

AN ACT relating to in-person absentee voting.

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

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

- (1) In-person absentee voting shall be conducted in the county clerk's office or other place designated by the county board of elections and approved by the State Board of Elections during normal business hours for at least twelve (12) working days, including two (2) Saturdays, before the Sunday prior to election day. A county board of elections may permit in-person absentee voting to be conducted on a voting machine for a period longer than the twelve (12) working days, including two (2) Saturdays, before the Sunday prior to election day.*
- (2) Any qualified voter in the county who chooses to vote in person may, at any time during normal business hours on those days in-person absentee voting is 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, appear in person to the county clerk or other election official 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.*
- (3) Any individual qualified to appoint challengers for the day of an election may also appoint challengers to observe all in-person absentee voting performed at the county clerk's office or other place designated by the county board of elections and approved by the State Board of Elections, and those challengers may exercise the same privileges as challengers appointed for observing voting on the day of an election.*
- (4) The members of the county board of elections or their designees who provide equal representation of both political parties may serve as precinct election officers, without compensation, for all in-person absentee voting performed on a*

voting machine in the county clerk's office or other place designated by the county board of elections and approved by the State Board of Elections. If the members of the county board of elections or their designees serve as precinct election officers for 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 the in-person absentee voting, the county clerk or deputy county clerks shall supervise the in-person absentee voting.

➔Section 2. KRS 117.085 is amended to read as follows:

- (1) All requests for an application for a mail-in~~[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 a mail-in~~[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 mail-in absentee ballot who appears in person to request the application, or shall mail the application to a voter permitted to vote by mail-in absentee ballot who requests the application by telephone, facsimile machine, electronic mail, or mail. The mail-in absentee ballot application may be requested by the voter or the spouse, parents, or children of the voter, but shall be restricted to the use of the voter. 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, mail-in 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 a mail-in~~[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 in-person 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 in-person 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; ~~and~~
- (b) Residents of Kentucky who are covered voters as defined in KRS 117A.010 may apply for a mail-in absentee ballot by means of the federal post-card application, which may be transmitted to the county clerk's office by mail, by facsimile machine, or by means of the electronic transmission system established under KRS 117A.030(4). The application may be used to register, reregister, and to apply for a mail-in absentee ballot. If the federal post-card application is received at any time not less than seven (7) days before the election, the county clerk shall affix his or her seal to the application form upon receipt.
- ~~{(c) 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.~~
- ~~(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 clerk shall type the name of the voter permitted to vote by mail-in absentee ballot on the application form for that person's use and no other. The mail-in absentee ballot application form shall be in the form prescribed by the State Board of Elections, 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 or during the dates and times in-person absentee voting is being conducted pursuant to Section 1 of this Act, statement of where the voter shall be on election day or during the dates and times in-person absentee voting is being conducted pursuant to Section 1 of this Act, statement of compliance with residency requirements for voting in the precinct, and the voter's mailing address for a mail-in~~[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 a mail-in~~[an]~~ absentee ballot~~[by mail]~~, he or

she shall mail to the voter a mail-in 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. A mail-in absentee ballot may be transmitted by facsimile machine or by the electronic transmission system established under KRS 117A.030(4) to a covered voter as defined in KRS 117A.010. The covered voter shall be notified of the options for transmittal of the mail-in absentee ballot, and the mail-in absentee ballot shall be transmitted by the method chosen for receipt by the resident of Kentucky who is a covered voter.

- (4) Mail-in absentee ballots which are requested prior to the printing of the 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 mail-in 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 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 "Mail-In 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 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 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 a mail-in~~an~~ absentee ballot ~~by mail~~ but who knows at least seven (7) days before the date of the election or during the dates and times in-person absentee voting is being conducted pursuant to Section 1 of this Act that he or she will be in the county on election day or during the dates and times in-person absentee voting is being conducted pursuant to Section 1 of this Act and who has not voted pursuant to the provisions of KRS 117.086 shall cancel his or her mail-in absentee ballot and vote in person. The voter shall return the mail-in absentee ballot to the county clerk's office no later than seven (7) days prior to the date of the election or during the dates and times in-person absentee voting is being conducted pursuant to Section 1 of this Act. Upon the return of the mail-in absentee ballot, the 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 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 on the day of the election or during the dates and times in-person absentee voting is being conducted pursuant to Section 1 of this Act.
- (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 in-person 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 clerk shall mark on the outer envelope of the sealed ballot the words "Canceled because ballot reissued."

- (9) Any covered voter as defined in KRS 117A.010 who has received a mail-in~~[an]~~ absentee ballot but who knows that he or she will be in the county on election day or during the dates and times in-person absentee voting is being conducted pursuant to Section 1 of this Act and who has not voted pursuant to the provisions of KRS 117.086 shall cancel his or her mail-in absentee ballot and vote in person. The voter shall return the mail-in absentee ballot to the county clerk's office on or before the day the voter votes in person~~[election day]~~. Upon the return of the mail-in absentee ballot, the 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 mail-in absentee ballot to the county clerk's office on or before the voter~~[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 clerk shall remove the voter's name from the list of persons who were sent mail-in absentee ballots, and provide the voter with written authorization to vote~~[at the precinct, and the voter may vote in the precinct in which he or she is properly registered]~~.
- (10) Notwithstanding the provisions of the Kentucky Open Records Act, KRS 61.870 to 61.884, the information contained in an application for a mail-in~~[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 mail-in

absentee ballots that have been filed, or the disclosure to the Secretary of State or the State Board of Elections, if requested or if otherwise required by law, of any information in an application for a mail-in~~[an]~~ absentee ballot.

➔Section 3. KRS 117.0851 is amended to read as follows:

Absentee ballots cast, as provided by KRS 117.075, 117.077,~~[and]~~ 117.085, and Section 1 of this Act, shall all be tabulated in the same manner, as shall be provided by this chapter.

➔Section 4. KRS 117.086 is amended to read as follows:

- (1) The voter returning his absentee ballot by mail shall mark his ballot, seal it in the inner envelope and then in the outer envelope, and mail it to the county clerk as shall be provided by this chapter. 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 a mail-in~~[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 by administrative regulation. In order to be counted, the ballots shall be received by the clerk by at least the time established by the election laws generally for the closing of the polls on election day, which time shall not include the extra hour during which those voters may vote who were waiting in line to vote at the scheduled poll closing time.
- (2) ~~[Any voter who shall be absent from the county on election day, but who does not qualify to receive an absentee ballot by mail under the provisions of KRS 117.085,~~

~~and~~ All voters qualified to vote prior to the election under the provisions of **Section 1 of this Act**~~[KRS 117.085,]~~ shall vote at the main office of the county clerk or other place designated by the county board of elections, and approved by the State Board of Elections~~[, prior to the day of election]~~. The clerk may provide for such voting by the voting equipment in general use in the county either at the precinct~~[, the equipment as may be used to tabulate absentee ballots,]~~ or any other voting equipment approved by the State Board of Elections for use in Kentucky, except as follows:

- (a) Any voter ~~[qualifying to vote in the clerk's office or other place designated by the county board of elections, and approved by the State Board of Elections,]~~ who receives assistance to vote shall complete the voter assistance form required by KRS 117.255.
  - (b) Any voter ~~[qualifying to vote in the clerk's office or other place designated by the county board of elections, and approved by the State Board of Elections,]~~ whose qualifications are challenged by any clerk or deputy shall complete an "Oath of Voter" affidavit.
- (3) When the clerk uses general voting equipment as provided for in subsection (2) of this section, each voter casting his vote at the clerk's office or other place designated by the county board of elections, and approved by the State Board of Elections, shall sign an "**In-Person** Absentee Ballot Signature Roster."
- (4) The clerk shall designate a location within his office where the **in-person absentee** ballots shall be cast secretly. The county clerk, with the approval of the State Board of Elections, may establish locations other than his main office in which the voters may execute their **in-person absentee** ballots. Public notice of the locations shall be given pursuant to KRS Chapter 424 and similar notice by mail shall be given to the county chairmen of the two (2) political parties whose candidates polled the largest number of votes in the county at the last general election.

- (5) The State Board of Elections shall promulgate administrative regulations to provide for casting ballots as provided in subsection (2) of this section.
- (6) The clerk shall deposit all of the absentee ballots returned by mail in a locked ballot box immediately upon receipt without opening the outer envelope. The ballot box shall be locked with three (3) locks. The keys to the box shall be retained by the three (3) members of the central absentee ballot counting board, if one is appointed, or by the members of the board of elections, and the box shall remain locked until the ballots are counted. All voting equipment on which ballots are cast as permitted in subsection (2) of this section shall also remain locked and the keys shall be retained by the three (3) members of the central absentee ballot counting board, if one is appointed, or by the members of the board of elections, and the equipment shall remain locked until the ballots are counted.
- (7) The clerk shall keep a list for each election of all persons who return their absentee ballots by mail **and who voted in person under Section 1 of this Act**~~[or who cast their ballots in the clerk's office or other place designated by the county board of elections and approved by the State Board of Elections]~~, and shall send a copy of each list to the state board after the election day for which the list applies. Notwithstanding the provisions of the Kentucky Open Records Act, KRS 61.870 to 61.884, each list of all persons who return their absentee ballots by mail **or who voted in person under Section 1 of this Act**~~[or cast their ballots in the clerk's office or other designated and approved place]~~ shall not be made public until after the close of business hours on the election day for which the list applies. The county clerk and the Secretary of State shall keep a record of the number of votes cast by absentee ballots returned by mail **and cast under Section 1 of this Act**~~[and cast on the voting machine in the county clerk's office or other place designated by the county board of elections and approved by the State Board of Elections, which are cast in any election]~~ as a part of the official returns of the election.

- (8) The county board of elections shall report to the State Board of Elections within ten (10) days after any primary or general election as to the number of rejected mail-in absentee ballots and the reasons for rejected mail-in absentee ballots on a form prescribed by the State Board of Elections in administrative regulations promulgated under KRS Chapter 13A.

➔Section 5. KRS 117.087 is amended to read as follows:

- (1) The challenge of an absentee ballot returned by mail shall be in writing and in the hands of the county clerk before 10 a.m. on election day.
- (2) The county board of elections shall count the absentee ballots returned by mail and the in-person absentee votes cast pursuant to Section 1 of this Act 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. The board may appoint a central ballot counting board of not less than three (3) members, who shall be qualified voters and no more than two-thirds (2/3) of whom shall be members of the same political party, to count the ballots at the direction of the county board of elections.
- (3) Beginning at 10 a.m. on election day, the board shall meet at the clerk's office to count the absentee ballots returned by mail and the in-person absentee ballots cast pursuant to Section 1 of this Act on the voting machine in the county clerk's office or other place designated by the county board of elections and approved by the State Board of Elections. Candidates or their representatives shall be permitted to be present. The county board of elections shall authorize representatives of the news media to observe the counting of the ballots. The board shall open the boxes containing absentee ballots returned by mail and remove the envelopes one (1) at a time. As each envelope is removed, it shall be examined to ascertain whether the outer envelope and the detachable flap are in proper order and have been signed by the voter. A person having power of attorney for the voter and who signs the

detachable flap and outer envelope for the voter shall complete the voter assistance form required by KRS 117.255. The signatures of two (2) witnesses are required if the voter signs the form with the use of a mark instead of the voter's signature. All unsigned mail-in absentee ballots shall be rejected automatically. The chairman of the county board of elections shall compare the signatures on the outer envelope and the detachable flap with the signature of the voter that appears on the registration card. If the outer envelope and the detachable flap are found to be in order, the chairman shall read aloud the name of the voter. If the vote of the voter is not rejected on a challenge then made as provided in subsection (4) of this section, the chairman shall remove the detachable flap and place the inner envelope unopened in a ballot box which has been provided for the purpose.

- (4) When the name of a voter who cast an absentee ballot by mail is read aloud by the chairman, the vote of the voter may be challenged by any board member or by the written challenge provided in subsection (1) of this section and the challenge may be determined and the vote accepted or rejected by the board as if the voter was present and voting in person; but if the outer envelope and the detachable flap are regular, and substantially comply with the provisions of this chapter, they shall be considered as showing that the voter is prima facie entitled to vote. If the vote of a voter is rejected pursuant to the challenge, the inner envelope shall not be opened, but returned to the outer envelope upon which the chairman shall write on the envelope the word "rejected."
- (5) After the challenges have been made and all the blank inner envelopes have been placed in a ballot box, the box shall be thoroughly shaken to redistribute the mail-in absentee ballots in the box. The board shall open the ballot box, remove the absentee ballots from the inner envelopes, and count the ballots.
- (6) The board shall unlock any voting equipment used to cast in-person absentee ballots in the clerk's office or other place designated by the county board of

elections, and approved by the State Board of Elections, as provided for in **Section 1 of this Act and** KRS 117.086, and a total of all **absentee** ballots shall be made and recorded on the form provided by the State Board of Elections.

- (7) The county board of elections, the county clerk, and all individuals permitted to be present for the counting of absentee ballots pursuant to subsection (2) of this section shall not make public the absentee ballot results determined as provided in this section until after 6 p.m. prevailing time.

➔Section 6. KRS 117.145 is amended to read as follows:

- (1) At least **forty-five (45)**~~fifteen (15)~~ days before **the day of** any special election, and at least fifty (50) days before **the day of** any primary or regular election, the county clerk of each county shall cause to be printed and ready for use ballot labels for each candidate who, and each question which, is entitled to be voted upon in such election. The ballot labels shall be printed on clear white paper or other material which shall be furnished by the printer. They shall be printed in black ink, in plain, clear type clearly legible to a person with normal vision, and shall be of a size to fit the ballot frames. The labels shall include the necessary party designations.
- (2) Each county clerk shall have printed a sufficient number of ~~paper absentee~~ ballots. ~~The absentee ballot shall be used for voting by absent voters; by precinct officers who have been assigned to a precinct other than their own; by members of a county board of elections; by voters so disabled by age, infirmity or illness as to be unable to appear at the polls; and for voting in an emergency situation.~~ The ballot stubs shall be consecutively numbered and the county board shall keep a record, by number, of all ~~absentee~~ ballots **issued**~~used for any of the purposes listed herein~~.
- (3) No later than the Friday preceding ~~the~~<sup>a</sup> special or regular election **day**, the county clerk shall equip the voting machines with the necessary supplies for the purpose of write-in votes. The county clerk shall also attach a pencil or pen to the voting machine for write-in purposes. **The county clerk shall equip the in-person**



*absentee voting machine with the necessary supplies, including attaching a pencil or pen to the voting machine for the purpose of write-in votes, at least five (5) days before the in-person absentee voting period begins.*

- (4) If supplemental paper ballots have been approved as provided in KRS 118.215, the county clerk shall cause to be printed a sufficient number of paper ballots for the registered voters of each precinct. The paper ballots shall have stubs which are numbered consecutively. The quality of paper on which the supplemental paper ballots are printed shall be determined by regulations promulgated by the secretary of the Finance and Administration Cabinet.

➔Section 7. KRS 117.165 is amended to read as follows:

- (1) Upon completing the preparation of the machines in accordance with the provisions of KRS 117.155, and not later than the Thursday preceding the day of the election, the county clerk shall notify the members of the county board of elections that the machines are ready for use. The board shall thereupon convene at the office of the county clerk, not later than the Friday preceding the day of the election, and examine the machines to determine whether the requirements of KRS 117.155 have been met. The county board of elections shall publish notice, in accordance with KRS 424.130(1)(d), at least twenty-four (24) hours in advance of the time when the machines are to be examined by the board. If found in proper order, the members of the county board of elections shall endorse their approval in the book in which the county clerk has entered the numbers of the machines opposite the numbers of the precincts. The clerk shall then deliver all of the keys to the machines to the county board of elections who shall give a receipt for the keys which shall contain identification of the keys. Not later than one (1) hour before the time set for the opening of the polls, the board shall deliver all election supplies including the precinct list, tabulation sheets, and the key to the device covering the registering counters and other keys necessary for the operation of the machine in registering

votes, to the election officers of the precinct in which the machine is being used, who shall give the board a receipt containing identification of the keys. The master key and all other keys shall remain in the possession of the county board of elections.

- (2) Not later ~~than~~<sup>then</sup> four (4) business days preceding the date set by the county board of elections to conduct *in-person* absentee voting *pursuant to Section 1 of this Act*~~[in accordance with KRS 117.085(1)(c)]~~, the county clerk shall notify the members of the county board of elections that the voting machines designated for use during *in-person* absentee voting are ready for use. The board shall thereupon convene at the office of the county clerk, not later than three (3) business days preceding the date set by the county board of elections to conduct *in-person* absentee voting, and examine the machines to determine whether the requirements of KRS 117.155 have been met. The county board of elections shall publish notice, in accordance with KRS 424.130(1)(d), at least twenty-four (24) hours in advance of the time when the *in-person* absentee voting machines are to be examined by the board. If found in proper order, the members of the county board of elections shall endorse their approval in the book in which the county clerk has entered the identification number of the machines designated for use during *in-person* absentee voting.

- (3) Any candidate, one (1) representative of each political party having candidates to be voted for at the election, and representatives of the news media may be present when the examination of the machines is made by the county board of elections.

➔Section 8. KRS 117.235 is amended to read as follows:

- (1) No person, other than the election officers, challengers, person assisting voters in accordance with KRS 117.255(3), and a minor child in the company of a voter, shall be permitted within the voting room while the vote is being polled, except as follows:

- (a) For the purpose of voting;
  - (b) By authority of the election officers to keep order and enforce the law;
  - (c) With the express approval of the county board of elections to repair or replace voting equipment that is malfunctioning and to provide additional voting equipment; or
  - (d) At the voter's discretion, a minor child in the company of a voter may accompany the voter into a voting booth or other private area provided for casting a vote.
- (2) No officer of election shall do any electioneering on election day.
- (3) No person shall electioneer at the polling place on the day of any election, as established in KRS 118.025, within a distance of three hundred (300) feet of any entrance to a building in which a voting machine is located if that entrance is unlocked and is used by voters on election day, unless the fiscal court or legislative body of an urban-county, charter county, or consolidated local government, on a countywide basis, specifically prohibits electioneering on the day of any election by ordinance for a distance greater than three hundred (300) feet from the polling place. No person shall electioneer within the interior of a building or affix any electioneering materials to the exterior or interior of a building where the county clerk's office is located, or any building designated by the county board of elections and approved by the State Board of Elections for *in-person* absentee voting, during the hours *in-person* absentee voting is being conducted in the building by the county clerk pursuant to Section 1 of this Act ~~[KRS 117.085(1)(e)]~~. Electioneering shall include the displaying of signs, the distribution of campaign literature, cards, or handbills, the soliciting of signatures to any petition, or the solicitation of votes for or against any bona fide candidate or ballot question in a manner which expressly advocates the election or defeat of the candidate or expressly advocates the passage or defeat of the ballot question, but shall not include exit polling or

other exceptions established by the State Board of Elections through the promulgation of administrative regulations.

- (4) No voter shall be permitted to converse with others while in any room in which voting, including *in-person* absentee voting, is conducted concerning their support or nonsupport of any candidate, party, or issue to be voted on, except as provided in KRS 117.255.
- (5) Any precinct election officer, county clerk, deputy county clerk, or any law enforcement official may enforce the election laws and maintain law and order at the polls and within three hundred (300) feet of any entrance to the building in which the voting machine is located if that entrance is unlocked and is used by voters. Assistance may be requested of any law enforcement officer.
- (6) Notwithstanding the provisions of subsection (1) of this section, the State Board of Elections may establish a program designed to instill in school children a respect for the democratic principles of voting by conducting in any county a mock election for school children in conjunction with any primary, or regular or special election. The State Board of Elections shall promulgate administrative regulations regarding the mock elections to insure that the regular voting process will not be impaired.

➔Section 9. KRS 118.035 is amended to read as follows:

- (1) The polls shall be opened on the day of a primary, special election, or regular election at 6 a.m., prevailing time, and shall remain open until each voter who is waiting in line at the polls at 6 p.m., prevailing time, has voted. At 6 p.m., prevailing time, if voters are waiting at the polls to vote, the precinct election sheriff shall announce that a voter wishing to vote must immediately get in line. When all voters waiting at the polls at that time are in line, the precinct election sheriff shall then determine which voter is the last in line, and that voter shall be the last voter permitted to vote. The precinct election sheriff shall wait in line with the last voter who shall be permitted to vote until that voter has voted and shall inform a voter

who subsequently arrives at the polls that no one shall be permitted to vote after the last voter in line at 6 p.m., prevailing time. After the last voter waiting in line at 6 p.m., prevailing time, has voted, the polls shall then be closed.

- (2) As provided in Section 148 of the Constitution of Kentucky, any person entitled to a vote at any election in this state shall, if he has made application for leave prior to the day he appears before the county clerk to request an application for or to execute an absentee ballot, be entitled to absent himself from any services or employment in which he is then engaged or employed for a reasonable time, but not less than four (4) hours on the day he appears before the clerk to request an application for or to execute a mail-in~~an~~ absentee ballot, during normal business hours of the office of the clerk or to cast his ballot during the in-person absentee voting period or on the day of the election between the time of opening and closing the polls. The employer may specify the hours during which an employee may absent himself.
- (3) No person shall be penalized for taking a reasonable time off to vote, unless, under circumstances which did not prohibit him from voting, he fails to vote. Any qualified voter who exercises his right to voting leave under this section but fails to cast his vote, under circumstances which did not prohibit him from voting, may be subject to disciplinary action.
- (4) Any person selected to serve as an election officer shall be entitled to absent himself from any services or employment in which he is then engaged or employed for a period of an entire day to attend training or to serve as an election officer. The person shall not, because of so absenting himself, be liable to any penalty. The employer may specify the hours during which the employee may absent himself. No person shall refuse an employee the privilege hereby conferred, or discharge or threaten to discharge an employee or subject an employee to a penalty, because of the exercise of the privilege.

➔Section 10. KRS 118.405 is amended to read as follows:

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