

AN ACT relating to elections.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 116 IS CREATED TO READ AS FOLLOWS:

- (1) The State Board of Elections shall establish an electronic voter registration system through which a person may register or reregister to vote.*
- (2) The electronic voter registration system shall include the electronic equivalent of the registration application form prescribed and furnished by the State Board of Elections under KRS 116.155, including a warning relating to the potential penalties applicable to an applicant knowingly filing an application with untrue information and a voter declaration affirmation as required by KRS 116.065.*
- (3) The electronic voter registration system shall not allow an applicant to submit an application unless the entire application form, including the voter declaration affirmation, is completed by the applicant.*
- (4) The State Board of Elections may employ additional security measures to ensure the accuracy and integrity of electronic voter registration applications.*
- (5) Immediately upon the applicant's submission of a completed application, the State Board of Elections shall electronically forward the information provided in the application to the county clerk for the county in which the applicant resides. The applicant shall be immediately notified that his or her application has been electronically forwarded to the county clerk for the county in which he or she resides, but that the applicant will not be officially registered to vote or that changes to his or her existing registration will not be made until the application is received and processed by the county clerk.*
- (6) An electronic voter registration application shall be deemed to have been made as of the date the applicant is informed in accordance with subsection (5) of this section that his or her application has been electronically forwarded to the county*

clerk for the county in which he or she resides.

(7) Except as otherwise specifically provided, an electronic voter registration application electronically forwarded by the State Board of Elections shall be considered, for the purposes of this chapter, an application for registration by mail.

(8) The State Board of Elections may promulgate administrative regulations necessary to implement this section.

(9) Each county clerk shall maintain such statistical records on electronic voter registration applications as requested by the State Board of Elections.

(10) To the extent permitted by Section 102 of the Electronic Signatures in Global and National Commerce Act, Pub. L. No. 106-229, 15 U.S.C. sec. 7002, this chapter may modify or supersede provisions of that act.

➔Section 2. KRS 116.045 is amended to read as follows:

- (1) Any person may register as a voter during the period registration is open if he or she possesses, or will possess on the day of the next regular election, the qualifications set forth in KRS 116.025.
- (2) The county clerk shall cause all registration to be closed the fourth Tuesday preceding through the first Monday following any primary or ~~regular~~<sup>general</sup> election, and the twenty-eight (28) days prior to and seven (7) days following any special election. If the last day of registration falls on a state or federal holiday, the period runs until the end of the next day which is not a Saturday or Sunday nor a state or federal holiday. During the period that registration is closed, the county clerk may accept and process registrations. Any voter who registers during the period that registration is closed, except for any registered voter who transfers his or her registration pursuant to KRS 116.085(2) or (3), shall not be permitted to vote in the upcoming election.
- (3) In all counties, the county clerk shall receive registrations, transfers, or changes of

party affiliation at branch offices at any place in the county during those periods that the registration books are open except for those transfers pursuant to KRS 116.085(2) or 116.085(3). However, notice in the manner provided by KRS Chapter 424 shall be given at least three (3), but not more than fourteen (14), days in advance of the time and place of any branch registration, and ten (10) days' written notice shall be given to the county executive committee of each major political party in the county in which the branch registration is to be held.

- (4) Any person may register to vote or may change his or her party affiliation in any of the following ways:
- (a) In person;
  - (b) By mail;
  - (c) **By electronic application under Section 1 of this Act;**
  - (d)** By means of the federal post card application, if the person is a resident of Kentucky and a member of the Armed Forces, or a dependent of members of the Armed Forces, or overseas citizen;
  - ~~(e)~~~~(d)~~ By mail-in application form prescribed by the Federal Election Commission pursuant to the National Voter Registration Act of 1993; or
  - ~~(f)~~~~(e)~~ By other methods of registration, or reregistration, approved by the State Board of Elections, including the use of voluntary interested groups and political parties, under the proper supervision and directions of the county clerk, which may include door to door canvassing.
- (5) Upon receipt of the **paper or electronic application** form prescribed by the State Board of Elections or the Federal Election Commission pursuant to the National Voter Registration Act of 1993, properly filled out and signed by the applicant, the county clerk shall register the applicant.
- (6) Any individual or group shall have access to a reasonable number of voter registration forms including the mail-in application form prescribed by the Federal

Election Commission pursuant to the National Voter Registration Act of 1993 in the county clerk's office. The individual or group shall act under the proper supervision and directions of the county clerk and shall return these completed forms to the county clerk for official registration by the county clerk.

- (7) No later than December 31, 1994, the Transportation Cabinet shall equip all driver's license agencies to comply with the provisions of the National Voter Registration Act of 1993. The Secretary of State shall provide assistance and interpretation to the Transportation Cabinet in determining the requirements of the National Voter Registration Act of 1993.
- (8) The county clerk shall enter the specific party identification of the voter with a political party, political organization, or political group as defined in KRS 118.015, or independent status, as indicated by the voter on the voter registration form, into the statewide voter registration system. The State Board of Elections shall promulgate administrative regulations under KRS Chapter 13A to provide for tracking of the registration of voters identifying with political organizations and political groups as defined in KRS 118.015, and voters of independent status.
- (9) No later than January 31, 2016, each county clerk's office shall post a permanent notice identifying the means by which a person may register to vote under subsection (4)(a) to (e) of this section, including notice that a person may register in the county clerk's office and through the electronic voter registration system established in Section 1 of this Act. The notice shall be printed in boldface type of sufficient point size to be read from a distance of at least three (3) feet. The notice shall be posted in a conspicuous place to ensure that every person who enters the county clerk's office will readily see the notice.**

➔Section 3. KRS 116.0452 is amended to read as follows:

- (1) For the purpose of determining whether a voter registration application is received during the period in which registration books are open under KRS 116.045(2), an

application shall be deemed timely received:

- (a) In the case of registration with a motor vehicle driver's license application, if the valid voter registration form of the applicant is accepted by the circuit clerk before the registration books are closed;
  - (b) In the case of registration by mail, if the valid voter registration form of the applicant is legibly postmarked before the registration books are closed;
  - (c) In the case of registration with a voter registration agency, if the valid voter registration form of the applicant is accepted at the voter registration agency before the registration books are closed;~~and~~
  - (d) **In the case of registration by electronic application under Section 1 of this Act, if the applicant receives confirmation that the electronic voter registration application form of the applicant has been forwarded to the appropriate county clerk before the registration books are closed; and**
  - (e)** In any other case, if the valid voter registration form of the applicant is received by the appropriate county clerk before the registration books are closed.
- (2) The county clerk shall send notice to each applicant of the disposition of the application.
- (3) The name of a registered voter shall not be removed from the registration books except:
- (a) Upon request of the voter;
  - (b) As provided by KRS 116.113, upon notice of death, declaration of incompetency, or conviction of a felony; or
  - (c) Upon failure to respond to a confirmation mailing sent pursuant to KRS 116.112(3) and failure to vote or appear to vote and, if necessary, correct the registration record of the voter's address in an election during the period beginning on the date of the notice and ending on the day after the date of the

second general election for Federal office that occurs after the date of the notice.

- (4) The identity of the voter registration agency or circuit clerk's office through which any particular voter is registered shall not be disclosed to the public.

➔Section 4. KRS 116.0455 is amended to read as follows:

- (1) (a) Each motor vehicle driver's license application, including any renewal application, submitted to the appropriate motor vehicle authority shall serve as an application for voter registration unless the applicant fails to sign the voter registration application.
- (b) An application for voter registration submitted under paragraph (a) of this subsection shall be considered as updating any previous voter registration by the applicant.
- (2) No information relating to the failure of an applicant for a motor vehicle driver's license to sign a voter registration application may be used for any purpose other than voter registration.
- (3) (a) The Transportation Cabinet shall include a voter registration application form as part of an application for a motor vehicle driver's license.
- (b) The voter registration application portion of an application for a motor vehicle driver's license shall comply with the requirements of Section 5 of Public Law 103-31, the National Voter Registration Act of 1993.
- (4) Any change of address form submitted for purposes of a motor vehicle driver's license shall serve as notification of change of address for voter registration for the registrant involved unless the registrant states on the form that the change of address is not for voter registration purposes.
- (5) (a) A completed voter registration portion of an application for a motor vehicle driver's license accepted by a circuit clerk shall be transmitted to the county clerk of the county of the applicant's voting residence not later than ten (10)

days after the date of acceptance.

- (b) If a voter registration application is accepted within five (5) days before the last day for registration to vote in an election, the application shall be transmitted to the county clerk of the county of the applicant's voting residence not later than five (5) days after the date of acceptance.
- (6) The circuit clerk shall provide to the county clerk a declination statement signed by an applicant if the applicant has declined to register to vote.

**(7) No later than January 31, 2016, each circuit clerk's office and any satellite office that accepts motor vehicle driver's license applications shall post a permanent notice identifying the means by which a person may register to vote under subsection (4)(a) to (e) of Section 2 of this Act, including notice that a person may register in the circuit clerk's office and through the electronic voter registration system established in Section 1 of this Act. The notice shall be printed in boldface type of sufficient point size to be read from a distance of at least three (3) feet. The notice shall be posted in a conspicuous place to ensure that every person who enters the circuit clerk's office or satellite office will readily see the notice.**

➔Section 5. KRS 116.048 is amended to read as follows:

- (1) The following agencies are designated as voter registration agencies in accordance with the National Voter Registration Act of 1993:
  - (a) Agencies that provide benefits under public assistance under Title IV-A of the Federal Social Security Act, the Special Supplemental Food Program for Women, Infants, and Children, the Kentucky Medical Assistance Program, or the Food Stamps Program;
  - (b) Armed Forces recruitment offices;
  - (c) Other agencies as the Secretary of State shall determine to be providing public assistance; and

- (d) Other agencies as the Secretary of State shall determine to be state-funded programs primarily engaged in providing services to persons with disabilities.
- (2) A voter registration agency that provides service or assistance in conducting voter registration shall:
- (a) Distribute with each application for its service or assistance, and with each recertification, renewal, or change of address form, the office's own voter registration application form that complies with the requirements of Section 7 of Public Law 103-31, the National Voter Registration Act of 1993;
  - (b) Provide a form that includes:
    - 1. The question, "If you are not registered to vote where you live now, would you like to apply to register to vote here today?";
    - 2. If the agency provides public assistance, the statement, "Applying to register or declining to register to vote will not affect the amount of assistance that you will be provided by this agency.";
    - 3. Boxes for the applicant to check to indicate whether the applicant would like to register or declines to register to vote (failure to check either box being deemed to constitute a declination to register for purposes of paragraph (c) of this subsection), together with the statement in close proximity to the boxes and in prominent type, "IF YOU DO NOT CHECK EITHER BOX, YOU WILL BE CONSIDERED TO HAVE DECIDED NOT TO REGISTER TO VOTE AT THIS TIME.";
    - 4. The statement, "If you would like help in filling out the voter registration application form, we will help you. The decision whether to seek or accept help is yours. You may fill out the application form in private."; and
    - 5. The statement, "If you believe that someone has interfered with your right to register or to decline to register to vote, your right to privacy in



deciding whether to register or in applying to register to vote, or your right to choose your own political party or other political preference, you may file a complaint with \_\_\_\_\_.", the blank being filled by the name, address, and telephone number of the appropriate official to whom a complaint should be addressed; and

- (c) Provide to each applicant who does not decline to register to vote the same degree of assistance with regard to the completion of the registration application form as is provided by the office with regard to the completion of its own forms, unless the applicant refuses assistance.
- (3) (a) At each voter registration agency, the following services shall be made available:
- 1. Distribution of mail voter registration forms;
  - 2. Assistance to applicants in completing voter registration application forms, unless the applicant refuses assistance; and
  - 3. Acceptance of completed voter registration application forms for transmittal to the county clerk of the county of the applicant's voting residence.
- (b) If a voter registration agency designated under subsection (1)(d) of this section provides services to a person with a disability at the person's home, the agency shall provide the services described in paragraph (a) of this subsection at the person's home.
- (4) A person who provides services described in subsection (3) of this section shall not:
- (a) Seek to influence an applicant's political preference or party registration;
  - (b) Display any material indicating the person's political preference or party allegiance;
  - (c) Make any statement to an applicant or take any action the purpose or effect of which is to discourage the applicant from registering to vote; or

- (d) Make any statement to an applicant or take any action the purpose or effect of which is to lead the applicant to believe that a decision to register or not to register to vote has any bearing on the availability of services or benefits.
- (5) The State Board of Elections may designate requirements for record keeping and document retention it deems necessary to comply with the National Voter Registration Act of 1993 and the provisions of this chapter.
- (6) (a) A completed registration application accepted at a voter registration agency shall be transmitted to the county clerk of the county of the applicant's voting residence or the State Board of Elections not later than ten (10) days after the date of acceptance.
- (b) If a registration application is accepted within five (5) days before the last day for registration to vote in an election, the application shall be transmitted to the county clerk of the county of the applicant's voting residence or the State Board of Elections not later than five (5) days after the date of acceptance.
- (7) (a) No later than January 31, 2016, each voter registration agency designated in this section shall post a permanent notice identifying the means by which a person may register to vote under subsection (4)(a) to (e) of Section 2 of this Act, including notice that a person may register in the designated voter registration agency and through the electronic voter registration system established in Section 1 of this Act. The notice shall be printed in boldface type of sufficient point size to be read from a distance of at least three (3) feet. The notice shall be posted in a conspicuous place to ensure that every person who enters the designated voter registration agency will readily see the notice.**
- (b) Any agency that is designated a voter registration agency after January 31, 2016, shall post the permanent notice required by paragraph (a) of this subsection no later than thirty (30) days following the day the agency is**

*designated as a voter registration agency.*

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

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

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

- (1) All requests for an application for an absentee ballot may be transmitted by telephone, facsimile machine, by mail, by electronic mail, or in person. Except as provided in paragraph (b) of this subsection, all applications for an absentee ballot shall be transmitted only by mail to the voter or in person at the option of the voter, except that the county clerk shall hand an application for an absentee ballot to a voter permitted to vote by absentee ballot who appears in person to request the application, or shall mail the application to a voter permitted to vote by absentee ballot who requests the application by telephone, facsimile machine, or mail. The absentee ballot application may be requested by the voter or the spouse, parents, or children of the voter, but shall be restricted to the use of the voter. Except for

qualified voters who apply pursuant to the requirements of KRS 117.075 and 117.077, those who are incarcerated in jail but have yet to be convicted, those who are uniformed-service voters as defined in KRS 117A.010 that are confined to a military base on election day, and persons who qualify under paragraph (a)7. of this subsection, absentee ballots shall not be mailed to a voter's residential address located in the county in which the voter is registered. In the case of ballots returned by mail, the county clerk shall provide an absentee ballot, two (2) official envelopes for returning the ballot, and instructions for voting to a voter who presents a completed application for an absentee ballot as provided in this section and who is properly registered as stated in his or her application.

(a) The following voters may apply to cast their votes by mail-in absentee ballot if the application is received not later than the close of business hours seven (7) days before the election:

1. Voters permitted to vote by absentee ballot pursuant to KRS 117.075;
2. Voters who are residents of Kentucky who are covered voters as defined in KRS 117A.010;
3. Voters who are students who temporarily reside outside the county of their residence;
4. Voters who are incarcerated in jail who have been charged with a crime but have not been convicted of the crime;
5. Voters who change their place of residence to a different state while the registration books are closed in the new state of residence before an election of electors for President and Vice President of the United States, who shall be permitted to cast an absentee ballot for electors for President and Vice President of the United States only;
6. Voters who temporarily reside outside the state but who are still eligible to vote in this state;

7. Voters who are prevented from voting in person at the polls on election day and from casting an absentee ballot in person in the county clerk's office on all days absentee voting is conducted prior to election day because their employment location requires them to be absent from the county all hours and all days absentee voting is conducted in the county clerk's office; and
  8. Voters who are program participants in the Secretary of State's crime victim address confidentiality protection program as authorized by KRS 14.312.
- (b) Residents of Kentucky who are covered voters as defined in KRS 117A.010 may apply for an absentee ballot by means of the federal post-card application, which may be transmitted to the county clerk's office by mail, by facsimile machine, or by means of the electronic transmission system established under KRS 117A.030(4). The application may be used to register, reregister, and to apply for an absentee ballot. If the federal post-card application is received at any time not less than seven (7) days before the election, the county clerk shall affix his or her seal to the application form upon receipt.
- (c) Absentee voting shall be conducted in the county clerk's office or other place designated by the county board of elections and approved by the State Board of Elections during normal business hours for at least the twelve (12) working days before the election. A county board of elections may permit absentee voting to be conducted on a voting machine for a period longer than the twelve (12) working days before the election.
- (d) Any qualified voter in the county who is not permitted to vote by absentee ballot under paragraph (a) of this subsection who will be absent from the county on any election day may, at any time during normal business hours on those days absentee voting is conducted in the county clerk's office, make

application in person to the county clerk to vote on a voting machine in the county clerk's office or other place designated by the county board of elections and approved by the State Board of Elections.

(e) The following voters may, at any time during normal business hours on those days absentee voting is conducted in the county clerk's office, make application in person to the county clerk to vote on a voting machine in the county clerk's office or other place designated by the county board of elections and approved by the State Board of Elections:

1. Voters who are residents of Kentucky who are covered voters as defined in KRS 117A.010, who will be absent from the county on any election day;
2. Voters who are students who temporarily reside outside the county of their residence;
3. Voters who have surgery scheduled that will require hospitalization on election day, and the spouse of the voter;
4. Voters who temporarily reside outside the state but who are still eligible to vote in this state and who will be absent from the county on any election day;
5. Voters who are residents of Kentucky who are uniformed-service voters as defined in KRS 117A.010 confined to a military base on election day and who learn of that confinement within seven (7) days or less of an election and are not eligible for a paper absentee ballot under this subsection;~~and~~
6. A voter who is a pregnant woman in her last trimester of pregnancy at the time she wishes to vote under this paragraph. The application form for a voter under this subparagraph shall be prescribed by the State Board of Elections, which shall contain the woman's sworn statement

that she is in fact in her last trimester of pregnancy at the time she wishes to vote; and

**7. Voters permitted to vote by absentee ballot pursuant to Section 6 of this Act.**

- (f) Voters who change their place of residence to a different state while the registration books are closed in the new state of residence before a presidential election shall be permitted to cast an absentee ballot for President and Vice President only, by making application in person to the county clerk to vote on a voting machine in the county clerk's office or other place designated by the county board of elections and approved by the State Board of Elections.
- (g) Any member of the county board of elections, any precinct election officer appointed to serve in a precinct other than that in which he or she is registered, any alternate precinct election officer, any deputy county clerk, any staff for the State Board of Elections, and any staff for the county board of elections may vote on a voting machine in the county clerk's office or other place designated by the county board of elections, and approved by the State Board of Elections, up to the close of normal business hours on the day before the election. The application form for those persons shall be prescribed by the State Board of Elections and, in the case of application by precinct election officers, shall contain a verification of appointment signed by a member of the county board of elections. If an alternate precinct election officer or a precinct election officer appointed to serve in a precinct other than that in which he or she is registered receives his or her appointment while absentee voting is being conducted in the county, such officer may vote on a voting machine in the county clerk's office or other place designated by the county board of elections, and approved by the State Board of Elections, up to the close of normal business hours on the day before the election. In case of such voters,

the verification of appointment shall also contain the date of appointment. The applications shall be restricted to the use of the voter only.

- (h) The members of the county board of elections or their designees who provide equal representation of both political parties may serve as precinct election officers, without compensation, for all absentee voting performed on a voting machine in the county clerk's office or other place designated by the county board of elections and approved by the State Board of Elections. If the members of the county board of elections or their designees serve as precinct election officers for the 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 the absentee voting, the county clerk or deputy county clerks shall supervise the absentee voting.
  - (i) Any individual qualified to appoint challengers for the day of an election may also appoint challengers to observe all absentee voting performed at the county clerk's office or other place designated by the county board of elections, and approved by the State Board of Elections, and those challengers may exercise the same privileges as challengers appointed for observing voting on the day of an election at a regular polling place.
- (2) The county clerk shall type the name of the voter permitted to vote by absentee ballot on the application form for that person's use and no other. The absentee ballot application form shall be in the form prescribed by the State Board of Elections, shall bear the seal of the county clerk, and shall contain the following information: name, residential address, precinct, party affiliation, statement of the reason the person cannot vote in person on election day, statement of where the voter shall be on election day, statement of compliance with residency requirements for voting in the precinct, and the voter's mailing address for an absentee ballot. The form shall



be verified and signed by the voter. A notice of the actual penalty provisions in KRS 117.995(2) and (5) shall be printed on the application.

- (3) If the county clerk finds that the voter is properly registered as stated in his or her application and qualifies to receive an absentee ballot by mail, he or she shall mail to the voter an absentee ballot, two (2) official envelopes for returning the ballot, and instructions for voting. The county clerk shall complete a postal form for a certificate of mailing for ballots mailed within the fifty (50) states, and it shall be stamped by the postal service when the ballots are mailed. An absentee ballot may be transmitted by facsimile machine or by the electronic transmission system established under KRS 117A.030(4) to a covered voter as defined in KRS 117A.010. The covered voter shall be notified of the options for transmittal of the absentee ballot, and the absentee ballot shall be transmitted by the method chosen for receipt by the resident of Kentucky who is a covered voter.
- (4) Absentee ballots which are requested prior to the printing of the ballots shall be mailed or otherwise transmitted as provided in subsection (3) of this section by the county clerk to the voter within three (3) days of the receipt of the printed ballots; and absentee ballots which are requested subsequent to the receipt of the ballots by the county clerk shall be mailed or otherwise transmitted as provided in subsection (3) of this section to the voter within three (3) days of the receipt of the request.
- (5) The county clerk shall cause ballots to be printed fifty (50) days prior to each primary or regular election, and forty-five (45) days prior to a special election.
- (6) The outer envelope shall bear the words "Absentee Ballot" and the address and official title of the county clerk and shall provide space for the voter's signature, voting address, precinct number, and signatures of two (2) witnesses if the voter signs the form with the use of a mark instead of the voter's signature. A detachable flap on the inner envelope shall provide space for the voter's signature, voting address, precinct number, signatures of two (2) witnesses if the voter signs the form

with the use of a mark instead of the voter's signature and notice of penalty provided in KRS 117.995(5). The county clerk shall type the voter's address and precinct number in the upper left hand corner of the outer envelope and of the detachable flap on the inner envelope immediately below the blank space for the voter's signature. The inner envelope shall be blank. The county clerk shall retain the application and the postal form required by subsection (3) of this section for twenty-two (22) months after the election.

- (7) Any person who has received an absentee ballot by mail but who knows at least seven (7) days before the date of the election that he or she will be in the county on election day and who has not voted pursuant to the provisions of KRS 117.086 shall cancel his or her absentee ballot and vote in person. The voter shall return the absentee ballot to the county clerk's office no later than seven (7) days prior to the date of the election. Upon the return of the 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 absentee ballots, and the voter may vote in the precinct in which he or she is properly registered.
- (8) Any voter qualified for a mail-in absentee ballot who does not receive a requested mail-in ballot within a reasonable amount of time shall contact the county clerk, who shall reissue a second ballot. The county clerk shall keep a record of the absentee ballots issued and returned by mail, and the absentee voting that is performed on the voting machine in the county clerk's office or other place designated by the county board of elections and approved by the State Board of Elections, to verify that only the first voted ballot to be returned by the voter is counted. Upon the return of any ballot after the first ballot is returned, the county clerk shall mark on the outer envelope of the sealed ballot the words "Canceled

because ballot reissued."

- (9) Any covered voter as defined in KRS 117A.010 who has received an absentee ballot but who knows that he or she will be in the county on election day and who has not voted pursuant to the provisions of KRS 117.086 shall cancel his or her absentee ballot and vote in person. The voter shall return the absentee ballot to the county clerk's office on or before election day. Upon the return of the 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. If the covered voter is unable to return the absentee ballot to the county clerk's office on or before election day, at the time he or she votes in person, he or she shall sign a written oath as to his or her qualifications on the form prescribed by the State Board of Elections pursuant to KRS 117.245. The county clerk shall remove the voter's name from the list of persons who were sent absentee ballots, provide the voter with written authorization to vote at the precinct, and the voter may vote in the precinct in which he or she is properly registered.
- (10) Notwithstanding the provisions of the Kentucky Open Records Act, KRS 61.870 to 61.884, the information contained in an application for an absentee ballot shall not be made public until after the close of business hours on the election day for which the application applies. This subsection shall not prohibit at any time the disclosure, upon request, of the total number of applications for absentee ballots that have been filed, or the disclosure to the Secretary of State or the State Board of Elections, if requested or if otherwise required by law, of any information in an application for an absentee ballot.

➔Section 8. The State Board of Elections shall cause the electronic voter registration system required by Section 1 of this Act to be developed and implemented no later than January 1, 2016.