the district number of the office sought, if applicable***, the name~~[-and residence]~~ of each candidate for nomination in the primary, ***his or her email address or post office box address***, the name of his or her political party, and the date of receiving his or her nomination papers. The book shall be so kept that the names of all candidates of the same political party shall be on the same or successive pages and the names of candidates of no two (2) political parties shall appear on the same page. The books shall be public records.
- (2) The county clerk of each county, within five (5) business days following the date of receiving a candidate's nomination papers, shall:
 - (a) Transmit a candidate's information derived from subsection (1) of this section to the Secretary of State; and
 - (b) Prominently display a candidate's information derived from subsection (1) of this section on the clerk's official ***website***~~[Web site]~~.
- (3) The Secretary of State shall prominently display a candidate's information, derived from subsection (1) of this section, on the Secretary of State's official ***website***~~[Web site]~~ within five (5) business days following the date of receiving a candidate's nomination papers or within five (5) days following the receipt of a candidate's information supplied by the county clerk, whichever is applicable. The information displayed shall be derived from the Secretary's book and from each book held by the county clerk of each county within this state.

➔Section 17. KRS 118.212 is amended to read as follows:

- (1) If, before the time of certification of candidates who will appear on the ballot provided in KRS 118.215, any candidate whose notification and declaration or certificate or petition of nomination has been filed in the office of the Secretary of State dies or notifies the Secretary of State in writing, signed and properly notarized that he will not accept the nomination or election, the Secretary of State shall not certify his name.

- (2) If, after the certification of candidates who will appear on the ballot *as provided in Section 18 of this Act*, any candidate whose notification and declaration or certificate or petition of nomination has been filed in the office of the county clerk dies or notifies the clerk, in the manner described in subsection (1) of this section, that he will not accept the nomination or election, the clerk shall ensure that notice is provided to the appropriate precincts as provided in subsection (5) of this section.
- (3) If, after the certification of candidates who will appear on the ballot *as provided in Section 18 of this Act*, any candidate whose notification and declaration or certificate or petition of nomination has been filed in the office of the Secretary of State dies or notifies the Secretary of State in the manner described in subsection (1) of this section, that he will not accept the nomination or election, the Secretary of State shall immediately notify the appropriate county clerk, and the clerk shall ensure that notice is provided to the appropriate precincts as provided in subsection (5) of this section.
- (4) If, after the certification of candidates who will appear on the ballot *as provided in Section 18 of this Act*, any candidate whose name appears on the ballot shall officially withdraw or die, neither the precinct election officers nor the county board of elections shall tabulate or record the votes cast for the candidate; and, if there is only one (1) remaining candidate on the ballot for that office in a primary election, following the withdrawal or death of the other candidate or candidates, neither the precinct election officers nor the county board of elections shall tabulate or record the votes for the remaining candidate, and the officer with whom the remaining candidate has filed his or her nomination papers shall immediately issue and file in his or her office a certificate of nomination for that remaining candidate and send a copy to the remaining candidate.
- (5) If, after the certification of candidates who will appear on the ballot *as provided in Section 18 of this Act*, any candidate whose name appears on the ballot shall officially withdraw or die, the county clerk shall provide a notice to the precinct election officers who shall see that the notice is conspicuously displayed at the polling place advising voters of the change, and that votes for the candidate shall not be tabulated or recorded. If the county clerk learns of the death or withdrawal at least five (5) days prior to the election and provides the notice required by this subsection and the precinct officers fail to post the notice at the polling place, the precinct officers shall be guilty of a violation subject to a fine of not less than ten dollars (\$10) nor more than two hundred fifty dollars (\$250).

➔Section 18. KRS 118.215 is amended to read as follows:

- (1) After the order of the names has been determined as provided in KRS 118.225, the Secretary of State shall certify, to the county clerks of the respective counties entitled to participate in the nomination or election of the respective candidates, the name, *the email address or post office box address, the office sought, the district number of the office sought, if applicable* ~~[place of residence]~~, and party of each candidate or slate of candidates for each office, as specified in the nomination papers or certificates and petitions of nomination filed with him or her, and shall designate the device with which the candidate groups, slates of candidates, or lists of candidates of each party shall be printed, in the order in which they are to appear on the ballot, with precedence to be given to the party that polled the highest number of votes at the preceding election for presidential electors, followed by the political party which received the second highest number of votes, with the order of any other political parties and independents to be determined by lot. Candidates for county offices and local state offices shall be listed in the following order: Commonwealth's attorney, circuit clerk, property valuation administrator, county judge/executive, county attorney, county clerk, sheriff, jailer, county commissioner, coroner, justice of the peace, and constable. The names of candidates for President and Vice President shall be certified in lieu of certifying the names of the candidates for presidential electors. The names shall be certified as follows:
 - (a) Not later than the third Monday after the filing deadline for the primary as established in KRS 83A.045, 118.165, and 118A.060;
 - (b) Not later than the fourth Monday in August, except as provided in paragraph (c) of this subsection; and
 - (c) Not later than the Monday after the Friday following the first Tuesday in September preceding a regular election, for those years in which there is an election for President and Vice President of the United States.
- (2) Except as otherwise provided in subsection (3) of this section, all independent candidates or slates of candidates whose nominating petitions are filed with the county clerk or the Secretary of State shall be listed under the title and device designated by them as provided in KRS 118.315, or if none is designated, under the word "independent," and shall be placed on the ballot in a separate column or columns or in a separate line or lines according to the office which they seek. The order in which independent candidates or slates of

candidates shall appear on the ballot shall be determined by lot by the county clerk. If the same device is selected by two (2) groups of petitioners, it shall be given to the first selecting it and the county clerk shall permit the other group to select a suitable device. This section shall not apply to candidates for municipal offices which come under subsection (3) of this section.

- (3) The ballots used at any election in which city officers are to be elected as provided in subsection (2) of this section shall contain the names of candidates for the city offices grouped according to the offices they seek, and the candidates shall be immediately arranged with and designated by the title of office they seek. The order in which the names of the candidates for each office are to be printed on the ballot shall be determined by lot. Each group of candidates for each separate office for which the candidates are to be elected shall be clearly separated from other groups on the ballot and spaced to avoid confusion on the part of the voter.
- (4) The Secretary of State shall not knowingly certify to the county clerk of any county the name of any candidate or slate of candidates who has not filed the required nomination papers, nor knowingly fail to certify the name of any candidate or slate of candidates who has filed the required nomination papers.
- (5) If the county clerk determines that the number of certified candidates or slates of candidates cannot be placed on a ballot which can be accommodated by the voting equipment currently in use by the county, he or she shall so notify the State Board of Elections not later than the last Tuesday in February preceding the primary or the last Tuesday in August preceding the regular election. The State Board of Elections shall meet within five (5) days of the notice, review the ballot conditions, and determine whether supplemental paper ballots are necessary for the election. Upon approval of the State Board of Elections, supplemental paper ballots may be used for nonpartisan candidates or slates of candidates for an office or offices and public questions submitted for a yes or no vote. All candidates or slates of candidates for any particular office shall be placed either on the ballot or on the supplemental paper ballot. Supplemental paper ballots may also be used to conduct the voting, in the instance of a small precinct as provided in KRS 117.066.
- (6) The ballot position of a candidate or slate of candidates shall not be changed after the ballot position has been designated by the county clerk.

➔Section 19. KRS 118.315 is amended to read as follows:

- (1) A candidate for any office to be voted for at any regular election may be nominated by a petition of electors qualified to vote for him or her, complying with the provisions of subsection (2) of this section. No person whose registration status is as a registered member of a political party shall be eligible to election as an independent, or political organization, or political group candidate, nor shall any person be eligible to election as an independent, or political organization, or political group candidate whose registration status was as a registered member of a political party on January 1 immediately preceding the regular election for which the person seeks to be a candidate. This restriction shall not apply to candidates to those offices specified in KRS 118.105(6), for supervisor of a soil and water conservation district, for candidates for mayor or legislative body in cities of the home rule class, or to candidates participating in nonpartisan elections.
- (2) The form of the petition shall be prescribed by the State Board of Elections. It shall be signed by the candidate and by registered voters from the district or jurisdiction from which the candidate seeks nomination. The petition shall include a declaration, sworn to by the candidate, that he or she possesses all the constitutional and statutory requirements of the office for which the candidate has filed. Signatures for a petition of nomination for a candidate seeking any office, excluding President of the United States in accordance with KRS 118.591(1), shall not be affixed on the document to be filed prior to the first Wednesday after the first Monday in November of the year preceding the year in which the office will appear on the ballot. Signatures for nomination papers shall not be affixed on the document to be filed prior to the first Wednesday after the first Monday in November of the year preceding the year in which the office will appear on the ballot. A petition of nomination for a state officer, or any officer for whom all the electors of the state are entitled to vote, shall contain five thousand (5,000) petitioners; for a representative in Congress from any congressional district, or for any officer from any other district except as herein provided, four hundred (400) petitioners; for a county officer, member of the General Assembly, or Commonwealth's attorney, one hundred (100) petitioners; for a soil and water conservation district supervisor, twenty-five (25) petitioners; for a city officer or board of education member, two (2) petitioners; and for an officer of a division less than a county, except as herein provided, twenty (20) petitioners. It shall not be necessary that the signatures of the petition be appended to one (1) paper. Each petitioner shall include the date he or she affixes the signature, address of residence, and date of birth. Failure of a voter to include the signature affixation date, date of birth, and address of residence shall result in the signature not being counted. *A petitioner for the nomination of a*

~~*candidate*~~ [If any person joins in nominating, by petition, more than one (1) nominee for any office to be filled, he or she shall be counted as a petitioner for the candidate whose petition is filed first, except a petitioner for the nomination of candidates for soil and water conservation district supervisors] may be counted for every petition to which his or her signature is affixed.

- (3) Titles, ranks, or spurious phrases shall not be accepted on the filing papers and shall not be printed on the ballots as part of the candidate's name; however, nicknames, initials, and contractions of given names may be accepted as the candidate's name.
- (4) The Secretary of State and county clerks shall examine the petitions of all candidates who file with them to determine whether each petition is regular on its face. If there is an error, the Secretary of State or the county clerk shall notify the candidate by certified mail within twenty-four (24) hours of filing.
- (5) 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 20. KRS 118.387 is amended to read as follows:

The county clerk of each county and the Secretary of State shall prominently display on his or her official ~~website~~ [Web site], the candidates, ***the email address or post office box address, the office sought, the district number of the office sought, if applicable*** [place of residence of each candidate], and the political affiliation of each ***partisan*** candidate, who is on the ballot for any regular election. The posting required by this section shall occur at least fifty (50) days before a regularly scheduled election and forty-five (45) days before a special election.

➔Section 21. KRS 118.425 is amended to read as follows:

- (1) The State Board of Elections shall issue certificates of election where the successful candidate was voted for by the state at large, was voted for by a district greater than one (1) county, or was a candidate for member of Congress or the General Assembly.
- (2) Except as provided in subsection (3) of this section, not later than the second Monday after the election, the county board of elections shall issue certificates of election where the successful candidate was voted for by the electors of one (1) county, or of a district less than one (1) county, except members of Congress, members of the General Assembly, and designated officers filing with the Secretary of State. The right to contest or recount an election in accordance with KRS Chapter 120 shall not be impaired. The county board of elections of the candidate's residence shall issue certificates of election where the successful candidate was voted for by the electors of a city or school district whose boundaries extend beyond those of a single county. The board shall forward the certificate to the elected candidate. If the board finds that two (2) or more candidates have received the highest and equal number of votes for the same office, the board shall determine by lot which of the candidates is elected.
- (3) In counties containing cities of the first class, not later than the thirtieth day of December after the election, the county board of elections shall issue certificates of election where the successful candidate was voted for by the electors of the county, except members of Congress, members of the General Assembly, and designated officers filing with the Secretary of State. The right to contest or recount an election in accordance with KRS Chapter 120 shall not be impaired. The county board of elections of the candidate's residence shall issue certificates of election where the successful candidate was voted for by the electors of a city whose boundaries extend beyond those of a single county. The board shall forward the certificate to the elected candidate. If the board finds that two (2) or more candidates have received the highest and equal number of votes for the same office, the board shall determine by lot which of the candidates is elected.
- (4) In the case of all offices voted for, and in the case of public questions submitted to the vote of the people of the state at large or of a district greater than one (1) county, the county board of elections shall make out duplicate certificates of the total number of votes received by each of the candidates for the office and the total number of votes for and against each of the questions on a form prescribed by the State Board of Elections through the promulgation of administrative regulations in accordance with KRS Chapter 13A. The certificate of the total number of votes shall be certified to the Secretary of State's Office ***following the conclusion of the hand-to-eye audit established in Section 13 of this Act and*** not later than 12 p.m., prevailing time, on the ~~Tuesday~~ [Friday] following ~~all elections~~ [the election]. ~~For special elections the certificate of the total number of votes shall be certified to the Secretary of State's Office not later than 12 p.m., prevailing time, on the day following the election.~~ The clerk shall keep one (1) of the certificates in his or her office. He or she shall not later than three (3) days after receiving the certificate from the board, forward the other certificate by mail to the Secretary of State who shall deliver it to the State Board of Elections.

- (5) The State Board of Elections shall meet, to count and tabulate the votes received by the different candidates as certified to the Secretary of State no later than the third Monday after the election. The right to contest or recount an election in accordance with KRS Chapter 120 shall not be impaired. A majority of the members of the board shall constitute a quorum and may act. The board shall make out the certificates of election in the office of the board from the returns made. The board shall make out duplicate certificates of election, in writing, over the signatures of its members. The board shall forward the original certificate, by mail, to the elected candidate. The duplicate shall be retained in the office of the board. In the case of the election of a representative in Congress, an additional certificate shall be made and sent, by mail, to the clerk of the House of Representatives.
- (6) The certificate of election shall be issued to the candidate receiving the highest number of votes in the territory from which the election is to be made. If two (2) or more persons are found to have received the highest and an equal number of votes for the same office, the election shall be determined by lot in the manner the board directs, in the presence of not less than three (3) other persons. In the case of elections for electors of President and Vice President of the United States, the board shall issue a certificate of election to each elector of the political party or organization whose candidates for President and Vice President received the highest number of votes and the determination by the board that the candidates of any political party or organization for President and Vice President have received the highest number of votes shall constitute a determination that the electors nominated by that party have been elected.

➔Section 22. KRS 118A.140 is amended to read as follows:

- (1) The Secretary of State shall keep a book entitled "Register of Candidates for Nomination to Offices of the Court of Justice." The Secretary of State shall enter in that book the name, *the email address or post office box address, the office sought, and the district number of the office sought, if applicable,*~~and place of residence~~ of each candidate for nomination to the office of justice or judge in the primary, the date of receipt of his or her nomination papers, and petitions for candidacy filed pursuant to KRS 118A.100. The book shall be a public record.
- (2) The Secretary of State shall prominently display a candidate's information derived from subsection (1) of this section on the Secretary of State's official ~~website~~~~Web site~~ within five (5) business days following the date of receiving a candidate's nomination papers and petitions for candidacy of each candidate.

➔Section 23. KRS 119.165 is amended to read as follows:

- (1) Any person who falsely personates a registered voter, and receives and casts a ballot by means of such personation, shall be guilty of a Class D felony. An attempt at such personation shall constitute a Class A misdemeanor.
- (2) Any person who, by means other than falsely personating a registered voter, votes at an election in this state when he is a resident of another state or country, or votes more than once at an election, or votes by use of the naturalization papers of another person, shall be guilty of a Class D felony. Any person who knowingly votes or attempts to vote in a precinct other than the one in which he resides shall be guilty of a Class A misdemeanor, unless by voting in a precinct in which he does not live he is enabled to vote in a race or on a matter in which he could not vote in his proper precinct in which case he shall be guilty of a Class D felony. Any person who lends or hires his or another's naturalization papers to be used for the purpose of voting shall be subject to the same penalty.
- (3) Any person~~lawfully registered to vote~~ who *has been*~~is then~~ convicted of a felony offense and has not previously been restored to their voting rights who then knowingly votes or attempts to vote shall be guilty of a Class D felony.
- (4) Any resident of this state who, by means other than falsely personating a registered voter, votes at a regular or special election before he has resided in this state thirty (30) days, or in the county and precinct where the election is held the time required by law, or before he has attained full age, or before he has become a citizen, shall be guilty of a Class B misdemeanor.
- (5) Any person who, by means other than falsely personating a registered voter, votes in a primary election knowing that he is not qualified as provided in KRS 116.055, shall be guilty of a violation.
- (6) Any person who applies for or receives a ballot at any voting place other than the one at which he is entitled to vote, under circumstances not constituting a violation of any of the provisions of subsections (1) to (3) of this section, shall be guilty of a Class A misdemeanor.

➔Section 24. KRS 158.070 is amended to read as follows:

(1) As used in this section:

- (a) "Election" has the same meaning as in KRS 121.015;
- (b) "Minimum school term" or "school term" means not less than one hundred eighty-five (185) days composed of the student attendance days, teacher professional days, and holidays;
- (c) "School calendar" means the document adopted by a local board of education that establishes the minimum school term, student instructional year or variable student instructional year, and days that school will not be in session;
- (d) "School district calendar committee" means a committee that includes at least the following:
 - 1. One (1) school district principal;
 - 2. One (1) school district office administrator other than the superintendent;
 - 3. One (1) member of the local board of education;
 - 4. Two (2) parents of students attending a school in the district;
 - 5. One (1) school district elementary school teacher;
 - 6. One (1) school district middle or high school teacher;
 - 7. Two (2) school district classified employees; and
 - 8. Two (2) community members from the local chamber of commerce, business community, or tourism commission;
- (e) "Student attendance day" means any day that students are scheduled to be at school to receive instruction, and encompasses the designated start and dismissal time;
- (f) "Student instructional year" means at least one thousand sixty-two (1,062) hours of instructional time for students delivered on not less than one hundred seventy (170) student attendance days;
- (g) "Teacher professional day" means any day teachers are required to report to work as determined by a local board of education, with or without the presence of students; and
- (h) "Variable student instructional year" means at least one thousand sixty-two (1,062) hours of instructional time delivered on the number of student attendance days adopted by a local board of education which shall be considered proportionally equivalent to one hundred seventy (170) student attendance days and calendar days for the purposes of a student instructional year, employment contracts that are based on the school term, service credit under KRS 161.500, and funding under KRS 157.350.

- (2)
 - (a) The local board of education, upon recommendation of the local school district superintendent, shall annually appoint a school district calendar committee to review, develop, and recommend school calendar options.
 - (b) The school district calendar committee, after seeking feedback from school district employees, parents, and community members, shall recommend school calendar options to the local school district superintendent for presentation to the local board of education. The committee's recommendations shall comply with state laws and regulations and consider the economic impact of the school calendar on the community and the state.
 - (c) Prior to adopting a school calendar, the local board of education shall hear for discussion the school district calendar committee's recommendations and the recommendation of the superintendent at a meeting of the local board of education.
 - (d) During a subsequent meeting of the local board of education, the local board shall adopt a school calendar for the upcoming school year that establishes the opening and closing dates of the school term, beginning and ending dates of each school month, student attendance days, and days on which schools shall be dismissed. The local board may schedule days for breaks in the school calendar that shall not be counted as a part of the minimum school term.
 - (e) For local board of education meetings described in paragraphs (c) and (d) of this subsection, if the meeting is a regular meeting, notice shall be given to media outlets that have requests on file to be

notified of special meetings stating the date of the regular meeting and that one (1) of the items to be considered in the regular meeting will be the school calendar. The notice shall be sent at least twenty-four (24) hours before the regular meeting. This requirement shall not be deemed to make any requirements or limitations relating to special meetings applicable to the regular meeting.

- (f) A local school board of education that adopts a school calendar with the first student attendance day in the school term starting no earlier than the Monday closest to August 26 may use a variable student instructional year. Districts may set the length of individual student attendance days in a variable student instructional schedule, but no student attendance day shall contain more than seven (7) hours of instructional time unless the district submitted and received approval from the commissioner of education for an innovative alternative calendar.
- (3) (a) Each local board of education shall use four (4) days of the minimum school term for professional development and collegial planning activities for the professional staff without the presence of students pursuant to the requirements of KRS 156.095. At the discretion of the superintendent, one (1) day of professional development may be used for district-wide activities and for training that is mandated by federal or state law. The use of three (3) days shall be planned by each school council, except that the district is encouraged to provide technical assistance and leadership to school councils to maximize existing resources and to encourage shared planning.
- (b) At least one (1) hour of self-study review of seizure disorder materials shall be required for all principals, guidance counselors, and teachers hired after July 1, 2019.
- (c)
 1. A local board may approve a school's flexible professional development plan that permits teachers or other certified personnel within a school to participate in professional development activities outside the days scheduled in the school calendar or the regularly scheduled hours in the school work day and receive credit towards the four (4) day professional development requirement within the minimum one hundred eighty-five (185) days that a teacher shall be employed.
 2. A flexible schedule option shall be reflected in the school's professional development component within the school improvement plan and approved by the local board. Credit for approved professional development activities may be accumulated in periods of time other than full day segments.
 3. No teacher or administrator shall be permitted to count participation in a professional development activity under the flexible schedule option unless the activity is related to the teacher's classroom assignment and content area, or the administrator's job requirements, or is required by the school improvement plan, or is tied to the teacher's or the administrator's individual growth plan. The supervisor shall give prior approval and shall monitor compliance with the requirements of this paragraph. In the case of teachers, a professional development committee or the school council by council policy may be responsible for reviewing requests for approval.
- (d) The local board of each school district may use up to a maximum of four (4) days of the minimum school term for holidays; provided, however, any holiday which occurs on Saturday may be observed on the preceding Friday.
- (e) Each local board may use two (2) days for planning activities without the presence of students.
- (f) Each local board may close schools for the number of days deemed necessary for:
 1. National or state emergency or mourning when proclaimed by the President of the United States or the Governor of the Commonwealth of Kentucky;
 2. Local emergency which would endanger the health or safety of children; and
 3. Mourning when so designated by the local board of education and approved by the Kentucky Board of Education upon recommendation of the commissioner of education.
- (4) (a) The Kentucky Board of Education, upon recommendation of the commissioner of education, shall adopt administrative regulations governing the use of student attendance days as a result of a local emergency, as described in subsection (3)(f)2. of this section, and regulations setting forth the guidelines and procedures to be observed for the approval of waivers from the requirements of a student instructional

year in subsection (1)(f) of this section for districts that wish to adopt innovative instructional calendars, or for circumstances that would create extreme hardship.

- (b) If a local board of education amends its school calendar after its adoption due to an emergency, it may lengthen or shorten any remaining student attendance days by thirty (30) minutes or more, as it deems necessary, provided the amended calendar complies with the requirements of a student instructional year in subsection (1)(f) of this section or a variable student instructional year in subsection (1)(h) of this section. No student attendance day shall contain more than seven (7) hours of instructional time unless the district submitted and received approval from the commissioner of education for an innovative alternative calendar.
- (5) (a)
 1. In setting the school calendar, school may be closed for two (2) consecutive days for the purpose of permitting professional school employees to attend statewide professional meetings.
 2. These two (2) days for statewide professional meetings may be scheduled to begin with the first Thursday after Easter, or upon request of the statewide professional education association having the largest paid membership, the commissioner of education may designate alternate dates.
 3. If schools are scheduled to operate during days designated for the statewide professional meeting, the school district shall permit employees who are delegates to attend as compensated professional leave time and shall employ substitute teachers in their absence.
 4. The commissioner of education shall designate one (1) additional day during the school year when schools may be closed to permit professional school employees to participate in regional or district professional meetings.
 5. These three (3) days so designated for attendance at professional meetings may be counted as a part of the minimum school term.
- (b) ~~1. If any school in a district is used as a voting~~~~[polling]~~ place *pursuant to Section 2 of this Act*, the school district ~~may~~~~[shall]~~ be closed on the ~~days~~~~[day]~~ of the election, and those days may be used for professional development activities, professional meetings, or parent-teacher conferences.
- ~~2. A district may be open on the day of an election if no school in the district is used as a polling place.~~
- (c) All schools shall be closed on the third Monday of January in observance of the birthday of Martin Luther King, Jr. Districts may:
 1. Designate the day as one (1) of the four (4) holidays permitted under subsection (3)(d) of this section; or
 2. Not include the day in the minimum school term specified in subsection (1) of this section.
- (6) (a) The Kentucky Board of Education, or the organization or agency designated by the board to manage interscholastic athletics, shall be encouraged to schedule athletic competitions outside the regularly scheduled student attendance day.
- (b) Any member of a school-sponsored interscholastic athletic team who competes in a regional tournament or state tournament sanctioned by the Kentucky Board of Education, or the organization or agency designated by the board to manage interscholastic athletics, and occurring on a regularly scheduled student attendance day may be counted present at school on the date or dates of the competition, as determined by local board policy, for a maximum of two (2) days per student per year. The student shall be expected to complete any assignments missed on the date or dates of the competition.
- (c) The school attendance record of any student for whom paragraph (b) of this subsection applies shall indicate that the student was in attendance on the date or dates of competition.
- (7) Schools shall provide continuing education for those students who are determined to need additional time to achieve the outcomes defined in KRS 158.6451, and schools shall not be limited to the minimum school term in providing this education. Continuing education time may include extended days, extended weeks, or extended years. A local board of education may adopt a policy requiring its students to participate in continuing education. The local policy shall set out the conditions under which attendance will be required and any exceptions which are provided. The Kentucky Board of Education shall promulgate administrative regulations establishing criteria for the allotment of grants to local school districts and shall include criteria by which the commissioner of education may approve a district's request for a waiver to use an alternative service

delivery option, including providing services during the student attendance day on a limited basis. These grants shall be allotted to school districts to provide instructional programs for pupils who are identified as needing additional time to achieve the outcomes defined in KRS 158.6451. A school district that has a school operating a model early reading program under KRS 158.792 may use a portion of its grant money as part of the matching funds to provide individualized or small group reading instruction to qualified students outside of the regular classroom during the student attendance day.

- (8) Notwithstanding any other statute, each school term shall include no less than the equivalent of the student instructional year in subsection (1)(f) of this section, or a variable student instructional year in subsection (1)(h) of this section, except that the commissioner of education may grant up to the equivalent of ten (10) student attendance days for school districts that have a nontraditional instruction plan approved by the commissioner of education on days when the school district is closed for health or safety reasons. The district's plan shall indicate how the nontraditional instruction process shall be a continuation of learning that is occurring on regular student attendance days. Instructional delivery methods, including the use of technology, shall be clearly delineated in the plan. Average daily attendance for purposes of Support Education Excellence in Kentucky program funding during the student attendance days granted shall be calculated in compliance with administrative regulations promulgated by the Kentucky Board of Education.
- (9) The Kentucky Board of Education shall promulgate administrative regulations to prescribe the conditions and procedures for districts to be approved for the nontraditional instruction program. Administrative regulations promulgated by the board under this section shall specify:
 - (a) The application, plan review, approval, and amendment process;
 - (b) Reporting requirements for districts approved for the program, which may include but are not limited to examples of student work, lesson plans, teacher work logs, and student and teacher participation on nontraditional instruction days. Documentation to support the use of nontraditional instruction days shall include clear evidence of learning continuation;
 - (c) Timelines for initial approval as a nontraditional instruction district, length of approval, the renewal process, and ongoing evaluative procedures required of the district;
 - (d) Reporting and oversight responsibilities of the district and the Kentucky Department of Education, including the documentation required to show clear evidence of learning continuation during nontraditional instruction days; and
 - (e) Other components deemed necessary to implement this section.
- (10) Notwithstanding the provisions of KRS 158.060(3) and the provisions of subsection (2) of this section, a school district shall arrange bus schedules so that all buses arrive in sufficient time to provide breakfast prior to the beginning of the student attendance day. The superintendent of a school district that participates in the Federal School Breakfast Program may also authorize up to fifteen (15) minutes of the student attendance day to provide the opportunity for children to eat breakfast during instructional time.
- (11) Notwithstanding any other statute to the contrary, the following provisions shall apply to a school district that misses student attendance days due to emergencies, including weather-related emergencies:
 - (a) A certified school employee shall be considered to have fulfilled the minimum one hundred eighty-five (185) day contract with a school district under KRS 157.350 and shall be given credit for the purpose of calculating service credit for retirement under KRS 161.500 for certified school personnel if:
 1. State and local requirements under this section are met regarding the equivalent of the number and length of student attendance days, teacher professional days, professional development days, holidays, and days for planning activities without the presence of students; and
 2. The provisions of the district's school calendar to make up student attendance days missed due to any emergency, as approved by the Kentucky Department of Education when required, including but not limited to a provision for additional instructional time per day, are met.
 - (b) Additional time worked by a classified school employee shall be considered as equivalent time to be applied toward the employee's contract and calculation of service credit for classified employees under KRS 78.615 if:

1. The employee works for a school district with a school calendar approved by the Kentucky Department of Education that contains a provision that additional instructional time per day shall be used to make up full days missed due to an emergency;
 2. The employee's contract requires a minimum six (6) hour work day; and
 3. The employee's job responsibilities and work day are extended when the instructional time is extended for the purposes of making up time.
- (c) Classified employees who are regularly scheduled to work less than six (6) hours per day and who do not have additional work responsibilities as a result of lengthened student attendance days shall be excluded from the provisions of this subsection. These employees may be assigned additional work responsibilities to make up service credit under KRS 78.615 that would be lost due to lengthened student attendance days.

Veto Overridden March 27, 2025.