

1 AN ACT relating to elections.

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

3 ➔Section 1. KRS 116.0452 is amended to read as follows:

4 (1) For the purpose of determining whether a voter registration application is received
5 during the period in which registration books are open under KRS 116.045(2), an
6 application shall be deemed timely received:

7 (a) In the case of registration with a motor vehicle driver's license application, if
8 the valid voter registration form of the applicant is accepted by the circuit
9 clerk before the registration books are closed;

10 (b) In the case of registration by mail, if the valid voter registration form of the
11 applicant is legibly postmarked before the registration books are closed;

12 (c) In the case of registration with a voter registration agency, if the valid voter
13 registration form of the applicant is accepted at the voter registration agency
14 before the registration books are closed;~~and~~

15 **(d) In the case of registration made in accordance with KRS 117A.050 or any**
16 **other eligible electronic transmission of voter registration, if the electronic**
17 **registration form is received online by the county clerk's office by 11:59**
18 **p.m. local time; and**

19 ~~(e)~~~~(d)~~ In any other case, if the valid voter registration form of the applicant is
20 received by the appropriate county clerk, no later than 4 p.m. local time,
21 before the registration books are closed.

22 (2) The county clerk shall send notice to each applicant of the disposition of the
23 application.

24 (3) The name of a registered voter shall not be removed from the registration books
25 except:

26 (a) Upon request of the voter;

27 (b) As provided by KRS 116.113, upon notice of death, declaration of

1 incompetency, or conviction of a felony; or

2 (c) Upon failure to respond to a confirmation mailing sent pursuant to KRS
3 116.112(3) and failure to vote or appear to vote and, if necessary, correct the
4 registration record of the voter's address in an election during the period
5 beginning on the date of the notice and ending on the day after the date of the
6 second ~~regular~~^{general} election for Federal office that occurs after the date of
7 the notice.

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

10 ➔Section 2. KRS 117.035 is amended to read as follows:

11 (1) There shall be a county board of elections, which shall, at the direction and under
12 the supervision of the State Board of Elections, administer the election laws and the
13 registration and purgation of voters within the county.

14 (2) (a) The county board of elections shall consist of the county clerk, the sheriff,
15 and two (2) members appointed by the State Board of Elections not later than
16 July 1 following the election of persons to statewide office, for a term of four
17 (4) years and until their successors are appointed.

18 (b) The sheriff shall not serve on the county board of elections during any year~~in~~
19 ~~which~~ he or she is a candidate, but he or she shall recommend to the board
20 that a deputy sheriff be a temporary replacement to serve in his or her place.
21 If the sheriff cannot serve because he or she is sick, injured, incapacitated, or
22 otherwise unavailable~~incapacitated~~, he or she may recommend a deputy
23 sheriff or other temporary replacement to serve in his or her place until the
24 sheriff may resume his or her duties or a vacancy in office is declared.

25 (c) The county clerk may, at his or her option, continue to serve on the county
26 board of elections during a year in which he or she is a candidate. If the
27 county clerk elects not to serve, he or she shall recommend to the board a

1 temporary replacement to serve in his or her place. If the county clerk cannot
2 serve because he or she is sick, injured, or otherwise incapacitated, he or she
3 may recommend a temporary replacement to serve in his or her place until the
4 county clerk may resume his or her duties or a vacancy in office is declared.

- 5 (d) 1. Notwithstanding the provisions of KRS 61.080, service on the county
6 board of elections shall be compatible with the holding of any other
7 county, urban-county government, charter county, consolidated local
8 government, unified local government, or city office.
- 9 2. The members shall be at least twenty-one (21) years of age, qualified
10 voters in the county from which they are appointed, and shall not have
11 been convicted of any election law offense.
- 12 3. One (1) member shall be appointed from a list of five (5) names
13 submitted by the county executive committee of each political party as
14 defined in KRS 118.015. If there are two (2) or more contending
15 executive committees of the same political party in any county, the one
16 recognized by the written certificate of the chair of the state central
17 committee of the political party shall be the one authorized to submit the
18 lists.
- 19 4. If the State Board of Elections does not receive the list as required by
20 subparagraph 3. of this paragraph for each political party for each county
21 by the deadline established in paragraph (a) of this subsection or within
22 one (1) month of a vacancy, then the chair of the state central
23 committees for the political parties may submit lists of five (5) names of
24 qualified residents from the remaining counties by August 1 following
25 the election of persons to statewide office or within two (2) months of a
26 vacancy.
- 27 5. If the State Board of Elections does not receive a list from either the

1 county executive committee under subparagraph 3. of this paragraph or
2 the chair of the state executive committee under subparagraph 4. of this
3 paragraph, then the State Board of Elections shall appoint a qualified
4 resident from the county at its next regularly scheduled meeting in
5 September following the election of persons to statewide office or
6 within three (3) months of a vacancy.

7 6. A member appointed by the State Board of Elections may be removed
8 by the State Board of Elections for cause.

9 7. A member appointed by the State Board of Elections may be removed
10 by the State Board of Elections upon a request approved by a two-thirds
11 (2/3) vote of the full membership of the county executive committee that
12 submitted the member's name. The county executive shall provide
13 conclusive evidence of the committee's membership and evidence of the
14 committee's two-thirds (2/3) vote before the State Board of Elections
15 removes any member appointed by the State Board of Elections.

16 8. If an appointee is temporarily unable to act, a temporary appointee shall
17 be named by the State Board of Elections. A temporary appointee shall
18 serve until the original appointee notifies the State Board of Elections
19 that he or she is able to resume his or her term.

20 9. A member appointed by the State Board of Elections shall not serve on
21 the board if he or she is a candidate for public office, and the member
22 shall resign upon filing papers to become a candidate for public office or
23 shall be removed from office by the State Board of Elections. A member
24 who resigns or is removed because of his or her candidacy shall not
25 resume his or her term following the completion of the candidacy.

26 10. Vacancies and temporary vacancies shall be filled in the same manner as
27 provided for original appointments, and the person appointed to fill the

1 vacancy or temporary vacancy shall be of the same political party as his
2 or her predecessor.

3 (e) Compensation and payment of actual expenses of members shall be set by the
4 fiscal court either as an amount payable on an annual basis, or as an amount
5 payable on a per diem basis of not less than fifteen dollars (\$15) nor more than
6 one hundred dollars (\$100) for each day the board meets.

7 (3) A majority of the county board of elections shall constitute a quorum. The county
8 clerk shall serve as chair of the meetings and may vote. In case of a tie, the chair
9 may cast an additional vote. Records shall be kept of all proceedings, and the
10 records shall be public and kept at the office of the county clerk.

11 (4) The board shall meet as follows:

12 (a) During years in which a primary or regular election is scheduled, The county
13 board of elections shall meet at least once every other month and may meet
14 more frequently if necessary upon the call of the chair or upon written
15 agreement of two (2) or more members of the board. The call shall provide
16 notice as prescribed by KRS 61.823.

17 (b) During years in which no primary or regular election is scheduled, the board
18 shall meet at the call of the chair or upon written agreement of two (2) or more
19 members of the board. The call shall provide notice as prescribed by KRS
20 61.823.

21 (c) The county board of elections shall meet and stay in session on primary,
22 regular election, and special election days to correct clerical errors and rule on
23 questions regarding voter registration and may make to the election officers
24 such certifications as may be necessary. On primary, regular election, and
25 special election days, appeals may be made to a Circuit Judge, but a ruling of
26 the county board of elections shall be reversed only upon a finding that it was
27 arbitrary and capricious.

1 (5) The county board of elections may employ, on a bipartisan basis, a staff sufficient
2 to carry out the duties assigned to the county board of elections.

3 →Section 3. KRS 117.077 is amended to read as follows:

4 In case of a medical emergency within fourteen (14) days or less of an election, a
5 registered voter and the registered voter's spouse may apply for an absentee ballot. The
6 application shall state that the emergency condition occurred within the fourteen (14) day
7 period. The application shall be notarized. The application form may be requested by and
8 delivered by the voter or the spouse, parents, or children of the voter. If the voter has no
9 spouse, parents, or children, the application form may be requested by and delivered by
10 the brother, sister, niece, nephew, or designee of the voter. The application form shall be
11 restricted to the use of the voter. Upon receipt of the application and verification, the
12 county clerk shall issue an absentee ballot. Any voter under this section who has
13 received a mail-in absentee ballot and who has not voted by means of his or her mail-in
14 absentee ballot may vote in person in accordance with Section 4 of this Act.

15 →Section 4. KRS 117.085 is amended to read as follows:

16 (1) All requests for an application for a mail-in absentee ballot may be transmitted by
17 telephone, facsimile machine, by mail, by electronic mail, or in person, at the
18 option of the voter. The county clerk shall transmit all applications for a mail-in
19 absentee ballot to the voter by mail, facsimile machine, electronic mail, ~~to the~~
20 ~~voter~~ or in person, at the option of the voter, except as provided in paragraph (b) of
21 this subsection. The mail-in absentee ballot application may be requested by the
22 voter or the spouse, parents, or children of the voter, but shall be restricted to the
23 use of the voter. A completed mail-in absentee ballot application may be returned
24 to the county clerk by mail, electronic mail, facsimile machine, or in person, at
25 the option of the voter. ~~Except for qualified voters who apply pursuant to the~~
26 ~~requirements of KRS 117.075 and 117.077, those who are incarcerated in jail but~~
27 ~~have yet to be convicted, those who are uniformed service voters as defined in KRS~~

1 ~~117A.010 that are confined to a military base on election day, and persons who~~
 2 ~~qualify under paragraph (a)7. of this subsection, mail in absentee ballots shall not~~
 3 ~~be mailed to a voter's residential address located in the county in which the voter is~~
 4 ~~registered. The county clerk shall provide a mail in absentee ballot, two (2) official~~
 5 ~~envelopes for returning the mail in absentee ballot, and instructions for voting to a~~
 6 ~~voter who presents a completed application for mail in absentee ballot as provided~~
 7 ~~in this section and who is properly registered as stated in his or her mail in absentee~~
 8 ~~ballot application.]~~

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

12 1. ~~Permitted to vote by a mail in absentee ballot pursuant to KRS~~
 13 ~~117.075;~~

14 2. ~~—~~A resident of Kentucky who is a covered voter as defined in KRS
 15 117A.010;

16 ~~2.~~~~3.~~A student who temporarily resides outside the county of his or her
 17 residence;

18 ~~3.~~~~4.~~Incarcerated in jail and charged with a crime, but has not been convicted
 19 of the crime;

20 ~~4.~~~~5.~~Changing or has changed his or her place of residence to a different state
 21 while the registration books are closed in the new state of residence
 22 before an election of electors for President and Vice President of the
 23 United States, in which case the voter shall be permitted to cast a mail-in
 24 absentee ballot for electors for President and Vice President of the
 25 United States only;

26 ~~5.~~~~6.~~Temporarily residing outside the state but still eligible to vote in this
 27 state;

1 ~~6.7.~~ Prevented from voting in person at the polls on election day and from
 2 casting an in-person absentee ballot in the county clerk's office on all
 3 days in-person absentee voting is conducted because his or her
 4 employment location requires him or her to be absent from the county of
 5 his or her residence all hours and all days in-person absentee voting is
 6 conducted in the county clerk's office;~~or~~

7 ~~7.8.~~ A participant in the Secretary of State's crime victim address
 8 confidentiality protection program as authorized by KRS 14.312; or

9 **8. Not able to appear at the polls on election day on the account of age,**
 10 **disability, or illness, and has not been declared mentally disabled by a**
 11 **court of competent jurisdiction.**

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

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

27 (d) ~~Any qualified voter in the county of his or her residence who is not permitted~~

1 ~~to vote by a mail in absentee ballot under paragraph (a) of this subsection who~~
2 ~~will be absent from the county of his or her residence on any election day may,~~
3 ~~at any time during normal business hours on those days in person absentee~~
4 ~~voting is conducted in the county clerk's office, make application in person to~~
5 ~~the county clerk to cast an in person absentee vote on a voting machine in the~~
6 ~~county clerk's office or other place designated by the county board of elections~~
7 ~~and approved by the State Board of Elections.~~

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

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

1 this paragraph. The application form for a voter under this subparagraph
2 shall be prescribed by the State Board of Elections, which shall contain
3 the woman's sworn statement that she is in fact in her last trimester of
4 pregnancy at the time she wishes to vote;~~[-or]~~

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

8 8. Is not permitted to vote by a mail-in absentee ballot under paragraph
9 (a) of this subsection, but will be absent from his or her residence on
10 election day.

11 ~~(e)~~~~(f)~~ Voters who change their place of residence to a different state while the
12 registration books are closed in the new state of residence before a presidential
13 election shall be permitted to cast an in-person absentee ballot for President
14 and Vice President only, by making application in person to the county clerk
15 to vote on a voting machine in the county clerk's office or other place
16 designated by the county board of elections and approved by the State Board
17 of Elections, up to the close of normal business hours on the day before the
18 election.

19 ~~(f)~~~~(g)~~ Any member of the county board of elections, any precinct election
20 officer appointed to serve in a precinct other than that in which he or she is
21 registered, any alternate precinct election officer, any deputy county clerk, any
22 staff for the State Board of Elections, and any staff for the county board of
23 elections may vote on a voting machine in the county clerk's office or other
24 place designated by the county board of elections, and approved by the State
25 Board of Elections, up to the close of normal business hours on the day before
26 the election. The application form for those persons shall be prescribed by the
27 State Board of Elections and, in the case of application by precinct election

1 officers, shall contain a verification of appointment signed by a member of the
2 county board of elections. If an alternate precinct election officer or a precinct
3 election officer appointed to serve in a precinct other than that in which he or
4 she is registered receives his or her appointment while in-person absentee
5 voting is being conducted in the county, the officer may vote on a voting
6 machine in the county clerk's office or other place designated by the county
7 board of elections, and approved by the State Board of Elections, up to the
8 close of normal business hours on the day before the election. Precinct
9 election officers' verification of appointment shall also contain the date of
10 appointment. The applications shall be restricted to the use of the voter only.

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

23 ~~(h)~~~~(i)~~ Any individual qualified to appoint challengers for the day of an election
24 may also appoint challengers to observe all in-person absentee voting
25 performed at the county clerk's office or other place designated by the county
26 board of elections, and approved by the State Board of Elections, and those
27 challengers may exercise the same privileges as challengers appointed for

1 observing voting on the day of an election at a regular polling place.

2 (2) The county clerk shall type the name of the voter permitted to vote by mail-in
3 absentee ballot on the mail-in absentee ballot application form for that person's use
4 and no other. The mail-in absentee ballot application form shall be in the form
5 prescribed by the State Board of Elections, shall bear the seal of the county clerk,
6 and shall contain the following information: name, residential address, precinct,
7 party affiliation, statement of the reason the person cannot vote in person on
8 election day, statement of where the voter shall be on election day, statement of
9 compliance with residency requirements for voting in the precinct, and the voter's
10 mailing address for a mail-in absentee ballot. The mail-in absentee ballot
11 application form shall be verified and signed by the voter. A notice of the actual
12 penalty provisions in KRS 117.995(2) and (5) shall be printed on the mail-in
13 absentee ballot application form.

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

27 (4) Mail-in absentee ballots which are requested prior to the printing of the mail-in

1 absentee ballots shall be mailed or otherwise transmitted as provided in subsection
2 (3) of this section by the county clerk to the voter within three (3) days of the receipt
3 of the printed ballots. Mail-in absentee ballots requested after the receipt of the
4 ballots by the county clerk shall be mailed or otherwise transmitted as provided in
5 subsection (3) of this section to the voter within three (3) days of the receipt of the
6 request.

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

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

23 ~~(7) Any person who has received a mail-in absentee ballot by mail but who knows at~~
24 ~~least seven (7) days before the date of the election that he or she will be in his~~
25 ~~or her county of residence on election day and who has not voted pursuant to~~
26 ~~the provisions of KRS 117.086 shall cancel his or her mail-in absentee ballot~~
27 ~~and vote in person. The voter shall return the mail-in absentee ballot to the~~

1 county clerk's office no later than seven (7) days prior to the date of the
2 election. Upon the return of the mail-in absentee ballot, the county clerk shall
3 mark on the outer envelope of the sealed ballot or the unmarked ballot the
4 words "Canceled because voter appeared to vote in person." Sealed envelopes
5 so marked shall not be opened. The county clerk shall remove the voter's
6 name from the list of persons who were sent mail-in absentee ballots, and the
7 voter may vote in the precinct in which he or she is properly registered.

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

20 (b) Any voter who is qualified and has timely applied for a mail-in absentee
21 ballot in accordance with this section, but who has not voted by means of
22 his or her mail-in absentee ballot, may appear in person on election day,
23 and he or she shall sign a written oath as to his or her qualifications on the
24 form prescribed by the State Board of Elections. The county clerk shall
25 remove the voter's name from the list of persons who were sent mail-in
26 absentee ballots and provide the voter with written authorization to vote at
27 the precinct, and the voter may vote in the precinct in which he or she is

1 properly registered. The oaths signed in accordance with this paragraph
 2 shall be attended and processed as provided in KRS 117.245.

3 (c) Any voter who is qualified and has timely applied for a mail-in absentee
 4 ballot in accordance with this section, but who has not voted by means of
 5 his or her mail-in absentee ballot, may appear in person during the days
 6 that in-person absentee votes are cast on the voting machine in the county
 7 clerk's office or other place designated by the county board of elections and
 8 approved by the State Board of Elections. The voter shall sign a written oath
 9 as to his or her qualifications on the form prescribed by the State Board of
 10 Elections. The county clerk shall remove the voter's name from the list of
 11 persons who were sent mail-in absentee ballots, and the voter shall be
 12 allowed to vote on an in-person absentee ballot. The oaths signed in
 13 accordance with this paragraph shall be attended and processed as provided
 14 in KRS 117.245.

15 ~~(8)~~~~(9)~~ Any covered voter as defined in KRS 117A.010 who has received a mail-in
 16 absentee ballot ~~but who knows that he or she will be in the county on election day~~
 17 and who has not voted pursuant to the provisions of KRS 117.086, **and who wants**
 18 **to vote in-person,** shall cancel his or her mail-in absentee ballot and vote in person.
 19 The voter shall return the mail-in absentee ballot to the county clerk's office on or
 20 before election day. Upon the return of the mail-in absentee ballot, the county clerk
 21 shall mark on the outer envelope of the sealed mail-in absentee ballot or the
 22 unmarked mail-in absentee ballot the words "Canceled because voter appeared to
 23 vote in person." Sealed envelopes so marked shall not be opened. If the covered
 24 voter is unable to return the mail-in absentee ballot to the county clerk's office on or
 25 before **the voter**~~election day, at the time he or she~~ votes in person, he or she shall
 26 sign a written oath as to his or her qualifications on the form prescribed by the State
 27 Board of Elections pursuant to KRS 117.245. The county clerk shall remove the

1 voter's name from the list of persons who were sent mail-in absentee ballots and[-]
 2 provide the voter with written authorization to vote in[at] the precinct in which he
 3 or she is properly registered on election day, or the voter may vote in-person
 4 absentee in the county clerk's office or other place designated by the county
 5 board of elections and approved by the State Board of Elections[-, and the voter
 6 may vote in the precinct in which he or she is properly registered].

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

15 ➔Section 5. KRS 117.145 is amended to read as follows:

16 (1) At least forty-five (45)~~fifteen (15)~~ days before any special election, and at least
 17 fifty (50) days before any primary or regular election, the county clerk of each
 18 county shall cause to be printed and ready for use ballot labels for each candidate
 19 who, and each question which, is entitled to be voted upon in such election. The
 20 ballot labels shall be printed on clear white paper or other material which shall be
 21 furnished by the printer. They shall be printed in black ink, in plain, clear type
 22 clearly legible to a person with normal vision, and shall be of a size to fit the ballot
 23 frames. The labels shall include the necessary party designations.

24 (2) Each county clerk shall have printed a sufficient number of paper absentee ballots.
 25 The absentee ballot shall be used for voting by absent voters; by precinct officers
 26 who have been assigned to a precinct other than their own; by members of a county
 27 board of elections; by voters so disabled by age, infirmity or illness as to be unable

1 to appear at the polls; and for voting in an emergency situation. The ballot stubs
2 shall be consecutively numbered and the county board shall keep a record, by
3 number, of all absentee ballots used for any of the purposes listed herein.

4 (3) No later than the Friday preceding a special or regular election, the county clerk
5 shall equip the voting machines with the necessary supplies for the purpose of
6 write-in votes. The county clerk shall also attach a pencil or pen to the voting
7 machine for write-in purposes.

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

14 ➔Section 6. KRS 117.265 is amended to read as follows:

15 (1) A voter may, at any regular or special election, cast a write-in vote for any person
16 qualified as provided in subsection (2) or (3) of this section, whose name does not
17 appear upon the ballot label for any office, by writing the name of his or her choice
18 upon the appropriate device for the office being voted on provided on the voting
19 machine as required by KRS 117.125. Any candidate for city, county, urban-county,
20 consolidated local government, charter county government, or unified local
21 government office who is defeated in a partisan or nonpartisan primary shall be
22 ineligible as a candidate for the same office in the regular election. Any voter
23 utilizing an absentee ballot for a regular or special election may write in a vote for
24 any eligible person whose name does not appear upon the ballot, by writing the
25 name of his or her choice under the office.

26 (2) Write-in votes shall be counted only for candidates for election to office who have
27 filed a declaration of intent to be a write-in candidate with the Secretary of State or

1 county clerk, depending on the office being sought, on or before the fourth Friday in
2 October preceding the date of the regular election and not later than the second
3 Friday before the date of a special election. In the case of a special election
4 administered under KRS 118.730, a declaration of intent to be a write-in candidate
5 shall be filed at least forty-nine (49)~~twenty-eight (28)~~ days before the day of the
6 election. The declaration of intent shall be filed no earlier than the first Wednesday
7 after the first Monday in November of the year preceding the year the office will
8 appear on the ballot, and no later than 4 p.m. local time at the place of filing when
9 filed on the last date on which papers may be filed. The declaration of intent shall
10 be on a form prescribed by the Secretary of State.

11 (3) A person shall not be eligible as a write-in candidate:

12 (a) For more than one (1) office in a regular or special election; or

13 (b) If his or her name appears upon the ballot label for any office, except that the
14 candidate may file a notice of withdrawal prior to filing an intent to be a write-
15 in candidate for office when a vacancy in a different office occurs because of:

16 1. Death;

17 2. Disqualification to hold the office sought;

18 3. Severe disabling condition which arose after the nomination; or

19 4. The nomination of an unopposed candidate.

20 (4) Persons who wish to run for President and Vice-President shall file a declaration of
21 intent to be a write-in candidate, along with a list of presidential electors pledged to
22 those candidates, with the Secretary of State on or before the fourth Friday in
23 October preceding the date of the regular election for those offices. The declaration
24 of intent shall be filed no earlier than the first Wednesday after the first Monday in
25 November of the year preceding the year the office will appear on the ballot, and no
26 later than 4 p.m. local time at the place of filing when filed on the last date on which
27 papers may be filed. Write-in votes cast for the candidates whose names appear on

1 the ballot shall apply to the slate of pledged presidential electors, whose names shall
2 not appear on the ballot.

3 (5) The county clerk shall provide to the precinct election officers certified lists of those
4 persons who have filed declarations of intent as provided in subsections (2) and (3)
5 of this section. Only write-in votes cast for qualified candidates shall be counted.

6 (6) Two (2) election officers of opposing parties shall upon the request of any voter
7 instruct the voter on how to cast a write-in vote.

8 ➔Section 7. KRS 116.065 is amended to read as follows:

9 Each application for registration, change of affiliation, transfer of registration or absentee
10 ballot, as absentee ballots are provided for by KRS 117.085~~[117.075]~~, shall be verified by
11 a written declaration by the applicant that it is made under the penalties of perjury.

12 ➔Section 8. KRS 117.0851 is amended to read as follows:

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

15 ➔Section 9. KRS 117.088 is amended to read as follows:

16 (1) For purposes of this section, "blind or visually impaired individual" means an
17 individual who:

18 (a) Has a visual acuity of 20/200 or less in the better eye with correcting lenses or
19 has a limited field of vision so that the widest diameter of the visual field
20 subtends an angle no greater than twenty (20) degrees;

21 (b) Has a medically indicated expectation of visual deterioration;

22 (c) Has a medically diagnosed limitation in visual functioning that restricts the
23 individual's ability to read and write standard print at levels expected of
24 individuals of comparable ability;

25 (d) Has been certified as requiring permanent assistance to vote under KRS
26 117.255(5) for reason of blindness; or

27 (e) Qualifies to receive assistance to vote under KRS 117.255(2) for reason of

1 blindness.

2 (2) For purposes of this section, "pilot program" means a program in a county
3 containing a consolidated local government or containing a city of the first class for
4 unassisted voting by blind or visually impaired individuals.

5 (3) A county board of elections in a county containing a consolidated local government
6 or containing a city of the first class may establish a pilot program. As part of this
7 pilot program, the State Board of Elections shall approve the use of voting
8 equipment under KRS 117.379 that is designed to permit blind and visually
9 impaired individuals to vote without assistance, for use beginning in the 2002
10 general election. No county board of elections in a county containing a consolidated
11 local government or containing a city of the first class shall be required to operate a
12 pilot program.

13 (4) The State Board of Elections, if it approves the voting equipment under KRS
14 117.379, may approve the use of voting equipment designed to permit blind and
15 visually impaired individuals to vote without assistance in as many locations within
16 a county containing a consolidated local government or containing a city of the first
17 class as are designated by the county board of elections.

18 (5) A county board of elections in a county containing a consolidated local government
19 or containing a city of the first class shall provide a report to the State Board of
20 Elections after every primary or general election regarding the number of blind or
21 visually impaired individuals that have utilized the voting equipment during the
22 pilot program.

23 (6) Notwithstanding the provisions of KRS 116.025, or any other statute to the
24 contrary, a blind or visually impaired voter residing in a county containing a
25 consolidated local government or containing a city of the first class that is operating
26 a pilot program shall be permitted to vote at a location outside the precinct of his or
27 her registration by voting at a location within the county of his or her registration on

1 a voting machine designed to permit blind or visually impaired individuals to vote
2 without assistance, which may include voting at the county clerk's office, or other
3 place designated by the county board of elections, and approved by the State Board
4 of Elections.

5 (7) Notwithstanding the provisions of KRS~~[117.075,]~~ 117.085, 117.086, or 117.0863
6 or any other statute to the contrary, a blind or visually impaired individual residing
7 in a county containing a consolidated local government or containing a city of the
8 first class that is operating a pilot program shall be permitted to vote in the location
9 within the county of his or her registration as provided under subsection (6) of this
10 section, on a voting machine designed to permit blind or visually impaired
11 individuals to vote without assistance, at any time during which absentee voting is
12 conducted in the clerk's office or other place designated by the county board of
13 elections during normal business hours on at least any of the twelve (12) working
14 days before the election, and the county board of elections may permit the voting to
15 be conducted on a voting machine for a period longer than the twelve (12) working
16 days before the election prescribed above. An application for those blind or visually
17 impaired individuals wishing to vote on a voting machine approved for use by blind
18 or visually impaired individuals shall be prescribed by the State Board of Elections
19 and shall include the individual's sworn statement that the individual is blind or
20 visually impaired.

21 (8) Notwithstanding the requirements of KRS 117.381, or any other statute to the
22 contrary, the State Board of Elections may certify, as a part of the pilot project of a
23 county containing a consolidated local government or containing a city of the first
24 class, voting equipment which utilizes audio recordings, voice-activated technology,
25 or vocal recognition technology to record a vote, and may require such
26 accommodations as would permit a blind or visually impaired voter to cast a vote in
27 secret.

1 (9) Notwithstanding the provisions of KRS 117.255, a blind or visually impaired voter
2 residing in a county containing a consolidated local government or containing a city
3 of the first class that is operating a pilot project may cast his or her vote alone and
4 without assistance on a voting machine approved for use by blind or visually
5 impaired individuals. However, the blind or visually impaired voter shall be
6 instructed by the officers of election, with the aid of the instruction cards and the
7 model, in the use of the machine, if the voter so requests.

8 (10) Nothing in this section shall impair the right of any qualified voter under KRS
9 117.255 to receive assistance and vote according to the procedures specified in that
10 section.

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

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

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

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

26 (4) A covered voter may use the declaration accompanying a federal write-in absentee
27 ballot as an application for a military-overseas ballot simultaneously with the

1 submission of the federal write-in absentee ballot, if the declaration is received by
2 the appropriate election official by the close of business hours seven (7) days before
3 the election.

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

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

9 (b) The use of the electronic transmission system established under KRS
10 117A.030(4).

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

13 ➔Section 11. The following KRS section is repealed:

14 117.075 Mail-in absentee ballots for voters with disabilities.