

### **117.001 Definitions for chapter.**

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

- (1) "Audit log" means a detailed record of all actions and events that have occurred on the voting system, including:
  - (a) Log-in attempts with username and time stamp;
  - (b) Election definition and setup;
  - (c) Ballot preparation and results processing;
  - (d) Diagnostics of any type; and
  - (e) Error and warning messages and operator response;
- (2) "Automatic tabulating equipment" means apparatus necessary to automatically examine and count votes as designated on ballots and data processing machines which can be used for counting ballots and tabulating results;
- (3) "Ballot" or "official ballot" means the official presentation of offices and candidates to be voted for, including write-in candidates, and all public questions submitted for determination, and shall include a voting machine ballot, a paper ballot, an absentee ballot, a federal provisional ballot, a federal provisional absentee ballot, or a supplemental paper ballot which has been authorized for the use of voters in any primary, regular election, or special election by the Secretary of State or the county clerk;
- (4) "Ballot box" means any box, bag, or other container that can be locked, sealed, or otherwise rendered tamper-resistant, for receiving ballots;
- (5) "Ballot marking device" means any approved device for marking a ballot which will enable the ballot to be tabulated manually or by means of automatic tabulating equipment;
- (6) "Election" or "elections" means any primary, regular election, or special election;
- (7) "Election officer" has the same meaning as in KRS 118.015;
- (8) "E-poll book" means an electronic device capable of holding a file of voter data and related information for use in identifying registered voters prior to a voter's receiving or casting a ballot, and allowing a voter to electronically sign in on an electronic registered voter roster in lieu of signing a paper registered voter roster;
- (9) "Federal provisional voter" means a person:
  - (a) Who does not appear to be registered to vote;
  - (b) Whose name does not appear on the precinct roster;
  - (c) Who has not provided proof of identification to the precinct election officer before voting in a federal election; and
  - (d) Who elects to proceed with voting a federal provisional ballot under KRS 117.229;
- (10) "Federal provisional ballot" or "federal provisional absentee ballot" means ballots which have been authorized by the Secretary of State or the county clerk to be used by federal provisional voters in any federal primary or election;
- (11) "Inner envelope" or "secrecy envelope" means the envelope provided to the voter

- with a ballot into which the voter shall place his or her voted ballot;
- (12) "Political group" has the same meaning as in KRS 118.015;
  - (13) "Political organization" has the same meaning as in KRS 118.015;
  - (14) "Precinct ballot counter" means an automatic tabulating device used at the precinct to tabulate and process ballots;
  - (15) "Proof of identification" means a document that was issued by:
    - (a) The United States or the Commonwealth of Kentucky, and the document contains:
      - 1. The name of the individual to whom the document was issued; and
      - 2. A photograph of the individual to whom the document was issued;
    - (b) The United States Department of Defense, a branch of the uniformed services, the Merchant Marine, or the Kentucky National Guard, and the document contains:
      - 1. The name of the individual to whom the document was issued; and
      - 2. A photograph of the individual to whom the document was issued;
    - (c) A public or private college, university, or postgraduate technical or professional school located within the United States, and the document contains:
      - 1. The name of the individual to whom the document was issued; and
      - 2. A photograph of the individual to whom the document was issued; or
    - (d) Any city government, county government, urban-county government, charter county government, consolidated local government, or unified local government, which is located within this state, and the document contains:
      - 1. The name of the individual to whom the document was issued; and
      - 2. A photograph of the individual to whom the document was issued;
  - (16) "Risk-limiting audit" means an audit protocol that makes use of statistical principles and methods and is designed to limit to acceptable levels the risk of certifying a preliminary election outcome that constitutes an incorrect outcome;
  - (17) "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 ensure the secrecy of the vote;
  - (18) "Vote center" means a consolidated precinct of the county;
  - (19) "Voting equipment" means any physical component of a voting system and includes voting machines where voting machines are in operation;
  - (20) "Voting machine" or "machine":
    - (a) Means a part of a voting system that consists of:
      - 1. A direct recording electronic voting machine that:
        - a. Records votes by means of a ballot display provided with mechanical or electro-operated components that may be actuated by the voter;

- b. Processes the data by means of a computer program;
    - c. Records voting data and ballot images in internal and external memory components; and
    - d. Produces a tabulation of the voting data stored in a removable memory component and on a printed copy; or
  - 2. One (1) or more electronic devices that operate independently or as a combination of a ballot marking device and an electronic or automatic vote tabulation device; and
- (b) Does not include an e-poll book;
- (21) "Voting system":
- (a) Means the total combination of physical, mechanical, electromechanical, or electronic equipment, including the software, hardware, firmware, and documentation required to program, control, and support that equipment, that is used to:
    - 1. Define ballots;
    - 2. Cast and count votes;
    - 3. Report or display election results; and
    - 4. Maintain and produce any audit trail information;
  - (b) Includes the practices and associated documentation used to:
    - 1. Identify system components and versions of those components;
    - 2. Test the system during its development and maintenance;
    - 3. Maintain records of system errors and defects;
    - 4. Determine specific system changes to be made to a system after the initial qualification of the system;
    - 5. Make available any materials to the voter, such as notices, instructions, forms, or paper ballots; and
  - (c) Does not include an e-poll book; and
- (22) "Voter-verified paper audit trail" means a contemporaneous paper record of a ballot printed for the voter to confirm his or her votes before the voter casts his or her ballot that:
- (a) Allows the voter to verify the voter's ballot choices before the casting of the voter's ballot;
  - (b) Is not retained by the voter;
  - (c) Does not contain individual voter information;
  - (d) Is produced on paper that is sturdy, clean, and resistant to degradation; and
  - (e) Is readable in a manner that makes the voter's ballot choices obvious to the voter or any person without the use of computer or electronic code.

**Effective:** July 14, 2022

**History:** Amended 2022 Ky. Acts ch. 87, sec. 22, effective April 7, 2022; and ch. 172, sec. 1, effective July 14, 2022. -- Repealed, reenacted as KRS 117.001, and amended 2021 Ky. Acts ch. 197, sec. 41, effective June 29, 2021. -- Amended 2020 Ky. Acts

ch. 89, sec. 23, effective July 15, 2020. -- Amended 1990 Ky. Acts ch. 48, sec. 32, effective July 13, 1990. -- Created 1982 Ky. Acts ch. 360, sec. 1, effective July 15, 1982.

**Formerly codified as 117.375**

**Legislative Research Commission Note (7/14/2022).** This statute was amended by 2022 Ky. Acts chs. 87 and 172, which do not appear to be in conflict and have been codified together.