

117.255 Instruction of voters -- Administrative regulations -- Assistance and certification of voters requiring assistance -- Manner of voting -- Report of violations.

- (1) The voter shall be instructed by the officers of election, with the aid of the instruction cards and the model, in the use of the machine, if the voter so requests.
- (2) Except for those voters who have been certified as requiring assistance on a permanent basis, no voter shall be permitted to receive any assistance in voting at the polls unless the voter 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 oath shall be upon a voter assistance form prescribed and furnished by the State Board of Elections pursuant to administrative regulations promulgated under KRS Chapter 13A. Any person assisting a voter shall complete the voter assistance form.
- (3) Upon making and filing the oath with the precinct clerk, the voter requiring assistance shall retire to the voting machine or ballot completion area with the precinct judges, and one (1) of the judges shall, in the presence of the other judge and the voter, operate the machine or complete the ballot as the voter directs. A voter requiring assistance in voting may, if the voter 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 operate the voting machine or complete the ballot in accordance with the directions of the voter, and the person sworn shall enter the voting booth or ballot completion area and operate the machine or complete the ballot for the voter as the voter directs.
- (5) A voter who requires voting assistance on a permanent basis because of blindness or other physical disability may apply to the county board of elections for certification. Application may be made when registering to vote or completing the voter assistance form by indicating that the reason for obtaining assistance is permanent. The county board of elections shall determine whether the applicant requires assistance on a permanent basis. The county board of elections shall notify the county clerk of persons certified as requiring permanent voting assistance and the county clerk shall enter the certification on the voter's registration record. The State Board of Elections shall indicate on the precinct roster of voters those voters who are certified to receive assistance permanently without signing the voter assistance form at the precinct.
- (6) "Voting booth" or "ballot completion area" means an area in which a voter casts his or her vote or completes his or her ballot which is designed to insure the secrecy of the vote. No voter shall be assisted under this subsection unless the judges and the sheriff of election are satisfied of the truth of the facts stated in the oath. The voter shall state in his or her oath the specific reason that requires him or her to receive assistance.
- (7) No voter shall be permitted to occupy the voting machine more than two (2) minutes if other voters are waiting to use it, except that those voters who because of

a disability need extra time to cast a ballot shall be given a reasonable amount of time to vote.

- (8) In primaries, before a voter is permitted to use the voting machine, a judge of the election shall adjust the machine so that the voter will only be able to vote for the persons for whom the voter is qualified to vote.
- (9) If the machine is so constructed as to require adjustment after one (1) person has voted before another person may vote, the judges of election shall adjust it after each person has voted.
- (10) The election officers shall constantly maintain a watch in order to prevent any person from voting more than once.
- (11) For voters voting as federal provisional voters, or if supplemental paper ballots have been approved as provided in KRS 118.215, the voter shall vote his or her federal provisional or supplemental ballot in privacy in a voting booth provided for that purpose by the county clerk. If the voter spoils his or her ballot, the voter shall return the spoiled paper ballot to an election officer who shall stamp the ballot "Spoiled," initial and place the spoiled ballot in an envelope provided for that purpose. The voter shall be issued a second federal provisional or supplemental paper ballot. Upon completion of voting, the voter shall remove the numbered stub from the ballot, hand the stub to an election officer and deposit the voted ballot in the appropriate locked ballot box or locked receptacle in the presence of an election officer.
- (12) The election sheriff shall be responsible for reporting violations of this section.

Effective: July 15, 2020

History: Amended 2020 Ky. Acts ch. 89, sec. 18, effective July 15, 2020. -- Amended 2007 Ky. Acts ch. 133, sec. 1, effective April 5, 2007. -- Amended 1998 Ky. Acts ch. 243, sec. 11, effective April 1, 1998. -- Amended 1996 Ky. Acts ch. 270, sec. 1, effective July 15, 1996. -- Amended 1994 Ky. Acts ch. 394, sec. 17, effective July 15, 1994; and ch. 405, sec. 15, effective July 15, 1994. -- Amended 1990 Ky. Acts ch. 48, sec. 28, effective July 13, 1990. -- Amended 1988 Ky. Acts ch. 341, sec. 32, effective July 15, 1988. -- Amended 1986 Ky. Acts ch. 287, sec. 9, effective July 15, 1986; and ch. 470, sec. 14, effective July 15, 1986. -- Amended 1982 Ky. Acts ch. 360, sec. 40, effective July 15, 1982. -- Amended 1976 (1st Extra. Sess.) Ky. Acts ch. 1, sec. 8, effective March 19, 1977. -- Created 1974 Ky. Acts ch. 130, sec. 39, effective June 21, 1974.