

1 AN ACT relating to elections and declaring an emergency.

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

3 ➔Section 1. KRS 117.015 is amended to read as follows:

- 4 (1) There shall be a State Board of Elections ***that is an independent agency of state***
5 ***government,*** which shall administer the election laws of the state and supervise
6 registration and purgation of voters within the state. The board:
- 7 (a) May promulgate administrative regulations necessary to properly carry out its
8 duties; and
- 9 (b) Shall promulgate administrative regulations establishing a procedure for
10 elections officials to follow when an election has been suspended or delayed
11 as described in KRS 39A.100.
- 12 (2) The board shall consist of the ***following:***
- 13 (a) ***The Secretary of State, who shall be an ex officio, nonvoting member, and***
14 ***who shall also serve as the chief election official for the Commonwealth;***~~]~~
15 ~~and]~~
- 16 (b) ***Two (2) members appointed by the Governor as provided in subsection (6)***
17 ***of this section;***
- 18 (c) Six (6) members~~[to be]~~ appointed by the Governor as provided in ***subsection***
19 ***(5) of this section; and***~~[subsection. The Secretary of State shall serve as the~~
20 ~~chairman of the state board and the chief election official for the~~
21 ~~Commonwealth]~~
- 22 (d) ***An executive director appointed in accordance with Section 2 of this Act,***
23 ***who may vote only to break a tie regarding selection of the chair of the***
24 ***board.***
- 25 (3) ***A chair of the board, who is a then current voting member of the board, shall be***
26 ***elected as chair of the board by a majority of the voting members who serve on***
27 ***the board. The chair shall preside at the meetings of the board and vote on***

1 **matters before the board.**

2 **(4)** The members shall serve for a term of four (4) years or until their successors are
3 appointed. Members shall be at least **twenty one (21)**~~twenty five (25)~~ years of age
4 and qualified voters of this state. No appointed member shall be a candidate for
5 public office ~~or~~ have been a candidate for public office for two (2) years prior to
6 his **or her** appointment, **except as provided in subsection (2)(b) of this section. No**
7 **member of the board shall** ~~or~~ have been convicted of any election law offense.

8 **(5)** Two (2) members shall be appointed by the Governor from a separate list of at least
9 five (5) names submitted by the state central executive committee of each of the two
10 (2) political parties that polled the largest vote in the last preceding election for state
11 officials. The list shall be submitted to the Governor by February 15 of 1992, and
12 the appointments of the Governor shall be made by April 1 of the same year. Two
13 (2) separate lists shall be submitted to the Governor by August 15 of 1990 and every
14 four (4) years thereafter, and two (2) appointments shall be made from these lists by
15 September 15 of each year in which the lists are received.

16 **(6) Two (2) members shall be appointed by the Governor from a separate list of at**
17 **least four (4) names submitted by the Kentucky County Clerk's Association of**
18 **each of the two (2) political parties that polled the largest vote in the last**
19 **preceding regular election for state officials. Each of the two (2) members**
20 **appointed under this subsection shall be then current county clerks. The first**
21 **appointments made under this subsection shall be made by May 15, 2019, with**
22 **the expiration of the terms occurring December 31, 2022. Appointments and**
23 **terms for county clerk members made thereafter are to begin and end in**
24 **conformity with each member's official term in office as a county clerk.**

25 **(7)** Vacancies shall be filled in the same manner as provided for original appointments,
26 and the person appointed to fill the vacancy shall be of the same political party as
27 his **or her** predecessor.

1 ~~(8)~~~~(3)~~ The board shall meet as often as necessary to carry out its duties and shall
 2 keep a record of its acts, orders, findings, and proceedings. A majority of the board
 3 shall constitute a quorum. **On the day of any primary or regular election, a**
 4 **majority of the board, less the two (2) members who are county clerks, shall**
 5 **constitute a quorum**~~[The Secretary of State shall preside at the meetings and may~~
 6 ~~vote].~~

7 ~~(9)~~~~(4)~~ The members of the board, **who are not county clerks,** shall be paid a
 8 reasonable sum to be fixed by the secretary of the Personnel Cabinet, with the
 9 approval of the secretary of the Finance and Administration Cabinet. **All members**
 10 **of the board shall be paid their related**~~[, and in addition, their]~~ expenses in
 11 attending board meetings. The compensation shall be paid out of the State Treasury
 12 upon requisition signed by the **chair**~~[chairman]~~ of the board and approved by the
 13 secretary of the Finance and Administration Cabinet.

14 ➔Section 2. KRS 117.025 is amended to read as follows:

15 (1) The State Board of Elections shall appoint an executive director, who shall be the
 16 chief administrative officer for the board. The board shall also appoint an assistant~~[~~
 17 ~~to the]~~ director, who shall be of a different political party than the director. The
 18 salaries of the director and **the**~~[his]~~ assistant **director** shall be set by the board.

19 (2) The State Board of Elections shall employ, on a bipartisan basis, a staff sufficient to
 20 carry out the duties assigned to the board, including legal counsel and a training
 21 officer to provide assistance to the county clerks and the county boards of elections
 22 in their training of precinct election officers.

23 (3) The board shall:

24 (a) Maintain a complete roster of all qualified registered voters within the state by
 25 county and precinct, **and institute appropriate safeguards to ensure that**
 26 **there is no inappropriate use of the voter registration roster. Only county**
 27 **clerks, assistant county clerks, and State Board of Elections staff shall have**

1 **the authority to access, correct, or alter the voter registration roster;**

- 2 (b) For each primary~~[election]~~, furnish each county clerk with a master list of all
3 registered voters in the county, together with three (3) signature rosters of all
4 registered voters in each precinct of the county according to party affiliation,
5 and two (2) lists of all registered voters in each precinct of the county at least
6 five (5) days prior to each primary~~[election]~~;
- 7 (c) For each regular election, furnish each county clerk with a master list of all
8 registered voters in the county, together with one (1) signature roster of all
9 registered voters in each precinct of the county on which each voter's party
10 affiliation is identified, and two (2) lists of all registered voters in each
11 precinct of the county at least five (5) days prior to each regular election;
- 12 (d) Maintain all information furnished to the board relating to the inclusion or
13 deletion of names from the rosters for four (4) years;
- 14 (e) Furnish, at a reasonable price, the state central executive committee of each
15 political party qualifying under KRS 118.015 monthly data of all additions,
16 deletions and changes of registration in each precinct of each county and the
17 state central executive committee shall furnish a county listing to each of the
18 county executive committees of each political party;
- 19 (f) Purchase, lease or contract for the use of equipment necessary to properly
20 carry out its duties under the provisions of this chapter and KRS Chapters 116
21 and 118;
- 22 (g) Secure information from any source which may assist the board in carrying
23 out the purposes of this section;
- 24 (h) Furnish at a reasonable price any and all precinct lists to duly qualified
25 candidates, political party committees or officials thereof, or any committee
26 that advocates or opposes an amendment or public question. The State Board
27 of Elections may also furnish the precinct lists to other persons at the board's

1 discretion, at a reasonable price to be determined by the board. The board
 2 shall not furnish precinct lists to persons who intend to use the lists for
 3 commercial use; and

4 (i) Be responsible for oversight of board personnel, including hiring,
 5 investigations, disciplinary actions, promotions, and other like actions
 6 subject to KRS Chapter 18A.

7 ➔Section 3. KRS 117A.010 is amended to read as follows:

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

- 9 (1) "Covered voter" means:
- 10 (a) A uniformed-service voter or an overseas voter who is registered to vote in the
 11 Commonwealth of Kentucky;
- 12 (b) A uniformed-service voter defined in subsection (9)(a) of this section whose
 13 voting residence is in the Commonwealth of Kentucky and who otherwise
 14 satisfies the Commonwealth of Kentucky's voter eligibility requirements;
- 15 (c) An overseas voter who, before leaving the United States, was last eligible to
 16 vote in the Commonwealth of Kentucky and, except for his or her absence
 17 from the state, otherwise satisfies the Commonwealth of Kentucky's voter
 18 eligibility requirements;
- 19 (d) An overseas voter who, before leaving the United States, would have been last
 20 eligible to vote in the Commonwealth of Kentucky had the voter then been of
 21 voting age and, except for his or her absence from the state, otherwise satisfies
 22 the Commonwealth of Kentucky's voter eligibility requirements; or
- 23 (e) An overseas voter who was born outside the United States, is not described in
 24 paragraph (c) or (d) of this subsection, and, except for his or her absence from
 25 the state, otherwise satisfies the Commonwealth of Kentucky's voter eligibility
 26 requirements, if:
- 27 1. The last place where a parent or legal guardian of the voter was, or under

1 this chapter would have been, eligible to vote before leaving the United
2 States is within the Commonwealth of Kentucky; and

3 2. The voter has not previously registered to vote in any other state;

4 (2) "Dependent" means an individual recognized as a dependent by a uniformed
5 service;

6 (3) "Federal postcard application" means the application prescribed under *the*
7 *Registration and Voting by Absent Uniformed Services Voters and Overseas*
8 *Voters in Elections for Federal Office Act, 52 U.S.C. secs. 20301 to 20311*~~Section~~
9 ~~101(b)(2) of the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C.~~
10 ~~sec. 1973ff(b)(2)];~~

11 (4) "Federal write-in absentee ballot" means the ballot described in *the Registration*
12 *and Voting by Absent Uniformed Services Voters and Overseas Voters in*
13 *Elections for Federal Office Act, 52 U.S.C. secs. 20301 to 20311*~~Section 103 of~~
14 ~~the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. sec. 1973ff-~~
15 ~~2];~~

16 (5) "Military-overseas ballot" means:

17 (a) A federal write-in absentee ballot;

18 (b) A ballot specifically prepared or distributed for use by a covered voter in
19 accordance with this chapter; or

20 (c) A ballot cast by a covered voter in accordance with this chapter;

21 (6) "Overseas voter" means a United States citizen who is outside the United States;

22 (7) "State" means a state of the United States, the District of Columbia, Puerto Rico,
23 the United States Virgin Islands, or any territory or insular possession subject to the
24 jurisdiction of the United States;

25 (8) "Uniformed service" means:

26 (a) Active and reserve components of the Army, Navy, Air Force, Marine Corps,
27 or Coast Guard of the United States;

- 1 (b) The Merchant Marine, the commissioned corps of the Public Health Service,
 2 or the commissioned corps of the National Oceanic and Atmospheric
 3 Administration of the United States; or
- 4 (c) The National Guard and state militia;
- 5 (9) "Uniformed-service voter" means an individual who is qualified to vote and is:
- 6 (a) A member of the active or reserve components of the Army, Navy, Air Force,
 7 Marine Corps, or Coast Guard of the United States who is on active duty;
- 8 (b) A member of the Merchant Marine, the commissioned corps of the Public
 9 Health Service, or the commissioned corps of the National Oceanic and
 10 Atmospheric Administration of the United States;
- 11 (c) A member on activated status of the National Guard or state militia; or
- 12 (d) A spouse or dependent of a member referred to in this subsection; and
- 13 (10) "United States," used in the territorial sense, means the several states, the District of
 14 Columbia, Puerto Rico, the United States Virgin Islands, and any territory or insular
 15 possession subject to the jurisdiction of the United States.

16 ➔Section 4. KRS 117A.030 is amended to read as follows:

- 17 (1) The **State Board of Elections** ~~is~~ ~~Secretary of State is the state official~~ responsible
 18 for implementing this chapter and the Commonwealth of Kentucky's responsibilities
 19 under the **Registration and Voting by Absent Uniformed Services Voters and**
 20 **Overseas Voters in Elections for Federal Office Act, 52 U.S.C. secs. 20301 to**
 21 **20311** ~~[Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. secs.~~
 22 ~~1973ff et seq.]~~.
- 23 (2) The **State Board of Elections shall have the authority to promulgate** ~~Secretary of~~
 24 ~~State may delegate to the State Board of Elections responsibilities under this~~
 25 ~~chapter, including but not limited to the promulgation of~~ administrative regulations
 26 necessary to implement this chapter.
- 27 (3) The **State Board of Elections** ~~Secretary of State~~ shall make available to covered

1 voters information regarding voter registration procedures for covered voters and
2 procedures for casting military-overseas ballots.

3 (4) The **State Board of Elections**~~[Secretary of State]~~ shall establish an electronic
4 transmission system through which a covered voter may apply for and receive voter
5 registration materials, military-overseas ballots, and other information authorized
6 under this chapter.

7 (5) The **State Board of Elections**~~[Secretary of State]~~ shall:

8 (a) Develop standardized absentee-voting materials, including privacy and
9 transmission envelopes and their electronic equivalents, authentication
10 materials, and voting instructions, to be used with the military-overseas ballot
11 of a voter authorized to vote in any jurisdiction in the Commonwealth of
12 Kentucky; and

13 (b) To the extent reasonably possible, coordinate with other states to carry out this
14 section.

15 (6) The **State Board of Elections**~~[Secretary of State]~~ shall prescribe the form and
16 content of a declaration for use by a covered voter to swear or affirm specific
17 representations pertaining to the voter's identity, eligibility to vote, status as a
18 covered voter, and timely and proper completion of a military-overseas ballot. The
19 declaration shall be based on the declaration prescribed to accompany a federal
20 write-in absentee ballot, as modified to be consistent with this chapter. The **State**
21 **Board of Elections**~~[Secretary of State]~~ shall ensure that a form for the execution of
22 the declaration, including an indication of the date of execution of the declaration, is
23 a prominent part of all balloting materials for which the declaration is required.

24 ➔Section 5. KRS 117A.040 is amended to read as follows:

25 (1) In registering to vote, an overseas voter who is eligible to vote in the
26 Commonwealth of Kentucky shall use and shall be assigned to the voting precinct
27 of the address of the last place of residence of the voter in the Commonwealth of

1 Kentucky, or, in the case of a voter described by KRS 117A.010(1)(e), the address
2 of the last place of residence in the Commonwealth of Kentucky of the parent or
3 legal guardian of the voter. If that address is no longer a recognized residential
4 address, the voter shall be assigned an address for voting purposes.

5 (2) The ***State Board of Elections***~~[Secretary of State]~~ shall promulgate administrative
6 regulations covering the procedures for assigning an address for voting purposes for
7 an overseas voter whose last place of residence is no longer a recognized residential
8 address, provided that any regulations promulgated under this section shall specify
9 that the overseas voter's assigned address shall be located in the same voting
10 precinct as the overseas voter's last place of residence would have been located if
11 the address were still a recognized residential address.

12 ➔Section 6. KRS 117A.050 is amended to read as follows:

13 (1) To apply to register to vote, in addition to any other approved method, a covered
14 voter may use a federal postcard application, or the application's electronic
15 equivalent.

16 (2) A covered voter may use the declaration accompanying a federal write-in absentee
17 ballot to apply to register to vote simultaneously with the submission of the federal
18 write-in absentee ballot, if the declaration is received during the period registration
19 is open under KRS 116.045. If the declaration is received after the last day of
20 registration under KRS 116.045, it shall be treated as an application to register to
21 vote for subsequent elections.

22 (3) The ***State Board of Elections***~~[Secretary of State]~~ shall ensure that the electronic
23 transmission system described in KRS 117A.030(4) is capable of accepting both a
24 federal postcard application and any other approved electronic registration
25 application sent to the appropriate election official. The voter may use the electronic
26 transmission system or any other approved method to register to vote.

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

- 1 (1) A covered voter who is registered to vote in the Commonwealth of Kentucky may
2 apply for a military-overseas ballot using either the regular absentee ballot
3 application in use in the voter's jurisdiction under KRS 117.085 ~~or~~ the federal
4 postcard application, or the application's electronic equivalent.
- 5 (2) A covered voter who is not registered to vote in the Commonwealth of Kentucky
6 may use a federal postcard application, or the application's electronic equivalent, to
7 apply simultaneously to register to vote under KRS 117A.050, and for a military-
8 overseas ballot.
- 9 (3) The *State Board of Elections*~~[Secretary of State]~~ shall ensure that the electronic
10 transmission system described in KRS 117A.030(4) is capable of accepting the
11 submission of both a federal postcard application and any other approved electronic
12 military-overseas ballot application sent to the appropriate election official. The
13 covered voter may use the electronic transmission system or any other approved
14 method to apply for a military-overseas ballot.
- 15 (4) A covered voter may use the declaration accompanying a federal write-in absentee
16 ballot as an application for a military-overseas ballot simultaneously with the
17 submission of the federal write-in absentee ballot, if the declaration is received by
18 the appropriate election official by the close of business hours seven (7) days before
19 the election.
- 20 (5) To receive the benefits of this chapter, a covered voter shall inform the appropriate
21 election official that the voter is a covered voter. Methods of informing the
22 appropriate election official that a voter is a covered voter include:
- 23 (a) The use of a federal postcard application or federal write-in absentee ballot;
24 and
- 25 (b) The use of the electronic transmission system established under KRS
26 117A.030(4).
- 27 (6) This chapter does not preclude a covered voter from voting using the regular

1 absentee ballot provisions under KRS 117.075, 117.077, 117.085, and 117.086.

2 ➔Section 8. KRS 117A.130 is amended to read as follows:

3 The **State Board of Elections**~~[Secretary of State]~~, in coordination with local election
4 officials, shall implement an electronic free-access system by which a covered voter may
5 determine by telephone, electronic mail, or Internet whether:

- 6 (1) The voter's federal postcard application or other registration or military-overseas
7 ballot application has been received and accepted; and
8 (2) The voter's military-overseas ballot has been received.

9 ➔Section 9. KRS 117A.150 is amended to read as follows:

10 (1) At least fifty (50) days before a regularly scheduled election and forty-five (45) days
11 before an election not regularly scheduled, an official in each jurisdiction charged
12 with printing and distributing ballots and balloting material shall make available a
13 sample ballot that includes all of the ballot measures and federal, state, and local
14 offices provided in KRS 117A.020 that will be on the ballot on the date of the
15 election, and shall provide an electronic copy of the sample ballot to the Secretary
16 of State **and to the State Board of Elections**.

17 (2) The **State Board of Elections**, Secretary of State, and any local election jurisdiction
18 that maintains an Internet Web site shall make the sample ballot required under
19 subsection (1) of this section available on their Web sites.

20 (3) A covered voter may request a copy of a sample ballot from~~[either]~~ the Secretary of
21 State,~~[or]~~ the local election official, **or the State Board of Elections**, who shall
22 send the sample ballot to the voter by facsimile, electronic mail, or regular mail, as
23 the voter requests.

24 ➔Section 10. Whereas ensuring proper access to the voter registration roster is a
25 compelling and immediate need, as well as making a new delegation of authority to
26 oversee the Uniform Military and Overseas Voters Act, an emergency is declared to exist,
27 and this Act takes effect upon its passage and approval by the Governor or upon its

1 otherwise becoming a law.