

1 AN ACT relating to elections.

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

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

5 *(1) In-person absentee voting shall be conducted in the county clerk's office or other*
6 *place designated by the county board of elections and approved by the State*
7 *Board of Elections during normal business hours for at least twelve (12) working*
8 *days, including two (2) Saturdays, immediately preceding the Sunday prior to*
9 *election day. A county board of elections may permit in-person absentee voting to*
10 *be conducted on a voting machine for a period longer than the twelve (12)*
11 *working days, including two (2) Saturdays, immediately preceding the Sunday*
12 *prior to election day.*

13 *(2) Any qualified voter who chooses to vote in-person absentee may, at any time*
14 *during normal business hours on those days in-person absentee voting is*
15 *conducted, appear in person to the county clerk or other election official to vote*
16 *on a voting machine in the county clerk's office or other place designated by the*
17 *county board of elections and approved by the State Board of Elections.*

18 *(3) 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 the*
20 *county clerk's office or other place designated by the county board of elections*
21 *and approved by the State Board of Elections, and those challengers may exercise*
22 *the same privileges as challengers appointed for observing voting on the day of*
23 *an election.*

24 *(4) The members of the county board of elections or their designees who provide*
25 *equal representation of both political parties may serve as precinct election*
26 *officers, without compensation, for all in-person absentee voting performed on a*
27 *voting machine in the county clerk's office or other place designated by the*

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

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

- 10 (1) (a) All requests for an application for a mail-in absentee ballot may be transmitted
11 by telephone, facsimile machine, by mail, by electronic mail, or in person. The
12 county clerk shall transmit all applications for a mail-in absentee ballot by
13 mail to the voter or in person at the option of the voter, except as provided in
14 paragraph (c)~~[(b)]~~ of this subsection. The mail-in absentee ballot application
15 may be requested by the voter or the spouse, parents, or children of the voter,
16 but shall be restricted to the use of the voter.~~[Except for qualified voters who~~
17 ~~apply pursuant to the requirements of KRS 117.075 and 117.077, those who~~
18 ~~are incarcerated in jail but have yet to be convicted, those who are uniformed-~~
19 ~~service voters as defined in KRS 117A.010 that are confined to a military base~~
20 ~~on election day, and persons who qualify under paragraph (a)7. of this~~
21 ~~subsection, mail-in absentee ballots shall not be mailed to a voter's residential~~
22 ~~address located in the county in which the voter is registered. The county clerk~~
23 ~~shall provide a mail-in absentee ballot, two (2) official envelopes for returning~~
24 ~~the mail-in absentee ballot, and instructions for voting to a voter who presents~~
25 ~~a completed application for mail-in absentee ballot as provided in this section~~
26 ~~and who is properly registered as stated in his or her mail-in absentee ballot~~
27 ~~application.]~~

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

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

5 ~~2.~~ A resident of Kentucky who is a covered voter as defined in KRS
 6 117A.010;

7 ~~2~~~~3~~. A student who temporarily resides outside the county of his or her
 8 residence;

9 ~~3~~~~4~~. Incarcerated in jail and charged with a crime, but has not been convicted
 10 of the crime;

11 ~~4~~~~5~~. Changing or has changed his or her place of residence to a different state
 12 while the registration books are closed in the new state of residence
 13 before an election of electors for President and Vice President of the
 14 United States, in which case the voter shall be permitted to cast a mail-in
 15 absentee ballot for electors for President and Vice President of the
 16 United States only;

17 ~~5~~~~6~~. Temporarily residing outside the state but still eligible to vote in this
 18 state;

19 ~~6~~~~7~~. ~~Prevented from voting in person at the polls on election day and from~~
 20 ~~casting an in-person absentee ballot in the county clerk's office on all~~
 21 ~~days in-person absentee voting is conducted because his or her~~
 22 ~~employment location requires him or her to be absent from the county of~~
 23 ~~his or her residence all hours and all days in-person absentee voting is~~
 24 ~~conducted in the county clerk's office; or~~

25 8}. A participant in the Secretary of State's crime victim address
 26 confidentiality protection program as authorized by KRS 14.312; or

27 7. An otherwise qualified voter who chooses to cast his or her vote by

1 *means of a mail-in absentee ballot.*

2 ~~(c)~~~~(b)~~ Residents of Kentucky who are covered voters as defined in KRS
3 117A.010 may apply for a mail-in absentee ballot by means of the federal
4 post-card application, which may be transmitted to the county clerk's office by
5 mail, by facsimile machine, or by means of the electronic transmission system
6 established under KRS 117A.030(4). The federal post-card application may be
7 used to register, reregister, and to apply for a mail-in absentee ballot. If the
8 federal post-card application is received at any time not less than seven (7)
9 days before the election, the county clerk shall affix his or her seal to the
10 application form upon receipt.

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

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

25 ~~(e) A qualified voter may, at any time during normal business hours on those days~~
26 ~~in-person absentee voting is conducted in the county clerk's office, make~~
27 ~~application in person to the county clerk to vote on a voting machine in the~~

1 ~~county clerk's office or other place designated by the county board of elections~~
2 ~~and approved by the State Board of Elections, if the voter:~~

3 ~~1.— Is a resident of Kentucky who is a covered voter as defined in KRS~~
4 ~~117A.010, who will be absent from the county of his or her residence on~~
5 ~~any election day;~~

6 ~~2.— Is a student who temporarily resides outside the county of his or her~~
7 ~~residence;~~

8 ~~3.— Has surgery, or whose spouse has surgery, scheduled that will require~~
9 ~~hospitalization on election day;~~

10 ~~4.— Temporarily resides outside the state, but is still eligible to vote in this~~
11 ~~state and will be absent from the county of his or her residence on any~~
12 ~~election day;~~

13 ~~5.— Is a resident of Kentucky who is a uniformed service voter as defined in~~
14 ~~KRS 117A.010 confined to a military base on election day, learns of that~~
15 ~~confinement within seven (7) days or less of an election, and is not~~
16 ~~eligible for a mail-in absentee ballot under this subsection;~~

17 ~~6.— Is in her last trimester of pregnancy at the time she wishes to vote under~~
18 ~~this paragraph. The application form for a voter under this subparagraph~~
19 ~~shall be prescribed by the State Board of Elections, which shall contain~~
20 ~~the woman's sworn statement that she is in fact in her last trimester of~~
21 ~~pregnancy at the time she wishes to vote; or~~

22 ~~7.— Has not been declared mentally disabled by a court of competent~~
23 ~~jurisdiction and, on account of age, disability, or illness, is not able to~~
24 ~~appear at the polls on election day.~~

25 ~~(f) Voters who change their place of residence to a different state while the~~
26 ~~registration books are closed in the new state of residence before a presidential~~
27 ~~election shall be permitted to cast an in-person absentee ballot for President~~

1 ~~and Vice President only, by making application in person to the county clerk~~
2 ~~to vote on a voting machine in the county clerk's office or other place~~
3 ~~designated by the county board of elections and approved by the State Board~~
4 ~~of Elections, up to the close of normal business hours on the day before the~~
5 ~~election.~~

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

25 ~~(h) The members of the county board of elections or their designees who provide~~
26 ~~equal representation of both political parties may serve as precinct election~~
27 ~~officers, without compensation, for all in-person absentee voting performed~~

1 ~~on a voting machine in the county clerk's office or other place designated by~~
2 ~~the county board of elections and approved by the State Board of Elections. If~~
3 ~~the members of the county board of elections or their designees serve as~~
4 ~~precinct election officers for the in-person absentee voting, they shall perform~~
5 ~~the same duties and exercise the same authority as precinct election officers~~
6 ~~who serve on the day of an election. If the members of the county board of~~
7 ~~elections or their designees do not serve as precinct election officers for in-~~
8 ~~person absentee voting, the county clerk or deputy county clerks shall~~
9 ~~supervise the in-person absentee voting.~~

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

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

- 1 (3) If the county clerk finds that the voter is properly registered as stated in his or her
2 mail-in absentee ballot application form, has presented a completed application
3 form for a mail-in absentee ballot, and qualifies to receive a mail-in absentee ballot
4 by mail, he or she shall mail to the voter a mail-in absentee ballot, two (2) official
5 envelopes for returning the mail-in absentee ballot, and instructions for voting. The
6 county clerk shall complete a postal form for a certificate of mailing for mail-in
7 absentee ballots mailed within the fifty (50) states, and it shall be stamped by the
8 postal service when the mail-in absentee ballots are mailed. A mail-in absentee
9 ballot may be transmitted by facsimile machine or by the electronic transmission
10 system established under KRS 117A.030(4) to a covered voter as defined in KRS
11 117A.010. The covered voter shall be notified of the options for transmittal of the
12 mail-in absentee ballot, and the mail-in absentee ballot shall be transmitted by the
13 method chosen for receipt by the resident of Kentucky who is a covered voter.
- 14 (4) Mail-in absentee ballots which are requested prior to the printing of the mail-in
15 absentee ballots shall be mailed or otherwise transmitted as provided in subsection
16 (3) of this section by the county clerk to the voter within three (3) days of the receipt
17 of the printed ballots. Mail-in absentee ballots requested after the receipt of the
18 ballots by the county clerk shall be mailed or otherwise transmitted as provided in
19 subsection (3) of this section to the voter within three (3) days of the receipt of the
20 request.
- 21 (5) The county clerk shall cause mail-in absentee ballots to be printed fifty (50) days
22 prior to each primary or regular election, and forty-five (45) days prior to a special
23 election.
- 24 (6) The outer envelope shall bear the words "Mail-in Absentee Ballot" and the address
25 and official title of the county clerk and shall provide space for the voter's signature,
26 voting address, precinct number, and signatures of two (2) witnesses if the voter
27 signs the form with the use of a mark instead of the voter's signature. A detachable

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

- 10 (7) Any person who has received a mail-in absentee ballot by mail but ~~who knows at~~
11 ~~least seven (7) days before the date of the election that he or she will be in his or her~~
12 ~~county of residence on election day and~~ who has not voted pursuant to the
13 provisions of KRS 117.086, **and who wants to vote in-person,** shall cancel his or
14 her mail-in absentee ballot and vote in person. The voter shall return the mail-in
15 absentee ballot to the county clerk's office **on or before election day** ~~no later than~~
16 ~~seven (7) days prior to the date of the election~~. Upon the return of the mail-in
17 absentee ballot, the county clerk shall mark on the outer envelope of the sealed
18 ballot or the unmarked ballot the words "Canceled because voter appeared to vote in
19 person." Sealed envelopes so marked shall not be opened. **If the qualified voter is**
20 **unable to return the mail-in absentee ballot to the county clerk's office on or**
21 **before the voter votes in person, he or she shall sign a written oath as to his or**
22 **her qualifications on the form prescribed by the State Board of Elections**
23 **pursuant to KRS 117.245.** The county clerk shall remove the voter's name from the
24 list of persons who were sent mail-in absentee ballots, and **provide** the voter **with**
25 **written authorization to** ~~may~~ vote in the precinct in which he or she is properly
26 registered **on election day, or the voter may vote in-person absentee in the county**
27 **clerk's office or other place designated by the county board of elections and**

1 approved by the State Board of Elections.

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

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

1 *absentee 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* ~~at the precinct,~~
 3 ~~and the voter may vote in the precinct in which he or she is properly registered].~~

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

12 ➔Section 3. 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 be
 14 tabulated in the same manner, as shall be provided by this chapter.

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

16 (1) The voter returning his *or her* absentee ballot by mail shall mark his *or her* ballot,
 17 seal it in the inner envelope and then in the outer envelope, and mail it to the county
 18 clerk as ~~shall be~~ provided by this chapter. The voter shall sign the detachable flap
 19 and the outer envelope in order to validate the ballot. A person having power of
 20 attorney for the voter and who signs the detachable flap and outer envelope for the
 21 voter shall complete the voter assistance form as required by KRS 117.255. The
 22 signatures of two (2) witnesses are required if the voter signs the form with the use
 23 of a mark instead of the voter's signature. A resident of Kentucky who is a covered
 24 voter as defined in KRS 117A.010 who has received *a mail-in* ~~an~~ absentee ballot
 25 transmitted by facsimile machine or by means of the electronic transmission system
 26 established under KRS 117A.030(4) shall transmit the voted ballot to the county
 27 clerk by mail only, conforming with ballot security requirements that may be

1 promulgated by the State Board of Elections by administrative regulation. In order
2 to be counted, the ballots shall be received by the county clerk by at least the time
3 established by the election laws generally for the closing of the polls, which time
4 shall not include the extra hour during which those voters may vote who were
5 waiting in line to vote at the scheduled poll closing time.

6 (2) ~~[Any voter who shall be absent from the county on election day, but who does not~~
7 ~~qualify to receive an absentee ballot by mail under the provisions of KRS 117.085,~~
8 ~~and]~~ All voters qualified to vote prior to the election under Section 1 of this Act~~[the~~
9 ~~provisions of KRS 117.085]~~, shall vote at the main office of the county clerk or
10 other place designated by the county board of elections, and approved by the State
11 Board of Elections~~[, prior to the day of election]~~. The county clerk may
12 facilitate~~[provide for]~~ such voting by using the voting equipment in general use in
13 the county~~[either at the precinct, the equipment as may be used to tabulate absentee~~
14 ~~ballots,]~~ or any other voting equipment approved by the State Board of Elections~~[~~
15 ~~for use in Kentucky]~~, except as follows:

16 (a) Any voter~~[qualifying to vote in the clerk's office or other place designated by~~
17 ~~the county board of elections, and approved by the State Board of Elections,]~~
18 who receives assistance to vote shall complete the voter assistance form
19 required by KRS 117.255.

20 (b) Any voter~~[qualifying to vote in the clerk's office or other place designated by~~
21 ~~the county board of elections, and approved by the State Board of Elections,]~~
22 whose qualifications are challenged by any clerk or deputy shall complete an
23 "Oath of Voter" affidavit.

24 (3) When the county clerk uses general voting equipment as provided for in subsection
25 (2) of this section, each voter casting his or her vote at the county clerk's office or
26 other place designated by the county board of elections, and approved by the State
27 Board of Elections, shall sign an "In-Person Absentee Ballot Signature Roster."

- 1 (4) The county clerk shall designate a location within his or her office where the
2 ballots shall be cast secretly. The county clerk, with the approval of the State Board
3 of Elections, may establish locations other than his or her main office in which the
4 voters may execute their in-person absentee ballots. Public notice of the locations
5 shall be given pursuant to KRS Chapter 424 and similar notice by mail shall be
6 given to the county chair~~[chairmen]~~ of the two (2) political parties whose
7 candidates polled the largest number of votes in the county at the last
8 regular~~[general]~~ election.
- 9 (5) The State Board of Elections shall promulgate administrative regulations to provide
10 for casting ballots as provided in subsection (2) of this section.
- 11 (6) The county clerk shall deposit all of the absentee ballots returned by mail in a
12 locked ballot box immediately upon receipt without opening the outer envelope.
13 The ballot box shall be locked with three (3) locks. The keys to the box shall be
14 retained by the three (3) members of the central absentee ballot counting board, if
15 one is appointed, or by the members of the board of elections, and the box shall
16 remain locked until the ballots are counted. All voting equipment on which ballots
17 are cast as permitted in subsection (2) of this section shall also remain locked and
18 the keys shall be retained by the three (3) members of the central absentee ballot
19 counting board, if one is appointed, or by the members of the board of elections,
20 and the equipment shall remain locked until the ballots are counted.
- 21 (7) The county clerk shall keep a list for each election of all persons who return their
22 absentee ballots by mail and who voted in-person in accordance with Section 1 of
23 this Act~~[for who cast their ballots in the clerk's office or other place designated by~~
24 ~~the county board of elections and approved by the State Board of Elections]~~, and
25 shall send a copy of each list to the State Board of Elections after the election day
26 for which the list applies. Notwithstanding the provisions of the Kentucky Open
27 Records Act, KRS 61.870 to 61.884, each list of all persons who return their

1 absentee ballots by mail or *who voted in-person in accordance with Section 1 of*
 2 *this Act*~~[cast their ballots in the clerk's office or other designated and approved~~
 3 ~~place]~~ shall not be made public until after the close of business hours on the election
 4 day for which the list applies. The county clerk and the Secretary of State shall keep
 5 a record of the number of votes cast by absentee ballots returned by mail and cast *in*
 6 *accordance with Section 1 of this Act*~~[on the voting machine in the county clerk's~~
 7 ~~office or other place designated by the county board of elections and approved by~~
 8 ~~the State Board of Elections, which are cast in any election]~~ as a part of the official
 9 returns of the election.

10 (8) The county board of elections shall report to the State Board of Elections within ten
 11 (10) days after any primary or *regular*~~[general]~~ election as to the number of rejected
 12 *mail-in* absentee ballots and the reasons for rejected *mail-in* absentee ballots on a
 13 form prescribed by the State Board of Elections in administrative regulations
 14 promulgated under KRS Chapter 13A.

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

16 (1) The challenge of an absentee ballot returned by mail shall be in writing and in the
 17 hands of the county clerk before 8 a.m. on election day.

18 (2) The county board of elections shall count the absentee ballots returned by mail and
 19 the *in-person absentee* votes cast *in accordance with Section 1 of this Act* on the
 20 voting machine in the county clerk's office or other place designated by the county
 21 board of elections and approved by the State Board of Elections. The *county* board
 22 *of elections* may appoint a central ballot counting board of not less than three (3)
 23 members, who shall be qualified voters and no more than two-thirds (2/3) of whom
 24 shall be members of the same political party, to count the ballots at the direction of
 25 the county board of elections.

26 (3) Beginning at 8 a.m. on election day, the *county* board *of elections* shall meet at the
 27 clerk's office to count the absentee ballots returned by mail and the *in-person*

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

22 (4) When the name of a voter who cast an absentee ballot by mail is read aloud by the
23 *chair*~~[chairman]~~, the vote of the voter may be challenged by any *county* board *of*
24 *elections* member or by the written challenge provided in subsection (1) of this
25 section and the challenge may be determined and the vote accepted or rejected by
26 the board as if the voter was present and voting in person; but if the outer envelope
27 and the detachable flap are regular, and substantially comply with the provisions of

1 this chapter, they shall be considered as showing that the voter is prima facie
 2 entitled to vote. If the vote of a voter is rejected pursuant to the challenge, the inner
 3 envelope shall not be opened, but returned to the outer envelope upon which the
 4 **chair**~~[chairman]~~ shall write on the envelope the word "rejected."

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

9 (6) The **county** board **of elections** shall unlock any voting equipment used to cast **in-**
 10 **person absentee** ballots in the **county** clerk's office or other place designated by the
 11 county board of elections, and approved by the State Board of Elections, as
 12 provided~~[for]~~ in **Sections 1 and 4 of this Act**~~[KRS 117.086]~~, and a total of all
 13 **absentee** ballots shall be made and recorded on the form provided by the State
 14 Board of Elections.

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

19 ➔Section 6. KRS 117.088 is amended to read as follows:

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

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

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

26 (c) Has a medically diagnosed limitation in visual functioning that restricts the
 27 individual's ability to read and write standard print at levels expected of

- 1 individuals of comparable ability;
- 2 (d) Has been certified as requiring permanent assistance to vote under KRS
3 117.255(5) for reason of blindness; or
- 4 (e) Qualifies to receive assistance to vote under KRS 117.255(2) for reason of
5 blindness.
- 6 (2) For purposes of this section, "pilot program" means a program in a county
7 containing a consolidated local government or containing a city of the first class for
8 unassisted voting by blind or visually impaired individuals.
- 9 (3) A county board of elections in a county containing a consolidated local government
10 or containing a city of the first class may establish a pilot program. As part of this
11 pilot program, the State Board of Elections shall approve the use of voting
12 equipment under KRS 117.379 that is designed to permit blind and visually
13 impaired individuals to vote without assistance, for use beginning in the 2002
14 general election. No county board of elections in a county containing a consolidated
15 local government or containing a city of the first class shall be required to operate a
16 pilot program.
- 17 (4) The State Board of Elections, if it approves the voting equipment under KRS
18 117.379, may approve the use of voting equipment designed to permit blind and
19 visually impaired individuals to vote without assistance in as many locations within
20 a county containing a consolidated local government or containing a city of the first
21 class as are designated by the county board of elections.
- 22 (5) A county board of elections in a county containing a consolidated local government
23 or containing a city of the first class shall provide a report to the State Board of
24 Elections after every primary or general election regarding the number of blind or
25 visually impaired individuals that have utilized the voting equipment during the
26 pilot program.
- 27 (6) Notwithstanding the provisions of KRS 116.025, or any other statute to the

1 contrary, a blind or visually impaired voter residing in a county containing a
2 consolidated local government or containing a city of the first class that is operating
3 a pilot program shall be permitted to vote at a location outside the precinct of his or
4 her registration by voting at a location within the county of his or her registration on
5 a voting machine designed to permit blind or visually impaired individuals to vote
6 without assistance, which may include voting at the county clerk's office, or other
7 place designated by the county board of elections, and approved by the State Board
8 of Elections.

9 (7) Notwithstanding the provisions of KRS~~[117.075,]~~ 117.085, 117.086, or 117.086~~3,~~
10 or any other statute to the contrary, a blind or visually impaired individual residing
11 in a county containing a consolidated local government or containing a city of the
12 first class that is operating a pilot program shall be permitted to vote in the location
13 within the county of his or her registration as provided under subsection (6) of this
14 section, on a voting machine designed to permit blind or visually impaired
15 individuals to vote without assistance, at any time during which *in-person* absentee
16 voting is conducted in accordance with Section 1 of this Act~~[the clerk's office or~~
17 ~~other place designated by the county board of elections during normal business~~
18 ~~hours on at least any of the twelve (12) working days before the election, and the~~
19 ~~county board of elections may permit the voting to be conducted on a voting~~
20 ~~machine for a period longer than the twelve (12) working days before the election~~
21 ~~prescribed above].~~ An application for those blind or visually impaired individuals
22 wishing to vote on a voting machine approved for use by blind or visually impaired
23 individuals shall be prescribed by the State Board of Elections and shall include the
24 individual's sworn statement that the individual is blind or visually impaired.

25 (8) Notwithstanding the requirements of KRS 117.381, or any other statute to the
26 contrary, the State Board of Elections may certify, as a part of the pilot project of a
27 county containing a consolidated local government or containing a city of the first

1 class, voting equipment which utilizes audio recordings, voice-activated technology,
 2 or vocal recognition technology to record a vote, and may require such
 3 accommodations as would permit a blind or visually impaired voter to cast a vote in
 4 secret.

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

12 (10) Nothing in this section shall impair the right of any qualified voter under KRS
 13 117.255 to receive assistance and vote according to the procedures specified in that
 14 section.

15 ➔Section 7. KRS 117.145 is amended to read as follows:

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

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

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

5 (3) No later than the Friday preceding a special or regular election **day**, the county clerk
6 shall equip the voting machines with the necessary supplies for the purpose of
7 write-in votes. The county clerk shall also attach a pencil or pen to the voting
8 machine for write-in purposes. **The county clerk shall equip the in-person**
9 **absentee voting machine with the necessary supplies, including attaching a pencil**
10 **or pen to the voting machine for the purpose of write-in votes, at least five (5)**
11 **days before the in-person absentee voting period begins.**

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

18 ➔Section 8. KRS 117.165 is amended to read as follows:

19 (1) Upon completing the preparation of the machines in accordance with the provisions
20 of KRS 117.155, and not later than the Thursday preceding the day of the election,
21 the county clerk shall notify the members of the county board of elections that the
22 machines are ready for use. The **county** board **of elections** shall ~~thereupon]~~
23 convene at the office of the county clerk, not later than the Friday preceding the day
24 of the election, and examine the machines to determine whether the requirements of
25 KRS 117.155 have been met. The county board of elections shall publish notice, in
26 accordance with KRS 424.130(1)(d), at least twenty-four (24) hours in advance of
27 the time when the machines are to be examined by the **county** board **of elections**. If

1 found in proper order, the members of the county board of elections shall endorse
2 their approval in the book in which the county clerk has entered the numbers of the
3 machines opposite the numbers of the precincts. The county clerk shall then deliver
4 all of the keys to the machines to the county board of elections who shall give a
5 receipt for the keys which shall contain identification of the keys. Not later than one
6 (1) hour before the time set for the opening of the polls, the county board of
7 elections shall deliver all election supplies, including the precinct list, tabulation
8 sheets, and the key to the device covering the registering counters and other keys
9 necessary for the operation of the machine in registering votes, to the election
10 officers of the precinct in which the machine is being used. The election officers of
11 the precinct, ~~who~~ shall give the county board of elections a receipt containing
12 identification of the keys. The master key and all other keys shall remain in the
13 possession of the county board of elections.

14 (2) Not later than four (4) business days preceding the date set by the county board of
15 elections to conduct in-person absentee voting in accordance with Section 1 of this
16 Act ~~[KRS 117.085(1)(c)]~~, the county clerk shall notify the members of the county
17 board of elections that the voting machines designated for use during in-person
18 absentee voting are ready for use. The county board of elections shall ~~thereupon~~
19 convene at the office of the county clerk, not later than three (3) business days
20 preceding the date set by the county board of elections to conduct in-person
21 absentee voting, and examine the machines to determine whether the requirements
22 of KRS 117.155 have been met. The county board of elections shall publish notice,
23 in accordance with KRS 424.130(1)(d), at least twenty-four (24) hours in advance
24 of the time when the in-person absentee voting machines are to be examined by the
25 board. If found in proper order, the members of the county board of elections shall
26 endorse their approval in the book in which the county clerk has entered the
27 identification number of the machines designated for use during in-person absentee

1 voting.

2 (3) Any candidate, one (1) representative of each political party having candidates to be
3 voted for at the election, and representatives of the news media may be present
4 when the examination of the machines is made by the county board of elections.

5 ➔Section 9. KRS 117.235 is amended to read as follows:

6 (1) No person, other than the election officers, challengers, person assisting voters in
7 accordance with KRS 117.255(3), and a minor child in the company of a voter, shall
8 be permitted within the voting room while the vote is being polled, except as
9 follows:

10 (a) For the purpose of voting;

11 (b) By authority of the election officers to keep order and enforce the law;

12 (c) With the express approval of the county board of elections to repair or replace
13 voting equipment that is malfunctioning and to provide additional voting
14 equipment; or

15 (d) At the voter's discretion, a minor child in the company of a voter may
16 accompany the voter into a voting booth or other private area provided for
17 casting a vote.

18 (2) No election officer~~[-of election]~~ shall do any electioneering on election day.

19 (3) (a) No person shall electioneer at the polling place on the day of any election, as
20 established in KRS 118.025, within a distance of one hundred (100) feet of
21 any entrance to a building in which a voting machine is located if that
22 entrance is unlocked and is used by voters on 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 in-person
27 absentee voting, during the hours in-person absentee voting is being

1 conducted in the building by the county clerk *in accordance with Section 1 of*
2 *this Act*~~[pursuant to KRS 117.085(1)(e)]~~.

3 (c) Electioneering shall include the displaying of signs, the distribution of
4 campaign literature, cards, or handbills, the soliciting of signatures to any
5 petition, or the solicitation of votes for or against any bona fide candidate or
6 ballot question in a manner which expressly advocates the election or defeat
7 of the candidate or expressly advocates the passage or defeat of the ballot
8 question.

9 *(d) Electioneering*~~[, but]~~ shall not include exit polling, bumper stickers affixed to
10 a person's vehicle while parked within or passing through a distance of one
11 hundred (100) feet of any entrance to a building in which a voting machine is
12 located, private property as provided in subsection (7) of this section, or other
13 exceptions established by the State Board of Elections through the
14 promulgation of administrative regulations.

15 (4) No voter shall be permitted to converse with others while in any room in which
16 voting, including *in-person* absentee voting, is conducted concerning their support
17 or nonsupport of any candidate, party, or issue to be voted on, except as provided in
18 KRS 117.255.

19 (5) Any precinct election officer, county clerk, deputy county clerk, or any law
20 enforcement official may enforce the election laws and maintain law and order at
21 the polls and within one hundred (100) feet of any entrance to the building in which
22 the voting machine is located if that entrance is unlocked and is used by voters.
23 Assistance may be requested of any law enforcement officer.

24 (6) Notwithstanding the provisions of subsection (1) of this section, the State Board of
25 Elections may establish a program designed to instill in school children a respect for
26 the democratic principles of voting by conducting in any county a mock election for
27 school children in conjunction with any primary, or regular or special election. The

1 State Board of Elections shall promulgate administrative regulations regarding the
2 mock elections to insure that the regular voting process will not be 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 10. KRS 118.035 is amended to read as follows:

12 (1) The polls shall be opened on the day of a primary, special election, or regular
13 election at 6 a.m., prevailing time, and shall remain open until each voter who is
14 waiting in line at the polls at 6 p.m., prevailing time, has voted. At 6 p.m.,
15 prevailing time, if voters are waiting at the polls to vote, the precinct election sheriff
16 shall announce that a voter wishing to vote must immediately get in line. When all
17 voters waiting at the polls at that time are in line, the precinct election sheriff shall
18 then determine which voter is the last in line, and that voter shall be the last voter
19 permitted to vote. The precinct election sheriff shall wait in line with the **voter**
20 **determined to be the** last voter~~[who shall be permitted to vote]~~ until that voter has
21 voted. **The precinct election sheriff**~~[and]~~ shall inform a voter who subsequently
22 arrives at the polls that no one shall be permitted to vote after the last voter in line at
23 6 p.m., prevailing time. After the last voter waiting in line at 6 p.m., prevailing time,
24 has voted, the polls shall then be closed.

25 (2) As provided in Section 148 of the Constitution of Kentucky, any **qualified voter**
26 **who**~~[person entitled to a vote at any election in this state shall, if he]~~ has **applied**~~[~~
27 ~~made application]~~ for leave **with his or her employer** prior to the day he **or she goes**

1 to the office of ~~appears before~~ the county clerk to request an application for an
 2 absentee ballot or to execute an absentee ballot, shall be entitled to not less than
 3 four (4) hours to be absent ~~himself~~ from any services or employment in which he
 4 or she is then engaged or employed ~~for a reasonable time, but not less than four (4)~~
 5 ~~hours~~ on the day he or she appears before the county clerk to request an
 6 application for or to execute an absentee ballot, during normal business hours of the
 7 office of the county clerk or to cast his or her ballot during the in-person voting
 8 period or on the day of the election between the time of opening and closing the
 9 polls. The employer may specify the hours during which an employee may absent
 10 himself or herself.

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

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

24 ➔Section 11. KRS 116.065 is amended to read as follows:

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

1 ➔Section 12. KRS 117.079 is amended to read as follows:

2 The provisions of KRS~~[-117.085,]~~ 117.086~~[,]~~ and Chapter 117A notwithstanding, the
3 State Board of Elections shall, as circumstances warrant and with the concurrence of the
4 Attorney General, promulgate necessary administrative regulations to preserve the
5 absentee voting rights of residents of Kentucky who are covered voters as defined in KRS
6 117A.010.

7 ➔Section 13. KRS 117A.060 is amended to read as follows:

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

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

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

22 (4) A covered voter may use the declaration accompanying a federal write-in absentee
23 ballot as an application for a military-overseas ballot simultaneously with the
24 submission of the federal write-in absentee ballot, if the declaration is received by
25 the appropriate election official by the close of business hours seven (7) days before
26 the election.

27 (5) To receive the benefits of this chapter, a covered voter shall inform the appropriate

1 election official that the voter is a covered voter. Methods of informing the
2 appropriate election official that a voter is a covered voter include:

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

5 (b) The use of the electronic transmission system established under KRS
6 117A.030(4).

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

9 ➔Section 14. KRS 14.312 is amended to read as follows:

10 (1) A program participant who is otherwise qualified to vote may register to vote and
11 apply for and submit a mail-in absentee ballot under this section.

12 (2) Using the authority granted under KRS 14.318(1), the State Board of Elections shall
13 design a system allowing a county clerk to shield from public view all voting
14 records of a program participant, including the name and address of a program
15 participant, and allowing a program participant to vote by mail-in absentee ballot.
16 This authority may be used to modify statutory or regulatory requirements that
17 would lead to disclosure of the program participant's name and address, but shall
18 not include authority to waive or modify any other requirements relative to the
19 program participant's qualifications to vote, including age and geographic residency.

20 (3) The program participant may receive mail-in absentee ballots for all elections in the
21 jurisdiction in which that individual resides in the same manner as a person
22 requesting an absentee ballot under KRS 117.085(1)~~(a)~~(b). The county clerk shall
23 transmit a mail-in absentee ballot to the program participant at the address
24 designated by the participant in his or her application.

25 (4) Neither the name nor the address of a program participant shall be included in any
26 list of registered voters available to the public, including any list inspected under
27 KRS 116.095.

- 1 ➔Section 15. The following KRS sections are repealed:
- 2 117.075 Mail-in absentee ballots for voters with disabilities.
- 3 117.077 Absentee ballot for medical emergencies.