

1 AN ACT relating to emergency absentee voting.

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

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

5 *(1) For purposes of Sections 1, 2, 3, 4, and 5 of this Act:*

6 *(a) "Emergency service worker absentee ballot application" means an*
7 *application for an absentee ballot for the sole use of an emergency service*
8 *worker during an emergency voting situation;*

9 *(b) "Emergency service worker" means a member of law enforcement,*
10 *emergency medical services personnel, the Kentucky National Guard, a*
11 *firefighter, a utility worker, employees or volunteers for the American Red*
12 *Cross, and any other emergency worker; and*

13 *(c) "Emergency voting situation" means that emergency service workers have*
14 *been called to respond to a catastrophe, declared emergency, or disaster*
15 *within fourteen (14) or less of an election.*

16 *(2) The Secretary of State may delegate to the State Board of Elections*
17 *responsibilities under this chapter, including but not limited to the promulgation*
18 *of administrative regulations necessary to implement Sections 1, 2, 3, 4, and 5 of*
19 *this Act.*

20 *(3) The Secretary of State shall establish an electronic transmission system through*
21 *which an emergency service worker in an emergency voting situation may apply*
22 *for, receive, and return an absentee ballot and absentee ballot materials. The*
23 *emergency absent ballot application, absentee ballot, and absentee ballot*
24 *materials may also be delivered to and be returned by mail or hand-delivery.*

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

26 (1) All requests for an application for an absentee ballot *and applications for an*
27 *absentee ballot* may be transmitted *to and returned by the voter* by~~[- telephone,]~~

1 facsimile machine, *an electronic transmission system as established in Section 1*
 2 *of this Act* by mail, by electronic mail, or in person *at the option of the voter.*~~†~~
 3 ~~Except as provided in paragraph (b) of this subsection, all applications for an~~
 4 ~~absentee ballot shall be transmitted only by mail to the voter or in person at the~~
 5 ~~option of the voter, except that the county clerk shall hand an application for an~~
 6 ~~absentee ballot to a voter permitted to vote by absentee ballot who appears in person~~
 7 ~~to request the application, or shall mail the application to a voter permitted to vote~~
 8 ~~by absentee ballot who requests the application by telephone, facsimile machine, or~~
 9 ~~mail.‡~~ The absentee ballot application may be requested by the voter or the spouse,
 10 parents, or children of the voter, but shall be restricted to the use of the voter.
 11 Except for qualified voters who apply pursuant to the requirements of KRS 117.075
 12 and 117.077, those who are incarcerated in jail but have yet to be convicted, those
 13 who are uniformed-service voters as defined in KRS 117A.010 that are confined to
 14 a military base on election day, and persons who qualify under paragraph (a)7. of
 15 this subsection, *mail-in* absentee ballots shall not be mailed to a voter's residential
 16 address located in the county in which the voter is registered. In the case of *mail-in*
 17 *absentee* ballots returned by mail, the county clerk shall provide *a mail-in*~~[an]~~
 18 absentee ballot, two (2) official envelopes for returning the ballot, and instructions
 19 for voting to a voter who presents a completed application for an absentee ballot as
 20 provided in this section and who is properly registered as stated in his or her
 21 application.

22 (a) The following~~[voters]~~ may apply to cast their votes by mail-in absentee ballot
 23 if the application is received not later than the close of business hours seven
 24 (7) days before the election, *qualified voters who are:*

- 25 1. ~~[Voters]~~ Permitted to vote by absentee ballot pursuant to KRS 117.075;
- 26 2. ~~[Voters who are]~~ Residents of Kentucky who are covered voters as
 27 defined in KRS 117A.010;

- 1 3. ~~{Voters who are }~~Students who temporarily reside outside the county of
2 their residence;
- 3 4. ~~{Voters who are }~~Incarcerated in jail who have been charged with a
4 crime but have not been convicted of the crime;
- 5 5. **Changing or have changed**~~{Voters who change }~~their place of residence
6 to a different state while the registration books are closed in the new
7 state of residence before an election of electors for President and Vice
8 President of the United States, who shall be permitted to cast **a mail-**
9 **in**~~{an }~~ absentee ballot for electors for President and Vice President of the
10 United States only;
- 11 6. ~~{Voters who }~~Temporarily **residing**~~{reside }~~ outside the state but who are
12 still eligible to vote in this state;
- 13 7. ~~{Voters who are }~~Prevented from voting in person at the polls on
14 election day and from casting an absentee ballot in person in the county
15 clerk's office on all days **in-person** absentee voting is conducted prior to
16 election day because their employment location requires them to be
17 absent from the county **of their residence** all hours and all days **in-**
18 **person** absentee voting is conducted in the county clerk's office;~~{and }~~
- 19 8. ~~{Voters who are }~~Program participants in the Secretary of State's crime
20 victim address confidentiality protection program as authorized by KRS
21 14.312; **and**
- 22 **9. Emergency service workers in an emergency voting situation as**
23 **defined in Section 1 of this Act.**
- 24 (b) Residents of Kentucky who are covered voters as defined in KRS 117A.010
25 may apply for **a mail-in**~~{an }~~ absentee ballot by means of the federal post-card
26 application, which may be transmitted to the county clerk's office by mail, by
27 facsimile machine, or by means of the electronic transmission system

1 established under KRS 117A.030(4). The *federal post-card* application may
2 be used to register, reregister, and to apply for *a mail-in*~~[an]~~ absentee ballot. If
3 the federal post-card application is received at any time not less than seven (7)
4 days before the election, the county clerk shall affix his or her seal to the
5 application form upon receipt.

6 (c) *In-person* absentee voting shall be conducted in the county clerk's office or
7 other place designated by the county board of elections and approved by the
8 State Board of Elections during normal business hours for at least the twelve
9 (12) working days before the election. A county board of elections may permit
10 *in-person* absentee voting to be conducted on a voting machine for a period
11 longer than the twelve (12) working days before the election.

12 (d) Any qualified voter in the county who is not permitted to vote by *a mail-in*
13 absentee ballot under paragraph (a) of this subsection who will be absent from
14 the county on any election day may, at any time during normal business hours
15 on those days *in-person* absentee voting is conducted in the county clerk's
16 office, make application in person to the county clerk to *cast an in-person*
17 *absentee* vote on a voting machine in the county clerk's office or other place
18 designated by the county board of elections and approved by the State Board
19 of Elections.

20 (e) The following~~[voters]~~ may, at any time during normal business hours on
21 those days *in-person* absentee voting is conducted in the county clerk's office,
22 make application in person to the county clerk to vote on a voting machine in
23 the county clerk's office or other place designated by the county board of
24 elections and approved by the State Board of Elections, *qualified voters who*
25 *are:*

26 1. ~~[Voters who are]~~ Residents of Kentucky who are covered voters as
27 defined in KRS 117A.010, who will be absent from the county on any

- 1 election day;
- 2 2. ~~{Voters who are }~~Students who temporarily reside outside the county of
- 3 their residence;
- 4 3. ~~{Voters who have surgery }~~Scheduled ***to have surgery*** that will require
- 5 hospitalization on election day, and the spouse of the voter;
- 6 4. ~~{Voters who }~~Temporarily ***residing***~~{reside}~~ outside the state but who are
- 7 still eligible to vote in this state and who will be absent from the county
- 8 on any election day;
- 9 5. ~~{Voters who are }~~Residents of Kentucky who are uniformed-service
- 10 voters as defined in KRS 117A.010 confined to a military base on
- 11 election day and who learn of that confinement within seven (7) days or
- 12 less of an election and are not eligible for a paper absentee ballot under
- 13 this subsection;~~{and}~~
- 14 6. ~~{A voter who is a }~~Pregnant ~~{woman in her last trimester of pregnancy }~~
- 15 ***and have sworn on an application form prescribed by the State Board***
- 16 ***of Elections, that***~~{at the time she wishes to vote under this paragraph.~~
- 17 ~~The application form for a voter under this subparagraph shall be~~
- 18 ~~prescribed by the State Board of Elections, which shall contain the~~
- 19 ~~woman's sworn statement that she is}~~ in fact ***they will be*** in ***the***~~{her}~~ last
- 20 trimester of pregnancy at the time ***they wish***~~{she wishes}~~ to vote; ***and***
- 21 ***7. Emergency service workers in an emergency voting situation as***
- 22 ***defined in Section 1 of this Act.***

- 23 (f) Voters who change their place of residence to a different state while the
- 24 registration books are closed in the new state of residence before a presidential
- 25 election shall be permitted to cast an ***in-person*** absentee ballot for President
- 26 and Vice President only, by making application in person to the county clerk
- 27 to vote on a voting machine in the county clerk's office or other place

1 designated by the county board of elections and approved by the State Board
2 of Elections.

3 (g) Any member of the county board of elections, any precinct election officer
4 appointed to serve in a precinct other than that in which he or she is registered,
5 any alternate precinct election officer, any deputy county clerk, any staff for
6 the State Board of Elections, and any staff for the county board of elections
7 may vote on a voting machine in the county clerk's office or other place
8 designated by the county board of elections, and approved by the State Board
9 of Elections, up to the close of normal business hours on the day before the
10 election. The application form for those persons shall be prescribed by the
11 State Board of Elections and, in the case of application by precinct election
12 officers, shall contain a verification of appointment signed by a member of the
13 county board of elections. If an alternate precinct election officer or a precinct
14 election officer appointed to serve in a precinct other than that in which he or
15 she is registered receives his or her appointment while in-person absentee
16 voting is being conducted in the county, such officer may vote on a voting
17 machine in the county clerk's office or other place designated by the county
18 board of elections, and approved by the State Board of Elections, up to the
19 close of normal business hours on the day before the election. In case of such
20 voters, the verification of appointment shall also contain the date of
21 appointment. The applications shall be restricted to the use of the voter only.

22 (h) The members of the county board of elections or their designees who provide
23 equal representation of both political parties may serve as precinct election
24 officers, without compensation, for all absentee voting performed on a voting
25 machine in the county clerk's office or other place designated by the county
26 board of elections and approved by the State Board of Elections. If the
27 members of the county board of elections or their designees serve as precinct

1 election officers for the *in-person* absentee voting, they shall perform the
2 same duties and exercise the same authority as precinct election officers who
3 serve on the day of an election. If the members of the county board of
4 elections or their designees do not serve as precinct election officers for the
5 *in-person* absentee voting, the county clerk or deputy county clerks shall
6 supervise the *in-person* absentee voting.

7 (i) Any individual qualified to appoint challengers for the day of an election may
8 also appoint challengers to observe all *in-person* absentee voting performed at
9 the county clerk's office or other place designated by the county board of
10 elections, and approved by the State Board of Elections, and those challengers
11 may exercise the same privileges as challengers appointed for observing
12 voting on the day of an election at a regular polling place.

13 (2) The *county* clerk shall type the name of the voter permitted to vote by absentee
14 ballot on the application form for that person's use and no other. The absentee ballot
15 application form shall be ~~in the form~~ prescribed by the State Board of Elections,
16 shall bear the seal of the county clerk, and shall contain the following information:
17 name, residential address, precinct, party affiliation, statement of the reason the
18 person cannot vote in person on election day, statement of where the voter shall be
19 on election day, statement of compliance with residency requirements for voting in
20 the precinct, and the voter's mailing address for *a mail-in*~~an~~ absentee ballot. The
21 form shall be verified and signed by the voter. A notice of the actual penalty
22 provisions in KRS 117.995(2) and (5) shall be printed on the application.

23 (3) If the county clerk finds that the voter is properly registered as stated in his or her
24 application and qualifies to receive *a mail-in*~~an~~ absentee ballot by mail, he or she
25 shall mail to the voter *a mail-in*~~an~~ absentee ballot, two (2) official envelopes for
26 returning the *mail-in absentee* ballot, and instructions for voting. The county clerk
27 shall complete a postal form for a certificate of mailing for *mail-in absentee* ballots

1 mailed within the fifty (50) states, and it shall be stamped by the postal service
2 when the mail-in absentee ballots are mailed. An absentee ballot may be
3 transmitted by facsimile machine or by the electronic transmission system
4 established under KRS 117A.030(4) to a covered voter as defined in KRS
5 117A.010. The covered voter shall be notified of the options for transmittal of the
6 absentee ballot, and the absentee ballot shall be transmitted by the method chosen
7 for receipt by the resident of Kentucky who is a covered voter. An emergency
8 absentee ballot may be transmitted by facsimile machine, or by the electronic
9 transmission system established under Section 1 of this Act, to an emergency
10 absentee voter in an emergency absentee voting situation.

11 (4) Absentee ballots which are requested prior to the printing of the ballots shall be
12 mailed or otherwise transmitted as provided in subsection (3) of this section by the
13 county clerk to the voter within three (3) days of the receipt of the printed ballots. ~~;~~
14 ~~and~~ Absentee ballots ~~[which are]~~ requested after ~~[subsequent to]~~ the receipt of the
15 ballots by the county clerk shall be mailed or otherwise transmitted as provided in
16 Section 1 of this Act or as provided in subsection (3) of this section to the voter
17 within three (3) days of the receipt of the request.

18 (5) The county clerk shall cause ballots to be printed fifty (50) days prior to each
19 primary or regular election, and forty-five (45) days prior to a special election.

20 (6) The outer envelope shall bear the words "Absentee Ballot" and the address and
21 official title of the county clerk and shall provide space for the voter's signature,
22 voting address, precinct number, and signatures of two (2) witnesses if the voter
23 signs the form with the use of a mark instead of the voter's signature. A detachable
24 flap on the inner envelope shall provide space for the voter's signature, voting
25 address, precinct number, signatures of two (2) witnesses if the voter signs the form
26 with the use of a mark instead of the voter's signature and notice of penalty provided
27 in KRS 117.995(5). The county clerk shall type the voter's address and precinct

1 number in the upper left hand corner of the outer envelope and of the detachable
2 flap on the inner envelope immediately below the blank space for the voter's
3 signature. The inner envelope shall be blank. The county clerk shall retain the ballot
4 application and the postal form required by subsection (3) of this section for twenty-
5 two (22) months after the election.

6 ~~(7) Any person who has received an absentee ballot by mail but who knows at least
7 seven (7) days before the date of the election that he or she will be in the county on
8 election day and who has not voted pursuant to the provisions of KRS 117.086 shall
9 cancel his or her absentee ballot and vote in person. The voter shall return the
10 absentee ballot to the county clerk's office no later than seven (7) days prior to the
11 date of the election. Upon the return of the absentee ballot, the clerk shall mark on
12 the outer envelope of the sealed ballot or the unmarked ballot the words "Canceled
13 because voter appeared to vote in person." Sealed envelopes so marked shall not be
14 opened. The clerk shall remove the voter's name from the list of persons who were
15 sent absentee ballots, and the voter may vote in the precinct in which he or she is
16 properly registered.~~

17 ~~(8)~~ (a) Any voter qualified for a mail-in absentee ballot who does not receive a
18 requested mail-in ballot within a reasonable amount of time shall contact the
19 county clerk, who shall reissue a second mail-in absentee ballot. The county
20 clerk shall keep a record of the mail-in absentee ballots issued and returned by
21 mail, and the in-person absentee voting that is performed on the voting
22 machine in the county clerk's office or other place designated by the county
23 board of elections and approved by the State Board of Elections, to verify that
24 only the first voted ballot to be returned by the voter is counted. Upon the
25 return of any ballot after the first ballot is returned, the county clerk shall
26 mark on the outer envelope of the sealed ballot the words "Canceled because
27 ballot reissued."

1 **(b) Any voter qualified for a mail-in absentee ballot who has applied for, but**
2 **not received a requested mail-in absentee ballot, may appear in person on**
3 **election day, and he or she shall sign a written oath as to his or her**
4 **qualifications on the form prescribed by the State Board of Elections. The**
5 **county clerk shall remove the voter's name from the list of persons who**
6 **were sent mail-in absentee ballots and provide the voter with written**
7 **authorization to vote at the precinct, and the voter may vote in the precinct**
8 **in which he or she is properly registered. The oaths signed in accordance**
9 **with this paragraph shall be attended and processed as provided in KRS**
10 **117.245.**

11 **(c) Any voter qualified for a mail-in absentee ballot who has applied for, but**
12 **not received a requested mail-in absentee ballot, may appear in person**
13 **during the days that in-person absentee votes are cast on the voting**
14 **machine in the county clerk's office or other place designated by the county**
15 **board of elections and approved by the State Board of Elections. The voter**
16 **shall sign a written oath as to his or her qualifications on the form**
17 **prescribed by the State Board of Elections. The county clerk shall remove**
18 **the voter's name from the list of persons who were sent mail-in absentee**
19 **ballots, and the voter shall be allowed to vote on an in-person absentee**
20 **ballot. The oaths signed in accordance with this paragraph shall be**
21 **attended and processed as provided in KRS 117.245.**

22 **(8)**~~(9)~~ Any covered voter as defined in KRS 117A.010 who has received an absentee
23 ballot but who knows that he or she will be in the county on election day and who
24 has not voted pursuant to the provisions of KRS 117.086 shall cancel his or her
25 absentee ballot and vote in person. The voter shall return the absentee ballot to the
26 county clerk's office on or before election day. Upon the return of the absentee
27 ballot, the **county** clerk shall mark on the outer envelope of the sealed ballot or the

1 unmarked ballot the words "Canceled because voter appeared to vote in person."
2 Sealed envelopes so marked shall not be opened. If the covered voter is unable to
3 return the absentee ballot to the county clerk's office on or before election day, at
4 the time he or she votes in person, he or she shall sign a written oath as to his or her
5 qualifications on the form prescribed by the State Board of Elections pursuant to
6 KRS 117.245. The county clerk shall remove the voter's name from the list of
7 persons who were sent absentee ballots, provide the voter with written authorization
8 to vote at the precinct, and the voter may vote in the precinct in which he or she is
9 properly registered.

10 ~~(9)~~~~(10)~~ Notwithstanding the provisions of the Kentucky Open Records Act, KRS
11 61.870 to 61.884, the information contained in an application for an absentee ballot
12 shall not be made public until after the close of business hours on the election day
13 for which the application applies. This subsection shall not prohibit at any time the
14 disclosure, upon request, of the total number of applications for absentee ballots
15 that have been filed, or the disclosure to the Secretary of State or the State Board of
16 Elections, if requested or if otherwise required by law, of any information in an
17 application for an absentee ballot.

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

19 Absentee ballots cast, as provided by KRS 117.075, 117.077,~~and~~ 117.085, **and Section**
20 **1 of this Act** shall all be tabulated in the same manner, as shall be provided by this
21 chapter.

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

23 (1) **(a)** The voter returning his **or her** absentee ballot by mail shall mark his **or her**
24 ballot, seal it in the inner envelope and then in the outer envelope, and mail it
25 to the county clerk as shall be provided by this chapter. The voter shall sign
26 the detachable flap and the outer envelope in order to validate the ballot. A
27 person having power of attorney for the voter and who signs the detachable

1 flap and outer envelope for the voter shall complete the voter assistance form
2 as required by KRS 117.255. The signatures of two (2) witnesses are required
3 if the voter signs the form with the use of a mark instead of the voter's
4 signature.

5 **(b)** A resident of Kentucky who is a covered voter as defined in KRS 117A.010
6 who has received an absentee ballot transmitted by facsimile machine or by
7 means of the electronic transmission system established under KRS
8 117A.030(4) shall transmit the voted ballot to the county clerk by mail only,
9 conforming with ballot security requirements that may be promulgated by the
10 State Board *of Elections* by administrative regulation.

11 **(c)** *A resident of Kentucky who is an emergency service worker in an*
12 *emergency voting situation as defined in Section 1 of this Act who has*
13 *received an absentee ballot transmitted by means of the electronic*
14 *transmission system established in Section 1 of this Act shall transmit the*
15 *voted ballot to the county clerk by mail, hand-delivery, or by the electronic*
16 *transmission system, conforming with ballot security requirements that may*
17 *be promulgated by the State Board of Elections by administrative*
18 *regulation.*

19 **(d)** In order to be counted, the *absentee* ballots *specified in this paragraphs (a),*
20 *(b), and (c) of this subsection* shall be received by the *county* clerk by at least
21 the time established by the election laws generally for the closing of the polls,
22 which time shall not include the extra hour during which those voters may
23 vote who were waiting in line to vote at the scheduled poll closing time.

24 (2) Any voter who shall be absent from the county on election day, but who does not
25 qualify to receive an absentee ballot by mail under the provisions of KRS 117.085,
26 and all voters qualified to vote prior to the election under the provisions of KRS
27 117.085, shall vote at the main office of the county clerk or other place designated

1 by the county board of elections, and approved by the State Board of Elections,
2 prior to the day of election. The county clerk may provide for such voting by the
3 voting equipment in general use in the county either at the precinct, the equipment
4 as may be used to tabulate absentee ballots, or any other voting equipment approved
5 by the State Board of Elections for use in Kentucky, except as follows:

6 (a) Any voter qualifying to vote in the county clerk's office or other place
7 designated by the county board of elections, and approved by the State Board
8 of Elections, who receives assistance to vote shall complete the voter
9 assistance form required by KRS 117.255.

10 (b) Any voter qualifying to vote in the county clerk's office or other place
11 designated by the county board of elections, and approved by the State Board
12 of Elections, whose qualifications are challenged by any clerk or deputy shall
13 complete an "Oath of Voter" affidavit.

14 (3) When the county clerk uses general voting equipment as provided~~[for]~~ in
15 subsection (2) of this section, each voter casting his or her vote at the county clerk's
16 office or other place designated by the county board of elections, and approved by
17 the State Board of Elections, shall sign an "Absentee Ballot Signature Roster."

18 (4) The county clerk shall designate a location within his or her office where the
19 ballots shall be cast secretly. The county clerk, with the approval of the State Board
20 of Elections, may establish locations other than his or her main office in which the
21 voters may execute their ballots. Public notice of the locations shall be given
22 pursuant to KRS Chapter 424 and similar notice by mail shall be given to the county
23 chairs~~[chairmen]~~ of the two (2) political parties whose candidates polled the largest
24 number of votes in the county at the last regular~~[general]~~ election.

25 (5) The State Board of Elections shall promulgate administrative regulations to provide
26 for casting ballots as provided in subsection (2) of this section.

27 (6) The county clerk shall deposit all of the absentee ballots returned by mail in a

1 locked ballot box immediately upon receipt without opening the outer envelope.
2 The ballot box shall be locked with three (3) locks. The keys to the box shall be
3 retained by the three (3) members of the central absentee ballot counting board, if
4 one is appointed, or by the members of the county board of elections, and the box
5 shall remain locked until the ballots are counted. All voting equipment on which
6 ballots are cast as permitted in subsection (2) of this section shall also remain
7 locked and the keys shall be retained by the three (3) members of the central
8 absentee ballot counting board, if one is appointed, or by the members of the county
9 board of elections, and the equipment shall remain locked until the ballots are
10 counted.

11 (7) The county clerk shall keep a list for each election of all persons who return their
12 absentee ballots by mail, or as provided in Section 1 of this Act, or who cast their
13 in-person absentee ballots in the county clerk's office or other place designated by
14 the county board of elections and approved by the State Board of Elections, and
15 shall send a copy of each list to the State Board of Elections after the election day
16 for which the list applies. Notwithstanding the provisions of the Kentucky Open
17 Records Act, KRS 61.870 to 61.884, each list of all persons who return their
18 absentee ballots by mail, or as provided in Section 1 of this Act, or cast their ballots
19 in the county clerk's office or other designated and approved place shall not be
20 made public until after the close of business hours on the election day for which the
21 list applies. The county clerk and the Secretary of State shall keep a record of the
22 number of votes cast by absentee ballots returned by mail, or as provided by
23 Section 1 of this Act, and cast on the voting machine in the county clerk's office or
24 other place designated by the county board of elections and approved by the State
25 Board of Elections, which are cast in any election as a part of the official returns of
26 the election.

27 (8) The county board of elections shall report to the State Board of Elections within ten

1 (10) days after any primary or ~~regular~~^{general} election as to the number of rejected
2 absentee ballots and the reasons for rejected absentee ballots on a form prescribed
3 by the State Board of Elections in administrative regulations promulgated under
4 KRS Chapter 13A.

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

- 6 (1) The challenge of an absentee ballot returned by mail or returned in accordance with
7 Section 1 of this Act shall be in writing and in the hands of the county clerk before
8 8 a.m. on election day.
- 9 (2) The county board of elections shall count the absentee ballots returned in
10 accordance with Section 1 of this Act, by mail, and the votes cast on the voting
11 machine in the county clerk's office or other place designated by the county board of
12 elections and approved by the State Board of Elections. The county board of
13 elections may appoint a central ballot counting board of not less than three (3)
14 members, who shall be qualified voters and no more than two-thirds (2/3) of whom
15 shall be members of the same political party, to count the ballots at the direction of
16 the county board of elections.
- 17 (3) Beginning at 8 a.m. on election day, the county board of elections shall meet at the
18 county clerk's office to count the absentee ballots returned in accordance with
19 Section 1 of this Act, by mail, and the ballots cast on the voting machine in the
20 county clerk's office or other place designated by the county board of elections and
21 approved by the State Board of Elections. Candidates, slates of candidates, or their
22 representatives shall be permitted to be present. The county board of elections shall
23 authorize representatives of the news media to observe the counting of the ballots.
- 24 (4) The county board of elections shall open the boxes containing absentee ballots
25 returned in accordance with Section 1 of this Act or by mail and remove the
26 envelopes one (1) at a time. As each envelope is removed, it shall be examined to
27 ascertain whether the outer envelope and the detachable flap are in proper order and

1 have been signed by the voter. A person having power of attorney for the voter and
2 who signs the detachable flap and outer envelope for the voter shall complete the
3 voter assistance form required by KRS 117.255. The signatures of two (2) witnesses
4 are required if the voter signs the form with the use of a mark instead of the voter's
5 signature. All unsigned **mail-in** absentee ballots shall be rejected automatically. The
6 **chair**~~[chairman]~~ of the county board of elections shall compare the signatures on
7 the outer envelope and the detachable flap with the signature of the voter that
8 appears on the registration card. If the outer envelope and the detachable flap are
9 found to be in order, the **chair**~~[chairman]~~ shall read aloud the name of the voter. If
10 the vote of the voter is not rejected on a challenge then made as provided in
11 subsection ~~(5)~~~~(4)~~ of this section, the **chair**~~[chairman]~~ shall remove the detachable
12 flap and place the inner envelope unopened in a ballot box which has been provided
13 for the purpose.

14 ~~(5)~~~~(4)~~ When the name of a voter who cast an absentee ballot by mail **or ballots**
15 **returned as provided in Section 1 of this Act** is read aloud by the **chair**~~[chairman]~~,
16 the vote of the voter may be challenged by any **county** board **of elections** member or
17 by the written challenge provided in subsection (1) of this section and the challenge
18 may be determined and the vote accepted or rejected by the **county** board **of**
19 **elections** as if the voter was present and voting in person; but if the outer envelope
20 and the detachable flap are regular, and substantially comply with the provisions of
21 this chapter, they shall be considered as showing that the voter is prima facie
22 entitled to vote. If the vote of a voter is rejected pursuant to the challenge, the inner
23 envelope shall not be opened, but returned to the outer envelope upon which the
24 **chair**~~[chairman]~~ shall write on the envelope the word "rejected."

25 ~~(6)~~~~(5)~~ After the challenges have been made and all the blank inner envelopes have
26 been placed in a ballot box, the box shall be thoroughly shaken to redistribute the
27 absentee ballots in the box. The **county** board **of elections** shall open the ballot box,

1 remove the absentee ballots from the inner envelopes, and count the ballots.

2 ~~(7)~~~~(6)~~ The county board of elections shall unlock any voting equipment used to cast
3 ballots in the county clerk's office or other place designated by the county board of
4 elections, and approved by the State Board of Elections, as provided~~for~~ in KRS
5 117.086, and a total of all ballots shall be made and recorded on the form provided
6 by the State Board of Elections.

7 ~~(8)~~~~(7)~~ The county board of elections, the county clerk, and all individuals permitted
8 to be present for the counting of absentee ballots pursuant to subsection (2) of this
9 section shall not make public the absentee ballot results determined as provided in
10 this section until after 6 p.m. prevailing time.