

1 AN ACT relating to elections.

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

3 ➔Section 1. KRS 117.235 is amended to read as follows:

- 4 (1) No person, other than the election officers, challengers, person assisting voters in  
5 accordance with KRS 117.255(3)~~], and a minor child in the company of a voter],~~  
6 shall be permitted within the voting room while the vote is being polled, except as  
7 follows:
- 8 (a) For the purpose of voting;
  - 9 (b) By authority of the election officers to keep order and enforce the law;
  - 10 (c) With the express approval of the county board of elections to repair or replace  
11 voting equipment that is malfunctioning and to provide additional voting  
12 equipment; or
  - 13 (d) At the voter's discretion, a minor child in the company of a voter may  
14 accompany the voter into a voting booth or other private area provided for  
15 casting a vote.
- 16 (2) No ~~officer of~~ election ***officer*** shall do any electioneering on ***any primary, regular***  
17 ***election, or special*** election day.
- 18 (3) (a) No person shall electioneer at the polling place on the day of any ***primary,***  
19 ***regular election, or special*** election, as established in KRS 118.025, within a  
20 distance of one hundred (100) feet of any entrance to a building in which a  
21 voting machine is located if that entrance is unlocked and is used by voters on  
22 ***any primary, regular election, or special*** election day.
- 23 (b) No person shall electioneer within the interior of a building or affix any  
24 electioneering materials to the exterior or interior of a building where the  
25 county clerk's office is located, or any building designated by the county board  
26 of elections and approved by the State Board of Elections for absentee voting,  
27 during the hours absentee voting is being conducted in the building by the

- 1 county clerk pursuant to KRS 117.085(1)(c).
- 2 (c) Electioneering shall include the displaying of signs, the distribution of  
3 campaign literature, cards, or handbills, the soliciting of signatures to any  
4 petition, or the solicitation of votes for or against any bona fide candidate or  
5 ballot question in a manner which expressly advocates the election or defeat  
6 of the candidate or expressly advocates the passage or defeat of the ballot  
7 question, but shall not include exit polling, bumper stickers affixed to a  
8 person's vehicle while parked within or passing through a distance of one  
9 hundred (100) feet of any entrance to a building in which a voting machine is  
10 located, private property as provided in subsection (7) of this section, or other  
11 exceptions established by the State Board of Elections through the  
12 promulgation of administrative regulations.
- 13 (4) No voter shall be permitted to converse with others while in any room in which  
14 voting, including *in-person* absentee voting, is conducted concerning their support  
15 or nonsupport of any candidate, party, or issue to be voted on, except as provided in  
16 KRS 117.255.
- 17 (5) Any precinct election officer, county clerk, deputy county clerk, or any law  
18 enforcement official may:
- 19 (a) Enforce the election laws and maintain law and order at the polls and within  
20 one hundred (100) feet of any entrance to the building in which the voting  
21 machine is located if that entrance is unlocked and is used by voters; ~~and~~.
- 22 (b) Request assistance ~~may be requested~~ of any law enforcement officer.
- 23 (6) Notwithstanding the provisions of subsection (1) of this section, the State Board of  
24 Elections may establish a program designed to instill in school children a respect for  
25 the democratic principles of voting by conducting in any county a mock election for  
26 school children in conjunction with any primary, ~~or~~ regular election, or special  
27 election. The State Board of Elections shall promulgate administrative regulations

1 regarding the mock elections to insure that the regular voting process will not be  
2 impaired.

3 (7) Notwithstanding the provisions of subsection (3) of this section, nothing in this  
4 section shall prohibit the displaying of political campaign signs on private property  
5 or private establishments by a person having a leased or ownership interest in that  
6 private property or private establishment within the campaign-free zone, regardless  
7 of the distance from the polling place. In the case of a polling location being on  
8 private property that is leased or otherwise under contract for the purpose of serving  
9 as a polling location, the provisions of subsection (3) of this section shall be  
10 applicable to that leased or contracted-for private property.

11 ➔Section 2. KRS 117.375 is amended to read as follows:

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

13 (1) "Electronic or electromechanical voting system" means a system of casting votes by  
14 use of marking devices and tabulating ballots employing automatic tabulating  
15 equipment or data processing equipment.

16 (2) "Automatic tabulating equipment" means apparatus necessary to automatically  
17 examine and count votes as designated on ballots and data processing machines  
18 which can be used for counting ballots and tabulating results.

19 (3) "Voting device" means either an apparatus in which paper ballots or ballot cards are  
20 used in connection with an implement by which a voter registers his or her votes  
21 with ink or other substance or by punching, or an apparatus by which such votes are  
22 registered electronically, so that in either case the votes so registered may be  
23 computed and tabulated by means of automatic tabulating equipment.

24 (4) "Ballot card" means a tabulating card on which votes may be recorded by a voter{  
25 ~~by use of a voting punch device or~~} by marking with a pen or special marking  
26 device.

27 (5) "Ballot label" means the cards, papers, booklet, pages or other material on which

1 appear the names of candidates and the questions to be voted on by means of ballot  
2 cards or voting machines.

3 (6) "Ballot" or "official ballot" means the voting machine ballot label, ballot cards,  
4 paper ballots, an absentee ballot, or a supplemental paper ballot which has been  
5 authorized for the use of voters in any primary, ***regular election***,~~[general]~~ or special  
6 election by the Secretary of State or the county clerk.

7 ~~(7) ["Voting punch device" means an apparatus in which ballots or ballot cards are  
8 inserted for the piercing of ballots by the voter. The hole may be in the form of a  
9 round dot, rectangle, square, or any other shape that will clearly indicate the intent  
10 of the voter.~~

11 ~~(8)~~ "Vote marking device" means any approved device for marking a paper ballot with  
12 ink or other substance which will enable the ballot to be tabulated by means of  
13 automatic tabulating equipment.

14 ~~(8)~~~~(9)~~ "Secrecy envelope" means the envelope handed to the voter with his ***or her***  
15 ballot into which the voter shall place his ***or her*** voted ballot cards.

16 ~~(9)~~~~(10)~~ "Precinct ballot counter" means an automatic tabulating device used at the  
17 precinct to tabulate and process ballots.

18 ~~(10)~~~~(11)~~ "Voting machine" or "machine" shall include~~[lever machines and,]~~ as far as  
19 applicable, any electronic or electromechanical unit ***approved by the State Board of***  
20 ***Elections*** and supplies utilized or relied upon by a voter in casting and recording his  
21 ***or her*** votes in ***a primary, regular election, or special***~~[an]~~ election.

22 ➔Section 3. KRS 118.015 is amended to read as follows:

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

24 (1) A "political party" is an affiliation or organization of electors representing a  
25 political policy and having a constituted authority for its government and regulation,  
26 and whose candidate received at least twenty percent (20%) of the total vote cast at  
27 the last preceding election at which presidential electors were voted for;

- 1 (2) The word "election" used in reference to a state, district, county, or city election,  
2 includes the decisions of questions submitted to the qualified voters as well as the  
3 choice of officers by them;
- 4 (3) A "ballot" or "official ballot" means the voting machine ballot label, ballot cards,  
5 paper ballots, an absentee ballot, or a supplemental paper ballot which has been  
6 authorized for the use of the voters in any primary, ***regular election***~~[general]~~, or  
7 special election by the Secretary of State or the county clerk;
- 8 (4) "Ballot label" means the cards, papers, booklet, pages, or other material on which  
9 appear the names of candidates and the questions to be voted on by means of ballot  
10 cards or voting machines;
- 11 (5) "Ballot card" means a tabulating card on which votes may be recorded by a voter~~[~~  
12 ~~by use of a voting punch device or]~~ by marking with a pen or special marking  
13 device;
- 14 (6) "Voting machine" or "machine" shall include~~[ lever machines and]~~, as far as  
15 applicable, any electronic or electromechanical unit ***approved by the State Board of***  
16 ***Elections*** and supplies utilized or relied upon by a voter in casting and recording his  
17 ***or her*** votes in ***a primary, regular election, or special***~~[an]~~ election;
- 18 (7) The word "resident" used in reference to a candidate in a state, district, county, or  
19 city election shall mean actual resident, without regard to the residence of the  
20 spouse of the candidate;
- 21 (8) "Political organization" means a political group not constituting a political party  
22 within the meaning of subsection (1) of this section but whose candidate received  
23 two percent (2%) or more of the vote of the state at the last preceding election for  
24 presidential electors; and
- 25 (9) "Political group" means a political group not constituting a political party or a  
26 political organization within the meaning of subsections (1) and (8) of this section.
- 27 ➔Section 4. KRS 118.035 is amended to read as follows:

- 1 (1) The polls shall be opened on the day of a primary, special election, or regular  
2 election at 6 a.m., prevailing time, and shall remain open until each voter who is  
3 waiting in line at the polls at 6 p.m., prevailing time, has voted. At 6 p.m.,  
4 prevailing time, if voters are waiting at the polls to vote, the precinct election sheriff  
5 shall announce that a voter wishing to vote must immediately get in line. When all  
6 voters waiting at the polls at that time are in line, the precinct election sheriff shall  
7 then determine which voter is the last in line, and that voter shall be the last voter  
8 permitted to vote. The precinct election sheriff shall wait in line with the voter  
9 determined to be the last voter~~[ who shall be permitted to vote]~~ until that voter has  
10 voted. The precinct election sheriff~~[ and]~~ shall inform a voter who subsequently  
11 arrives at the polls that no one shall be permitted to vote after the last voter in line at  
12 6 p.m., prevailing time. After the last voter waiting in line at 6 p.m., prevailing time,  
13 has voted, the polls shall then be closed.
- 14 (2) As provided in Section 148 of the Constitution of Kentucky, any qualified voter  
15 who~~[ person entitled to a vote at any election in this state shall, if he ]~~ has  
16 applied~~[made application]~~ for leave with his or her employer prior to the day he or  
17 she goes to the office of~~[ appears before]~~ the county clerk to request an application  
18 for an absentee ballot or to execute an absentee ballot, shall be entitled to not less  
19 than four (4) hours to be absent~~[ himself]~~ from any services or employment in  
20 which he or she is then engaged or employed~~[ for a reasonable time, but not less~~  
21 ~~than four (4) hours]~~ on the day he or she appears before the county clerk to request  
22 an application for or to execute an absentee ballot, during normal business hours of  
23 the office of the county clerk or to cast his or her ballot during the in-person  
24 voting period or on the day of the election between the time of opening and closing  
25 the polls. The employer may specify the hours during which an employee may  
26 absent himself or herself.
- 27 (3) No person shall be penalized for taking a reasonable time off to vote, unless, under

1 circumstances which did not prohibit ~~the voter~~<sup>[him]</sup> from voting, he or she fails to  
2 vote. Any qualified voter who exercises his or her right to voting leave under this  
3 section but fails to cast his or her vote, under circumstances which did not prohibit  
4 him or her from voting, may be subject to disciplinary action.

5 (4) Any person selected to serve as an election officer shall be entitled to absent himself  
6 or herself from any services or employment in which he or she is then engaged or  
7 employed for a period of an entire day to attend training or to serve as an election  
8 officer. The person shall not, because of so absenting himself or herself, be liable to  
9 any penalty. The employer may specify the hours during which the employee may  
10 be absent ~~himself~~. No person shall refuse an employee the privilege hereby  
11 conferred, or discharge or threaten to discharge an employee or subject an employee  
12 to a penalty, because of the exercise of the privilege.

13 ➔Section 5. KRS 118.405 is amended to read as follows:

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

19 ➔Section 6. KRS 118A.010 is amended to read as follows:

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

- 21 (1) "Ballot" or "official ballot" means the voting machine ballot label, ballot cards,  
22 paper ballots, an absentee ballot, a special ballot, or a supplemental paper ballot  
23 which has been authorized for the use of the voters in any primary, regular  
24 election~~general~~, or special election by the Secretary of State or the county clerk;
- 25 (2) "Ballot card" means a tabulating card on which votes may be recorded by a voter by  
26 use of a voting device or by marking with a pen or special marking device;
- 27 (3) "Ballot label" means the cards, papers, booklet, pages, or other material on which

1 appear the names of candidates and the questions to be voted on by means of ballot  
2 cards or voting machines;

3 (4) "Election" refers only to elections for offices of the Court of Justice; and

4 (5) "Voting machine" or "machine" shall include~~[ lever machines and]~~, as far as  
5 applicable, any electronic or electromechanical unit and supplies utilized or relied  
6 upon by a voter in casting his ***or her*** vote in an election.

7 No provisions of KRS Chapter 118 existing on March 10, 1976, except KRS 118.015  
8 through 118.045 shall apply to such elections. All other provisions of the election laws  
9 not inconsistent with this chapter shall be applicable~~[ thereto]~~.

10 ➔Section 7. KRS 119.005 is amended to read as follows:

11 (1) A "ballot" or "official ballot" means the voting machine ballot label, ballot cards,  
12 paper ballots, an absentee ballot, a special ballot, or a supplemental paper ballot  
13 which has been authorized for the use of the voters in any primary, ***regular***  
14 ***election***,~~[general]~~ or special election by the Secretary of State or the county clerk;

15 (2) "Ballot label" means the cards, papers, booklet, pages or other material on which  
16 appear the names of candidates and the questions to be voted on by means of ballot  
17 cards or voting machines;

18 (3) "Ballot card" means a tabulating card on which votes may be recorded by a voter~~[~~  
19 ~~by use of a voting punch device or]~~ by marking with a pen or special marking  
20 device;

21 (4) "Voting machine" or "machine" shall include~~[ lever machines and]~~, as far as  
22 applicable, any electronic or electromechanical unit and supplies utilized or relied  
23 upon by a voter in casting and recording his ***or her*** vote in an election.

24 ➔Section 8. KRS 120.005 is amended to read as follows:

25 (1) A "ballot" or "official ballot" means the voting machine ballot label, ballot cards,  
26 paper ballots, an absentee ballot, a special ballot, or a supplemental paper ballot  
27 which has been authorized for the use of the voters in any primary, ***regular***



- 1        election, ~~[general]~~ or special election by the Secretary of State or the county clerk;
- 2        (2) "Ballot label" means the cards, papers, booklet, pages or other material on which
- 3        appear the names of candidates and the questions to be voted on by means of ballot
- 4        cards or voting machines;
- 5        (3) "Ballot card" means a tabulating card on which votes may be recorded by a voter ~~[~~
- 6        ~~by use of a voting punch device or]~~ by marking with a pen or special marking
- 7        device;
- 8        (4) "Voting machine" or "machine" shall include ~~[lever machines and]~~, as far as
- 9        applicable, any electronic or electromechanical unit and supplies utilized or relied
- 10       upon by a voter in casting and recording his or her vote in an election.