

1 AN ACT relating to elections.

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

3 ➔Section 1. KRS 117.075 is amended to read as follows:

4 (1) Any qualified voter who has not been declared mentally disabled by a court of
5 competent jurisdiction, and who, on account of age, disability or illness, is not able
6 to appear at the polls on election day may vote by a mail-in absentee ballot pursuant
7 to subsection (2) of this section or in person pursuant to KRS 117.085.

8 (2) At least ***fourteen (14)***~~seven (7)~~ days prior to the date of the election and prior to
9 the close of normal business hours, a qualified voter may present to the county clerk
10 by mail or in person his or her application for a mail-in absentee ballot containing a
11 verified statement that his or her inability to appear is due to age, disability, or
12 illness. The request for the mail-in absentee ballot application ~~shall~~***shall***~~may~~ be made
13 ***in accordance with subsection (1) of Section 2 of this Act***~~by telephone, facsimile~~
14 ~~machine, mail, or in person~~. Within three (3) days of receipt of the request, the
15 county clerk shall mail to the voter a mail-in absentee ballot and envelopes, and the
16 voter shall cast his or her vote in accordance with KRS 117.086. The mail-in
17 absentee ballot shall be returned by the voter to the county clerk by mail.

18 (3) Ballots furnished pursuant to the provisions of this section shall include the slates of
19 candidates and all candidates for which the voter is entitled to vote.

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

21 (1) All requests for an application for a mail-in absentee ballot may be transmitted by
22 telephone, facsimile machine, by mail, by electronic mail, or in person. The county
23 clerk shall transmit all applications for a mail-in absentee ballot ***to the voter*** by
24 mail, ***electronic mail***, ~~to the voter~~ or in person at the option of the voter, except as
25 provided in paragraph (b) of this subsection. The mail-in absentee ballot application
26 may be requested by the voter or the spouse, parents, or children of the voter, but
27 shall be restricted to the use of the voter. Except for qualified voters who apply

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

11 (a) A qualified voter may apply to cast his or her vote by mail-in absentee ballot
12 if the application is received not later than the close of business hours
13 fourteen (14)~~seven (7)~~ days before the election, and if the voter is:

- 14 1. Permitted to vote by a mail-in absentee ballot pursuant to KRS 117.075;
- 15 2. A resident of Kentucky who is a covered voter as defined in KRS
16 117A.010;
- 17 3. A student who temporarily resides outside the county of his or her
18 residence;
- 19 4. Incarcerated in jail and charged with a crime, but has not been convicted
20 of the crime;
- 21 5. Changing or has changed his or her place of residence to a different state
22 while the registration books are closed in the new state of residence
23 before an election of electors for President and Vice President of the
24 United States, in which case the voter shall be permitted to cast a mail-in
25 absentee ballot for electors for President and Vice President of the
26 United States only;
- 27 6. Temporarily residing outside the state but still eligible to vote in this

1 state;

2 7. Prevented from voting in person at the polls on election day and from
3 casting an in-person absentee ballot in the county clerk's office on all
4 days in-person absentee voting is conducted because his or her
5 employment location requires him or her to be absent from the county of
6 his or her residence all hours and all days in-person absentee voting is
7 conducted in the county clerk's office; or

8 8. A participant in the Secretary of State's crime victim address
9 confidentiality protection program as authorized by KRS 14.312.

10 (b) Residents of Kentucky who are covered voters as defined in KRS 117A.010
11 may apply for a mail-in absentee ballot by means of the federal post-card
12 application, which may be transmitted to the county clerk's office by mail, by
13 facsimile machine, or by means of the electronic transmission system
14 established under KRS 117A.030(4). The federal post-card application may be
15 used to register, reregister, and to apply for a mail-in absentee ballot. If the
16 federal post-card application is received at any time not less than fourteen
17 (14)~~seven (7)~~ days before the election, the county clerk shall affix his or her
18 seal to the application form upon receipt.

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

25 (d) Any qualified voter in the county of his or her residence who is not permitted
26 to vote by a mail-in absentee ballot under paragraph (a) of this subsection who
27 will be absent from the county of his or her residence on any election day may,

1 at any time during normal business hours on those days in-person absentee
2 voting is conducted in the county clerk's office, make application in person to
3 the county clerk to cast an in-person absentee vote on a voting machine in the
4 county clerk's office or other place designated by the county board of elections
5 and approved by the State Board of Elections.

6 (e) A qualified voter may, at any time during normal business hours on those days
7 in-person absentee voting is conducted in the county clerk's office, make
8 application in person to the county clerk to vote on a voting machine in the
9 county clerk's office or other place designated by the county board of elections
10 and approved by the State Board of Elections, if the voter:

- 11 1. Is a resident of Kentucky who is a covered voter as defined in KRS
12 117A.010, who will be absent from the county of his or her residence on
13 any election day;
- 14 2. Is a student who temporarily resides outside the county of his or her
15 residence;
- 16 3. Has surgery, or whose spouse has surgery, scheduled that will require
17 hospitalization on election day;
- 18 4. Temporarily resides outside the state, but is still eligible to vote in this
19 state and will be absent from the county of his or her residence on any
20 election day;
- 21 5. Is a resident of Kentucky who is a uniformed-service voter as defined in
22 KRS 117A.010 confined to a military base on election day, learns of that
23 confinement within fourteen (14)~~seven (7)~~ days or less of an election,
24 and is not eligible for a mail-in absentee ballot under this subsection;
- 25 6. Is in her last trimester of pregnancy at the time she wishes to vote under
26 this paragraph. The application form for a voter under this subparagraph
27 shall be prescribed by the State Board of Elections, which shall contain

1 the woman's sworn statement that she is in fact in her last trimester of
2 pregnancy at the time she wishes to vote; or

3 7. Has not been declared mentally disabled by a court of competent
4 jurisdiction and, on account of age, disability, or illness, is not able to
5 appear at the polls on election day.

6 (f) Voters who change their place of residence to a different state while the
7 registration books are closed in the new state of residence before a presidential
8 election shall be permitted to cast an in-person absentee ballot for President
9 and Vice President only, by making application in person to the county clerk
10 to vote on a voting machine 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, up to the close of normal business hours on the day before the
13 election.

14 (g) Any member of the county board of elections, any precinct election officer
15 appointed to serve in a precinct other than that in which he or she is registered,
16 any alternate precinct election officer, any deputy county clerk, any staff for
17 the State Board of Elections, and any staff for the county board of elections
18 may vote on a voting machine in the county clerk's office or other place
19 designated by the county board of elections, and approved by the State Board
20 of Elections, up to the close of normal business hours on the day before the
21 election. The application form for those persons shall be prescribed by the
22 State Board of Elections and, in the case of application by precinct election
23 officers, shall contain a verification of appointment signed by a member of the
24 county board of elections. If an alternate precinct election officer or a precinct
25 election officer appointed to serve in a precinct other than that in which he or
26 she is registered receives his or her appointment while in-person absentee
27 voting is being conducted in the county, the officer may vote on a voting

1 machine in the county clerk's office or other place designated by the county
2 board of elections, and approved by the State Board of Elections, up to the
3 close of normal business hours on the day before the election. Precinct
4 election officers' verification of appointment shall also contain the date of
5 appointment. The applications shall be restricted to the use of the voter only.

6 (h) The members of the county board of elections or their designees who provide
7 equal representation of both political parties may serve as precinct election
8 officers, without compensation, for all in-person absentee voting performed
9 on a voting machine in the county clerk's office or other place designated by
10 the county board of elections and approved by the State Board of Elections. If
11 the members of the county board of elections or their designees serve as
12 precinct election officers for the in-person absentee voting, they shall perform
13 the same duties and exercise the same authority as precinct election officers
14 who serve on the day of an election. If the members of the county board of
15 elections or their designees do not serve as precinct election officers for in-
16 person absentee voting, the county clerk or deputy county clerks shall
17 supervise the in-person absentee voting.

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

24 (2) The county clerk shall type the name of the voter permitted to vote by mail-in
25 absentee ballot on the mail-in absentee ballot application form for that person's use
26 and no other. The mail-in absentee ballot application form shall be in the form
27 prescribed by the State Board of Elections, shall bear the seal of the county clerk,

1 and shall contain the following information: name, residential address, precinct,
2 party affiliation, statement of the reason the person cannot vote in person on
3 election day, statement of where the voter shall be on election day, statement of
4 compliance with residency requirements for voting in the precinct, and the voter's
5 mailing address for a mail-in absentee ballot. The mail-in absentee ballot
6 application form shall be verified and signed by the voter. A notice of the actual
7 penalty provisions in KRS 117.995(2) and (5) shall be printed on the mail-in
8 absentee ballot application form.

9 (3) If the county clerk finds that the voter is properly registered as stated in his or her
10 mail-in absentee ballot application form and qualifies to receive a mail-in absentee
11 ballot by mail, he or she shall mail to the voter a mail-in absentee ballot, two (2)
12 official envelopes for returning the mail-in absentee ballot, and instructions for
13 voting. The county clerk shall complete a postal form for a certificate of mailing for
14 mail-in absentee ballots mailed within the fifty (50) states, and it shall be stamped
15 by the postal service when the mail-in absentee ballots are mailed. A mail-in
16 absentee ballot may be transmitted by facsimile machine or by the electronic
17 transmission system established under KRS 117A.030(4) to a covered voter as
18 defined in KRS 117A.010. The covered voter shall be notified of the options for
19 transmittal of the mail-in absentee ballot, and the mail-in absentee ballot shall be
20 transmitted by the method chosen for receipt by the resident of Kentucky who is a
21 covered voter.

22 (4) Mail-in absentee ballots which are requested prior to the printing of the mail-in
23 absentee ballots shall be mailed or otherwise transmitted as provided in subsection
24 (3) of this section by the county clerk to the voter within three (3) days of the receipt
25 of the printed ballots. Mail-in absentee ballots requested after the receipt of the
26 ballots by the county clerk shall be mailed or otherwise transmitted as provided in
27 subsection (3) of this section to the voter within three (3) days of the receipt of the

1 request.

2 (5) The county clerk shall cause mail-in absentee ballots to be printed fifty (50) days
3 prior to each primary or regular election, and forty-five (45) days prior to a special
4 election.

5 (6) The outer envelope shall bear the words "Absentee Ballot" and the address and
6 official title of the county clerk and shall provide space for the voter's signature,
7 voting address, precinct number, and signatures of two (2) witnesses if the voter
8 signs the form with the use of a mark instead of the voter's signature. A detachable
9 flap on the inner envelope shall provide space for the voter's signature, voting
10 address, precinct number, signatures of two (2) witnesses if the voter signs the form
11 with the use of a mark instead of the voter's signature and notice of penalty provided
12 in KRS 117.995(5). The county clerk shall type the voter's address and precinct
13 number in the upper left hand corner of the outer envelope and of the detachable
14 flap on the inner envelope immediately below the blank space for the voter's
15 signature. The inner envelope shall be blank. The county clerk shall retain the mail-
16 in ballot application form and the postal form required by subsection (3) of this
17 section for twenty-two (22) months after the election.

18 (7) Any person who has received a mail-in absentee ballot by mail but who knows at
19 least fourteen (14)~~seven (7)~~ days before the date of the election that he or she will
20 be in his or her county of residence on election day and who has not voted pursuant
21 to the provisions of KRS 117.086 shall cancel his or her mail-in absentee ballot and
22 vote in person. The voter shall return the mail-in absentee ballot to the county
23 clerk's office no later than fourteen (14)~~seven (7)~~ days prior to the date of the
24 election. Upon the return of the mail-in absentee ballot, the county clerk shall mark
25 on the outer envelope of the sealed ballot or the unmarked ballot the words
26 "Canceled because voter appeared to vote in person." Sealed envelopes so marked
27 shall not be opened. The county clerk shall remove the voter's name from the list of

1 persons who were sent mail-in absentee ballots, and the voter may vote in the
2 precinct in which he or she is properly registered.

3 (8) Any voter qualified for a mail-in absentee ballot who does not receive a requested
4 mail-in absentee ballot within a reasonable amount of time shall contact the county
5 clerk, who shall reissue a second mail-in absentee ballot. The county clerk shall
6 keep a record of the mail-in absentee ballots issued and returned by mail, and the in-
7 person absentee voting that is performed on the voting machine in the county clerk's
8 office or other place designated by the county board of elections and approved by
9 the State Board of Elections, to verify that only the first voted ballot to be returned
10 by the voter is counted. Upon the return of any ballot after the first ballot is
11 returned, the county clerk shall mark on the outer envelope of the sealed ballot the
12 words "Canceled because ballot reissued."

13 (9) Any covered voter as defined in KRS 117A.010 who has received a mail-in
14 absentee ballot but who knows that he or she will be in the county on election day
15 and who has not voted pursuant to the provisions of KRS 117.086 shall cancel his
16 or her mail-in absentee ballot and vote in person. The voter shall return the mail-in
17 absentee ballot to the county clerk's office on or before election day. Upon the
18 return of the mail-in absentee ballot, the county clerk shall mark on the outer
19 envelope of the sealed mail-in absentee ballot or the unmarked mail-in absentee
20 ballot the words "Canceled because voter appeared to vote in person." Sealed
21 envelopes so marked shall not be opened. If the covered voter is unable to return the
22 mail-in absentee ballot to the county clerk's office on or before election day, at the
23 time he or she votes in person, he or she shall sign a written oath as to his or her
24 qualifications on the form prescribed by the State Board of Elections pursuant to
25 KRS 117.245. The county clerk shall remove the voter's name from the list of
26 persons who were sent mail-in absentee ballots, provide the voter with written
27 authorization to vote at the precinct, and the voter may vote in the precinct in which

1 he or she is properly registered.

2 (10) Notwithstanding the provisions of the Kentucky Open Records Act, KRS 61.870 to
3 61.884, the information contained in an application for a mail-in absentee ballot
4 shall not be made public until after the close of business hours on the election day
5 for which the application applies. This subsection shall not prohibit at any time the
6 disclosure, upon request, of the total number of applications for mail-in absentee
7 ballots that have been filed, or the disclosure to the Secretary of State or the State
8 Board of Elections, if requested or if otherwise required by law, of any information
9 in an application for a mail-in absentee ballot.

10 ➔Section 3. KRS 117A.060 is amended to read as follows:

11 (1) A covered voter who is registered to vote in the Commonwealth of Kentucky may
12 apply for a military-overseas ballot using either the regular absentee ballot
13 application in use in the voter's jurisdiction under KRS 117.085 or the federal
14 postcard application or the application's electronic equivalent.

15 (2) A covered voter who is not registered to vote in the Commonwealth of Kentucky
16 may use a federal postcard application or the application's electronic equivalent to
17 apply simultaneously to register to vote under KRS 117A.050 and for a military-
18 overseas ballot.

19 (3) The Secretary of State shall ensure that the electronic transmission system described
20 in KRS 117A.030(4) is capable of accepting the submission of both a federal
21 postcard application and any other approved electronic military-overseas ballot
22 application sent to the appropriate election official. The covered voter may use the
23 electronic transmission system or any other approved method to apply for a
24 military-overseas ballot.

25 (4) A covered voter may use the declaration accompanying a federal write-in absentee
26 ballot as an application for a military-overseas ballot simultaneously with the
27 submission of the federal write-in absentee ballot, if the declaration is received by

1 the appropriate election official by the close of business hours fourteen (14)~~seven~~
2 ~~(7)~~ days before the election.

3 (5) To receive the benefits of this chapter, a covered voter shall inform the appropriate
4 election official that the voter is a covered voter. Methods of informing the
5 appropriate election official that a voter is a covered voter include:

6 (a) The use of a federal postcard application or federal write-in absentee ballot;
7 and

8 (b) The use of the electronic transmission system established under KRS
9 117A.030(4).

10 (6) This chapter does not preclude a covered voter from voting using the regular
11 absentee ballot provisions under KRS 117.075, 117.077, 117.085, and 117.086.

12 ➔Section 4. KRS 117A.070 is amended to read as follows:

13 An application for a military-overseas ballot is timely if received by the close of business
14 hours fourteen (14)~~seven (7)~~ days before the election. An application for a military-
15 overseas ballot for a primary, whether or not timely, is effective as an application for a
16 military-overseas ballot for the regular election.