

1 AN ACT relating to voting.

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

3 ➔Section 1. KRS 118.035 is amended to read as follows:

4 (1) The polls shall be opened on the day of a primary, special election, or regular  
5 election at 6 a.m., prevailing time, and shall remain open until each voter who is  
6 waiting in line at the polls at ~~8[6]~~ p.m., prevailing time, has voted. At ~~8[6]~~ p.m.,  
7 prevailing time, if voters are waiting at the polls to vote, the precinct election sheriff  
8 shall announce that a voter wishing to vote must immediately get in line. When all  
9 voters waiting at the polls at that time are in line, the precinct election sheriff shall  
10 then determine which voter is the last in line, and that voter shall be the last voter  
11 permitted to vote. The precinct election sheriff shall wait in line with the last voter  
12 who shall be permitted to vote until that voter has voted and shall inform a voter  
13 who subsequently arrives at the polls that no one shall be permitted to vote after the  
14 last voter in line at ~~8[6]~~ p.m., prevailing time. After the last voter waiting in line at  
15 ~~8[6]~~ p.m., prevailing time, has voted, the polls shall then be closed.

16 (2) As provided in Section 148 of the Constitution of Kentucky, any person entitled to  
17 a vote at any ***primary, special election, or regular*** election in this state shall ~~if he~~  
18 ~~has made application for leave prior to the day he appears before the county clerk to~~  
19 ~~request an application for or to execute an absentee ballot,~~ be entitled to ***be*** absent  
20 ~~himself~~ from any services or employment in which ***the voter*** ~~he~~ is then engaged or  
21 employed for a reasonable time, but not less than four (4) hours on the day ***the***  
22 ***voter:***

23 (a) ***Appears*** ~~he appears~~ before the ***county*** clerk to request an application for or to  
24 execute an absentee ballot, during normal business hours of the office of the  
25 ***county*** clerk, ***if the voter has requested leave prior to that day; or***

26 (b) ***Casts*** ~~or to cast~~ his ***or her*** ballot on the day of the ***primary, special election,***  
27 ***or regular*** election between the time of opening and closing the polls.

1 The employer may specify the hours during which an employee may be absent~~†~~  
2 ~~himself†~~.

3 (3) No person shall be penalized for taking a reasonable time off to vote, unless, under  
4 circumstances which did not prohibit him or her from voting, the voter~~he†~~ fails to  
5 vote. Any qualified voter who exercises his or her right to voting leave under this  
6 section but fails to cast his or her vote, under circumstances which did not prohibit  
7 the voter~~him†~~ from voting, may be subject to disciplinary action.

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

18 ➔Section 2. KRS 117.087 is amended to read as follows:

19 (1) The challenge of an absentee ballot returned by mail shall be in writing and in the  
20 hands of the county clerk before 8 a.m. on any primary, regular election, or special  
21 election day.

22 (2) The county board of elections shall count the absentee ballots returned by mail and  
23 the votes cast on the voting machine in the county clerk's office or other place  
24 designated by the county board of elections and approved by the State Board of  
25 Elections. The board may appoint a central ballot counting board of not less than  
26 three (3) members, who shall be qualified voters and no more than two-thirds (2/3)  
27 of whom shall be members of the same political party, to count the ballots at the

1 direction of the county board of elections.

2 (3) Beginning at 8 a.m. on **any primary, regular election, or special** election day, the  
3 board shall meet at the **county** clerk's office to count the absentee ballots returned  
4 by mail and the ballots cast on the voting machine in the county clerk's office or  
5 other place designated by the county board of elections and approved by the State  
6 Board of Elections. Candidates or their representatives shall be permitted to be  
7 present. The county board of elections shall authorize representatives of the news  
8 media to observe the counting of the ballots. The board shall open the boxes  
9 containing absentee ballots returned by mail and remove the envelopes one (1) at a  
10 time. As each envelope is removed, it shall be examined to ascertain whether the  
11 outer envelope and the detachable flap are in proper order and have been signed by  
12 the voter. A person having power of attorney for the voter and who signs the  
13 detachable flap and outer envelope for the voter shall complete the voter assistance  
14 form required by KRS 117.255. The signatures of two (2) witnesses are required if  
15 the voter signs the form with the use of a mark instead of the voter's signature. All  
16 unsigned absentee ballots shall be rejected automatically. The **chair**~~[chairman]~~ of  
17 the county board of elections shall compare the signatures on the outer envelope and  
18 the detachable flap with the signature of the voter that appears on the registration  
19 card. If the outer envelope and the detachable flap are~~[found to be]~~ in order, the  
20 **chair**~~[chairman]~~ shall read aloud the name of the voter. If the vote of the voter is  
21 not rejected on a challenge~~[then made]~~ as provided in subsection (4) of this section,  
22 the **chair**~~[chairman]~~ shall remove the detachable flap and place the inner envelope  
23 unopened in a ballot box which has been provided for the purpose.

24 (4) When the name of a voter who cast an absentee ballot by mail is read aloud by the  
25 **chair**~~[chairman]~~, the vote of the voter may be challenged by any board member or  
26 by the written challenge provided in subsection (1) of this section and the challenge  
27 may be determined and the vote accepted or rejected by the board as if the voter was

1 present and voting in person; but if the outer envelope and the detachable flap are  
2 regular, and substantially comply with the provisions of this chapter, they shall be  
3 considered as showing that the voter is prima facie entitled to vote. If the vote of a  
4 voter is rejected pursuant to the challenge, the inner envelope shall not be opened,  
5 but returned to the outer envelope upon which the chair~~chairman~~ shall write on  
6 the envelope the word "rejected."

7 (5) After the challenges have been made and all the blank inner envelopes have been  
8 placed in a ballot box, the box shall be thoroughly shaken to redistribute the  
9 absentee ballots in the box. The board shall open the ballot box, remove the  
10 absentee ballots from the inner envelopes, and count the ballots.

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

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