

1 AN ACT relating to voter identification and making an appropriation therefor.

2 WHEREAS, it is critically important to protect the integrity and reliability of the
3 electoral process in order to ensure that there is proper detection and deterrence of voter
4 fraud and to safeguard the fundamental right to vote; and

5 WHEREAS, it is a reasonable legislative task to seek improvement and
6 modernization of election procedures, boost public confidence in the electoral process,
7 and maintain our system of governance; and

8 WHEREAS, the members of this honorable body seek to preserve the
9 Commonwealth's election integrity, honor within the democratic process and the right to
10 vote, minimize the burdensome obligation that comes with any uncertainty in election
11 results, and guarantee that the election results are final and complete;

12 NOW, THEREFORE,

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

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

16 *(1) On the day of a primary, an election, or during in-person absentee voting, if a*
17 *voter is unable to provide proof of identification as required under Section 15 of*
18 *this Act, and as defined under Section 23 of this Act, a voter may cast a ballot if*
19 *the individual:*

20 *(a) Is eligible to vote under KRS 116.025;*

21 *(b) Is entitled to vote in that precinct; and*

22 *(c) In the presence of the election officer, executes a voter's affirmation, on a*
23 *form prescribed and furnished by the State Board of Elections pursuant to*
24 *administrative regulations promulgated under KRS Chapter 13A,*
25 *affirming:*

26 *1. The voter is a citizen of the United States;*

27 *2. The voter's date of birth to the best of the voter's knowledge and*

- 1 belief;
- 2 3. The voter is qualified to vote in this precinct under KRS 116.025;
- 3 4. The voter's name, and that the voter is generally known by that name,
- 4 or the name is as stated on his or her voter registration card;
- 5 5. The voter has not voted and will not vote in any other precinct;
- 6 6. The voter's current residential address, including the street address
- 7 number and, if different from the voter's current address, the voter's
- 8 residential address prior to the close of the registration books under
- 9 KRS 116.045, and the date the voter moved;
- 10 7. The voter understands that making a false statement on the
- 11 affirmation is punishable under penalties of perjury; and
- 12 8. The voter has one (1) of the following impediments to procure proof of
- 13 identification as defined in Section 23 of this Act:
- 14 a. Lack of transportation;
- 15 b. Inability to financially afford a copy of his or her birth certificate
- 16 or other documents needed to obtain or otherwise show proof of
- 17 identification;
- 18 c. Work schedule;
- 19 d. Lost or stolen identification;
- 20 e. Disability or illness;
- 21 f. Family responsibilities;
- 22 g. The proof of identification has been applied for, but not yet
- 23 received; or
- 24 h. The voter has a religious objection to being photographed.
- 25 (2) In addition to the requirements of subsection (1) of this section, to cast a ballot,
- 26 the voter who is unable to provide proof of identification shall provide to an
- 27 election officer:

- 1 (a) The voter's Social Security Card;
 2 (b) Any identification card issued by a county in this state, which has the name
 3 of the voter stated and has been approved in writing by the State Board of
 4 Elections pursuant to administrative regulations promulgated under KRS
 5 Chapter 13A;
 6 (c) Any identification card with the voter's photograph and the name of the
 7 voter stated;
 8 (d) Any food stamp identification card, electronic benefit transfer card, or
 9 supplemental nutrition assistance card, that is issued by this state and has
 10 the name of the voter stated; or
 11 (e) A credit or debit card with the name of the voter stated.

12 (3) After the election officer obtains the affirmation from the voter required by
 13 subsection (1) of this section, and after the voter provides the documents under
 14 subsection (2) of this section, the voter shall sign the precinct signature roster
 15 and shall proceed to cast his or her vote in a ballot completion area.

16 (4) The affirmation executed under this section shall be processed in same manner
 17 as an oath of voter affidavit as prescribed by subsections (3) and (4) of Section 17
 18 of this Act.

19 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 117 IS CREATED TO
 20 READ AS FOLLOWS:

21 (1) On the day of a primary or an election, or during in-person absentee voting, if a
 22 voter is unable to provide proof of identification, as required under Section 15 of
 23 this Act and as defined under Section 23 of this Act, or the voter fails to meet the
 24 requirements of Section 1 of this Act, the voter may cast a provisional ballot if the
 25 individual:

- 26 (a) Is eligible to vote under KRS 116.025;
 27 (b) Is entitled to vote in that precinct; and

- 1 (c) In the presence of the election officer, executes a voter's affirmation on a
2 form prescribed and furnished by the State Board of Elections pursuant to
3 administrative regulations promulgated under KRS Chapter 13A,
4 affirming:
- 5 1. The voter is a citizen of the United States;
 - 6 2. The voter's date of birth to the best of the voter's knowledge and
7 belief;
 - 8 3. The voter is qualified to vote in this precinct under KRS 116.025;
 - 9 4. The voter's name, and that the voter is generally known by that name,
10 or the name is as stated on his or her voter registration card;
 - 11 5. The voter has not voted and will not vote in any other precinct;
 - 12 6. The voter's current residential address, including the street address
13 number and, if different from the voter's current address, the voter's
14 residential address prior to the close of the registration books under
15 KRS 116.045, and the date the voter moved; and
 - 16 7. The voter understands that making a false statement on the
17 affirmation is punishable under penalties of perjury.
- 18 (2) After the election officer obtains the affirmation from the voter required by
19 subsection (1) of this section, the voter shall sign the "Provisional Ballot
20 Signature Roster," be given a provisional ballot, and shall then proceed to a
21 ballot completion area.
- 22 (3) After casting his or her provisional ballot, the provisional voter shall:
- 23 (a) Place the voted provisional ballot in a blank secrecy envelope and seal the
24 ballot within the secrecy envelope to ensure anonymity;
 - 25 (b) Place the sealed secrecy envelope within an outer envelope;
 - 26 (c) Place the required affirmation of subsection (1)(c) of this section within the
27 outer envelope and seal the outer envelope; and

1 (d) Deposit the sealed outer envelope, with the contents therein, in the locked
2 provisional ballot receptacle in the presence of a precinct election officer.

3 (4) In order for the voter's provisional ballot to be validated and counted, the voter
4 shall personally appear before the county clerk, not later than the close of
5 business on the Friday immediately following a primary or an election, and
6 either:

7 (a) Provide proof of identification as defined in Section 23 of this Act; or

8 (b) 1. Provide one (1) of the following:

9 a. The voter's Social Security Card;

10 b. Any identification card issued by a county in this state, which
11 has the name of the voter stated and has been approved in
12 writing by the State Board of Elections pursuant to
13 administrative regulations promulgated under KRS Chapter
14 13A;

15 c. Any identification card with the voter's photograph and the
16 name of the voter stated;

17 d. Any food stamp identification card, electronic benefit transfer
18 card, or supplemental nutrition assistance card, issued by this
19 state with the name of the voter stated; or

20 e. A debit card or credit card with the name of the voter stated; and

21 2. Affirm to one (1) of the following impediments the provisional voter
22 has to procure proof of identification:

23 a. Lack of transportation;

24 b. Inability to financially afford a copy of his or her birth certificate
25 or other documents needed to obtain or otherwise show proof of
26 identification;

27 c. Work schedule;

- 1 d. Lost or stolen identification;
 2 e. Disability or illness;
 3 f. Family responsibilities;
 4 g. The proof of identification has been applied for, but not yet
 5 received; or
 6 h. The voter has a religious objection to being photographed.

7 (5) Except as provided in subsection (6) of this section or the voter provides proof of
 8 identification under subsection (4)(a) of this section, the county board of
 9 elections upon receiving the affirmation described in subsection (1)(c) of this
 10 section and paragraph (b)2. of subsection (4) of this section, if applicable, shall
 11 find that the provisional ballot is valid and direct that the ballot be opened and
 12 processed in accordance with this chapter.

13 (6) If the following factors have occurred, the county board of elections shall
 14 determine that the provisional ballot is invalid and shall reject the provisional
 15 ballot:

16 (a) The affirmations described in subsections (1)(c) and (4)(b)2. of this section,
 17 if applicable, have not been executed, the signature on an affirmation does
 18 not match the signature of the voter as it appears on the registration card,
 19 or an affirmation is left unsigned;

20 (b) The provisional voter is not a qualified voter of the precinct, under Section
 21 17 of this Act;

22 (c) The provisional voter is not registered to vote; or

23 (d) The provisional voter is unable to provide proof of identification as required
 24 in paragraph (a) of subsection (4) of this section.

25 ➔Section 3. KRS 116.065 is amended to read as follows:

26 Each application for registration, change of affiliation, transfer of registration, provisional
 27 ballot, or absentee ballot or provisional absentee ballot, as absentee ballots and

1 provisional absentee ballots are provided for by Section 2 of this Act, KRS 117.077, and
2 KRS 117.085, shall be verified by a written declaration by the applicant that it is made
3 under the penalties of perjury.

4 →Section 4. KRS 117.066 is amended to read as follows:

5 (1) In the case of a precinct comprised of a small number of registered voters, the
6 county board of elections may, pursuant to KRS 117.055, utilize the facilities of
7 another precinct as a voting location. Additionally, the county board of elections
8 may petition the State Board of Elections to allow the precinct election officers of
9 the larger precinct to serve as precinct election officers for the precinct that is the
10 subject of the petition. The petition shall designate both the smaller precinct and the
11 larger precinct with which it is to be included, the type of voting machine or
12 machines to be used, and whether supplemental paper ballots are to be used. The
13 petition shall contain a full explanation of the reasons why inclusion is desirable.

14 (2) If the petition submitted pursuant to subsection (1) of this section is approved by the
15 State Board of Elections, the election shall be conducted according to the following
16 provisions:

17 (a) One voting machine may be utilized for both precincts if the State Board of
18 Elections certifies that separate ballots may be placed upon the voting
19 machine to be used without endangering the integrity of the ballots or without
20 violating any other election law. Otherwise, separate voting machines shall be
21 used for each precinct. In the instance of a precinct which has a small number
22 of voters such that the use of a separate voting machine would be cost-
23 prohibitive, the county clerk may make application to the State Board of
24 Elections to use supplemental paper ballots under KRS 118.215 to conduct the
25 voting for the small precinct on election day. If the use of supplemental paper
26 ballots is approved by the State Board of Elections, at the close of voting on
27 election day, the locked supplemental paper ballot box shall be transported to

1 the county board of elections along with the provisional ballot receptacle and
2 ballots shall be counted by the county board of elections as provided by KRS
3 117.275(10) to ~~(14)~~~~(13)~~;

4 (b) Separate precinct voter rosters shall be maintained for each precinct, and steps
5 shall be taken to insure that voters cast their ballot in their duly authorized
6 precinct; and

7 (c) A separate set of elections forms and reports required by this chapter and the
8 State Board of Elections shall be maintained for each precinct.

9 ➔Section 5. KRS 117.085 is amended to read as follows:

10 (1) All requests for an application for a mail-in absentee ballot may be transmitted by
11 telephone, facsimile machine, by mail, by electronic mail, or in person. The county
12 clerk shall transmit all applications for a mail-in absentee ballot to the voter by
13 mail, electronic mail, or in person at the option of the voter, except as provided in
14 paragraph (b) of this subsection. Except as otherwise provided in KRS 117.077, the
15 mail-in absentee ballot application may be requested by the voter or the spouse,
16 parents, or children of the voter, but shall be restricted to the use of the voter.

17 (a) Except as otherwise provided in KRS 117.077, a qualified voter may apply to
18 cast his or her vote by mail-in absentee ballot if the completed application is
19 received not later than the close of business hours seven (7) days before the
20 election, and if the voter is:

21 1. A resident of Kentucky who is a covered voter as defined in KRS
22 117A.010;

23 2. A student who temporarily resides outside the county of his or her
24 residence;

25 3. Incarcerated in jail and charged with a crime, but has not been convicted
26 of the crime;

27 4. Changing or has changed his or her place of residence to a different state

- 1 while the registration books are closed in the new state of residence
2 before an election of electors for President and Vice President of the
3 United States, in which case the voter shall be permitted to cast a mail-in
4 absentee ballot for electors for President and Vice President of the
5 United States only;
- 6 5. Temporarily residing outside the state but still eligible to vote in this
7 state;
- 8 6. Prevented from voting in person at the polls on election day and from
9 casting an in-person absentee ballot in the county clerk's office on all
10 days in-person absentee voting is conducted because his or her
11 employment location requires him or her to be absent from the county of
12 his or her residence all hours and all days in-person absentee voting is
13 conducted in the county clerk's office;
- 14 7. A participant in the Secretary of State's crime victim address
15 confidentiality protection program as authorized by KRS 14.312; or
- 16 8. Not able to appear at the polls on election day on the account of age,
17 disability, or illness, and who has not been declared mentally disabled by
18 a court of competent jurisdiction.
- 19 (b) Residents of Kentucky who are covered voters as defined in KRS 117A.010
20 may apply for a mail-in absentee ballot by means of the federal post-card
21 application, which may be transmitted to the county clerk's office by mail, by
22 facsimile machine, or by means of the electronic transmission system
23 established under KRS 117A.030(4). The federal post-card application may be
24 used to register, reregister, and to apply for a mail-in absentee ballot. If the
25 federal post-card application is received at any time not less than seven (7)
26 days before the election, the county clerk shall affix his or her seal to the
27 application form upon receipt.

- 1 (c) In-person absentee voting shall be conducted in the county clerk's office or
2 other place designated by the county board of elections and approved by the
3 State Board of Elections during normal business hours for at least the twelve
4 (12) working days before the election. A county board of elections may permit
5 in-person absentee voting to be conducted on a voting machine for a period
6 longer than the twelve (12) working days before the election.
- 7 (d) A qualified voter may, at any time during normal business hours on those days
8 in-person absentee voting is conducted in the county clerk's office, make
9 application in person to the county clerk to vote on a voting machine in the
10 county clerk's office or other place designated by the county board of elections
11 and approved by the State Board of Elections, if the voter provides proof of
12 identification as defined in Section 23 of this Act or complies with the
13 requirements of Section 1 or 2 of this Act, and the voter:
- 14 1. Is a resident of Kentucky who is a covered voter as defined in KRS
15 117A.010, who will be absent from the county of his or her residence on
16 any election day;
 - 17 2. Is a student who temporarily resides outside the county of his or her
18 residence;
 - 19 3. Has surgery, or whose spouse has surgery, scheduled that will require
20 hospitalization on election day;
 - 21 4. Temporarily resides outside the state, but is still eligible to vote in this
22 state and will be absent from the county of his or her residence on any
23 election day;
 - 24 5. Is a resident of Kentucky who is a uniformed-service voter as defined in
25 KRS 117A.010 confined to a military base on election day, learns of that
26 confinement within seven (7) days or less of an election, and is not
27 eligible for a mail-in absentee ballot under this subsection;

- 1 6. Is in her last trimester of pregnancy at the time she wishes to vote under
2 this paragraph. The application form for a voter under this subparagraph
3 shall be prescribed by the State Board of Elections, which shall contain
4 the woman's sworn statement that she is in fact in her last trimester of
5 pregnancy at the time she wishes to vote;
- 6 7. Has not been declared mentally disabled by a court of competent
7 jurisdiction and, on account of age, disability, or illness, is not able to
8 appear at the polls on election day; or
- 9 8. Is not permitted to vote by a mail-in absentee ballot under paragraph (a)
10 of this subsection, but who will be absent from the county of his or her
11 residence on election day.
- 12 (e) Voters who change their place of residence to a different state while the
13 registration books are closed in the new state of residence before a presidential
14 election shall be permitted to cast an in-person absentee ballot for President
15 and Vice President only, by making application in person to the county clerk
16 to vote on a voting machine in the county clerk's office or other place
17 designated by the county board of elections and approved by the State Board
18 of Elections, up to the close of normal business hours on the day before the
19 election.
- 20 (f) Any member of the county board of elections, any precinct election officer
21 appointed to serve in a precinct other than that in which he or she is registered,
22 any alternate precinct election officer, any deputy county clerk, any staff for
23 the State Board of Elections, and any staff for the county board of elections
24 may vote on a voting machine in the county clerk's office or other place
25 designated by the county board of elections, and approved by the State Board
26 of Elections, up to the close of normal business hours on the day before the
27 election. The application form for those persons shall be prescribed by the

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

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

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

1 may exercise the same privileges as challengers appointed for observing
2 voting on the day of an election at a regular polling place.

3 (2) The county clerk shall type the name of the voter permitted to vote by mail-in
4 absentee ballot on the mail-in absentee ballot application form for that person's use
5 and no other. The mail-in absentee ballot application form shall be in the form
6 prescribed by the State Board of Elections, **which shall include the voter**
7 **affirmation form as prescribed in subsection (1)(c) of Section 1 of this Act**, shall
8 bear the seal of the county clerk, and shall contain the following information: name,
9 residential address, precinct, party affiliation, statement of the reason the person
10 cannot vote in person on election day, statement of where the voter shall be on
11 election day, statement of compliance with residency requirements for voting in the
12 precinct, **an instructional statement prescribing the requirements for providing**
13 **proof of identification and voter affirmations when applicable**, and the voter's
14 mailing address for a mail-in absentee ballot. The mail-in absentee ballot
15 application form shall be verified and signed by the voter, **and the voter shall**
16 **provide a copy of his or her proof of identification, as defined in Section 23 of**
17 **this Act, or the executed voter affirmation as described in subsection (1)(c) of**
18 **Section 1 of this Act**. A notice of the actual penalty provisions in KRS 117.995(2)
19 and (5) shall be printed on the mail-in absentee ballot application form.

20 (3) **(a)** If the county clerk finds that the voter is properly registered as stated in his or
21 her mail-in absentee ballot application form and qualifies to receive a mail-in
22 absentee ballot by mail, he or she shall mail to the voter a mail-in absentee
23 ballot, two (2) official envelopes for returning the mail-in absentee ballot, and
24 instructions for voting.

25 **(b)** The county clerk shall complete a postal form for a certificate of mailing for
26 mail-in absentee ballots mailed within the fifty (50) states, and it shall be
27 stamped by the postal service when the mail-in absentee ballots are mailed. A

1 mail-in absentee ballot may be transmitted by facsimile machine or by the
2 electronic transmission system established under KRS 117A.030(4) to a
3 covered voter as defined in KRS 117A.010. The covered voter shall be
4 notified of the options for transmittal of the mail-in absentee ballot, and the
5 mail-in absentee ballot shall be transmitted by the method chosen for receipt
6 by the resident of Kentucky who is a covered voter.

7 (4) Mail-in absentee ballots which are requested prior to the printing of the mail-in
8 absentee ballots shall be mailed or otherwise transmitted as provided in subsection
9 (3) of this section by the county clerk to the voter within three (3) days of the receipt
10 of the printed ballots. Mail-in absentee ballots requested after the receipt of the
11 ballots by the county clerk shall be mailed or otherwise transmitted as provided in
12 subsection (3) of this section to the voter within three (3) days of the receipt of the
13 request.

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

17 (6) The outer envelope shall bear the words "Absentee Ballot" and the address and
18 official title of the county clerk and shall provide space for the voter's signature,
19 voting address, precinct number, and signatures of two (2) witnesses if the voter
20 signs the form with the use of a mark instead of the voter's signature. A detachable
21 flap on the ~~secretary~~ envelope shall provide space for the voter's signature,
22 voting address, precinct number, signatures of two (2) witnesses if the voter signs
23 the form with the use of a mark instead of the voter's signature and notice of penalty
24 provided in KRS 117.995(5). The county clerk shall type the voter's address and
25 precinct number in the upper left hand corner of the outer envelope and of the
26 detachable flap on the ~~secretary~~ envelope immediately below the blank space
27 for the voter's signature. The ~~secretary~~ envelope shall be blank. The county

1 clerk shall retain the voter's mail-in ballot application form, which shall include
2 the photographed copy of the voter's proof of identification or voter affirmation,
3 and the postal form required by subsection (3) of this section for twenty-two (22)
4 months after the primary or election.

5 (7) Any person who has received a mail-in absentee ballot by mail but who knows at
6 least seven (7) days before the date of the election that he or she will be in his or her
7 county of residence on election day and who has not voted pursuant to the
8 provisions of KRS 117.086 shall cancel his or her mail-in absentee ballot and vote
9 in person. The voter shall return the mail-in absentee ballot to the county clerk's
10 office no later than seven (7) days prior to the date of the election. Upon the return
11 of the mail-in absentee ballot, the county clerk shall mark on the outer envelope of
12 the sealed ballot or the unmarked ballot the words "Canceled because voter
13 appeared to vote in person." Sealed envelopes so marked shall not be opened. The
14 county clerk shall remove the voter's name from the list of persons who were sent
15 mail-in absentee ballots, and the voter may vote in the precinct in which he or she is
16 properly registered.

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

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

17 (10) Notwithstanding the provisions of the Kentucky Open Records Act, KRS 61.870 to
18 61.884, the information contained in an application for a mail-in absentee ballot
19 shall not be made public until after the close of business hours on the election day
20 for which the application applies. This subsection shall not prohibit at any time the
21 disclosure, upon request, of the total number of applications for mail-in absentee
22 ballots that have been filed, or the disclosure to the Secretary of State or the State
23 Board of Elections, if requested or if otherwise required by law, of any information
24 in an application for a mail-in absentee ballot.

25 ➔Section 6. KRS 117.0851 is amended to read as follows:

26 Absentee ballots and provisional absentee ballots cast, as absentee ballots and
27 provisional absentee ballots are provided by Section 2 of this Act, KRS 117.077, and

1 117.085, shall all be tabulated in the same manner, as shall be provided by this chapter.

2 →Section 7. KRS 117.086 is amended to read as follows:

3 (1) (a) The voter returning his or her absentee ballot by mail shall mark his or her
4 ballot, seal it in the secrecy~~inner~~ envelope, and then seal~~in~~ the outer
5 envelope, and mail it to the county clerk as ~~shall be~~ provided in~~by~~ this
6 chapter.

7 (b) The voter shall sign the detachable flap and the outer envelope in order to
8 validate the ballot. A person having power of attorney for the voter and who
9 signs the detachable flap and outer envelope for the voter shall complete the
10 voter assistance form as required by KRS 117.255. The signatures of two (2)
11 witnesses are required if the voter signs the form with the use of a mark
12 instead of the voter's signature. A resident of Kentucky who is a covered voter
13 as defined in KRS 117A.010 who has received an absentee ballot transmitted
14 by facsimile machine or by means of the electronic transmission system
15 established under KRS 117A.030(4) shall transmit the voted ballot to the
16 county clerk by mail only, conforming with ballot security requirements that
17 may be promulgated by the State Board of Elections~~state board~~ by
18 administrative regulation under KRS Chapter 13A. In order to be counted, the
19 ballots shall be received by the county clerk by at least the time established by
20 the election laws generally for the closing of the polls, which time shall not
21 include the extra hour during which those voters may vote who were waiting
22 in line to vote at the scheduled poll closing time.

23 (2) Any voter who shall be absent from the county on election day, but who does not
24 qualify to receive a mail-in~~an~~ absentee ballot ~~by mail~~ under the provisions of
25 KRS 117.085, and all voters qualified to vote prior to the election under the
26 provisions of KRS 117.085, shall vote at the main office of the county clerk or other
27 place designated by the county board of elections, and approved by the State Board

1 of Elections, prior to the day of election. The county clerk may provide for such
2 voting by the voting equipment in general use in the county either at the precinct,
3 the equipment as may be used to tabulate absentee ballots, or any other voting
4 equipment approved by the State Board of Elections for use in Kentucky, except as
5 follows:

6 (a) Any voter qualifying to vote in the county clerk's office or other place
7 designated by the county board of elections, and approved by the State Board
8 of Elections, who receives assistance to vote shall complete the voter
9 assistance form required by KRS 117.255;[-]

10 (b) Any voter qualifying to vote 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, whose qualifications are challenged on grounds other than
13 inability to provide proof of identification by any clerk or deputy shall
14 complete an "Oath of Voter" affidavit; and

15 (c) Any voter qualifying to vote 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, who is unable to provide proof of identification as defined in
18 Section 23 of this Act, may cast an in-person absentee ballot or provisional
19 in-person absentee ballot in accordance with Section 1 or 2 of this Act.
20 Provisional in-person absentee ballots and accompanying provisional in-
21 person absentee voter affirmations shall be kept in a separate ballot
22 receptacle marked as containing provisional in-person absentee ballots
23 under this paragraph. Any voter casting a provisional in-person absentee
24 ballot under this paragraph shall sign a "Provisional Absentee Ballot
25 Signature Roster" and his or her in-person affirmation and vote shall be
26 processed in accordance with Section 2 of this Act.

27 (3) When the county clerk uses general voting equipment as provided for in subsection

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

4 The county clerk~~[, and]~~ shall send a copy of each list to the State Board of
 5 Elections~~[state board]~~ after any primary or~~[the]~~ election day~~[for which the list~~
 6 ~~applies]~~. Notwithstanding the provisions of the Kentucky Open Records Act, KRS
 7 61.870 to 61.884, each list of all persons who return their absentee ballots by mail
 8 or who cast their ballots in the clerk's office or other designated and approved place
 9 shall not be made public until after the close of business hours on the primary or
 10 election day for which the list applies. The county clerk and the Secretary of State
 11 shall keep a record of the number of votes cast by each method listed in
 12 paragraphs (a) to (c) of this subsection~~[absentee ballots returned by mail and cast~~
 13 ~~on the voting machine in the county clerk's office or other place designated by the~~
 14 ~~county board of elections and approved by the State Board of Elections]~~, which are
 15 cast in any primary or election as a part of the official returns of the primary or
 16 election.

17 (8) The county board of elections shall report to the State Board of Elections within ten
 18 (10) days after any primary or regular~~[general]~~ election as to the number of rejected
 19 absentee ballots, including rejected mail-in absentee ballots and ballots cast under
 20 subsection (2) of this section, and the reasons for rejecting the~~[rejected absentee]~~
 21 ballots on a form prescribed and furnished by the State Board of Elections in
 22 administrative regulations promulgated under KRS Chapter 13A.

23 ➔Section 8. KRS 117.0863 is amended to read as follows:

24 (1) Except for those voters who have been certified as requiring assistance in voting on
 25 a permanent or annual basis, any person voting by means of a~~[an]~~ mail-in absentee
 26 ballot~~[by mail]~~ or on the voting machine in the county clerk's office or other place
 27 designated by the county board of elections, and approved by the State Board of

1 Elections, as provided in this chapter who receives assistance in voting shall be
2 required to complete the voter assistance form required by KRS 117.255.

3 (2) Any person who assists another person in voting by use of an **mail-in** absentee
4 ballot~~[by mail]~~ or on a voting machine in the county clerk's office or other place
5 designated by the county board of elections, and approved by the State Board of
6 Elections, shall complete the voter assistance form required by KRS 117.255.

7 (3) The detachable flap on all **mail-in** absentee ballot envelopes shall have printed upon
8 it the voter assistance form required by KRS 117.255, as well as a notice of the
9 penalty for failure to complete the form.

10 (4) The State Board of Elections shall promulgate **by administrative regulations under**
11 **KRS Chapter 13A** a voter assistance form which shall be in a form acceptable to the
12 Attorney General.

13 ➔Section 9. KRS 117.0865 is amended to read as follows:

14 Any person who aids another in completing an absentee ballot **or a provisional absentee**
15 **ballot** shall not solicit or encourage that person to vote for or against any candidate, party,
16 or issue. Any person who violates this section shall be guilty of a Class D felony.

17 ➔Section 10. KRS 117.087 is amended to read as follows:

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

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

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

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

7 (5) After the challenges have been made and all the blank secrecy~~[inner]~~ envelopes
8 have been placed in a ballot box, the box shall be thoroughly shaken to redistribute
9 the absentee ballots in the box. The board shall open the ballot box, remove the
10 absentee ballots from the secrecy~~[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 6 p.m. prevailing time.

20 ➔Section 11. KRS 117.145 is amended to read as follows:

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

1 shall include the necessary party designations.

2 (2) Each county clerk shall have printed a sufficient number of paper absentee ballots
 3 and voter affirmations. The voter affirmation, if applicable, and the absentee
 4 ballot shall be used for voting by absent voters; by precinct officers who have been
 5 assigned to a precinct other than their own; by members of a county board of
 6 elections; by voters so disabled by age, infirmity, or illness as to be unable to appear
 7 at the polls; and for voting in an emergency situation. The ballot stubs shall be
 8 consecutively numbered and the county board shall keep a record, by number, of all
 9 absentee ballots used for any of the purposes listed in this subsection~~herein~~.

10 (3) Each county clerk shall have printed a sufficient number of provisional ballots,
 11 which shall have the same form as the absentee ballots, and provisional voter
 12 affirmations. A provisional ballot shall indicate that the ballot is a provisional
 13 ballot. The provisional ballot stubs shall be consecutively numbered, and the
 14 county board of elections shall keep a record, by number, of all provisional
 15 ballots used for votes cast by provisional voters.

16 ~~(4)~~~~(3)~~ No later than the Friday preceding a special or regular election, the county
 17 clerk shall equip the voting machines with the necessary supplies for the purpose of
 18 write-in votes. The county clerk shall also attach a pencil or pen to the voting
 19 machine for write-in purposes.

20 ~~(5)~~~~(4)~~ If supplemental paper ballots have been approved as provided in KRS
 21 118.215, the county clerk shall cause to be printed a sufficient number of paper
 22 ballots for the registered voters of each precinct. The paper ballots shall have stubs
 23 which are numbered consecutively. The quality of paper on which the supplemental
 24 paper ballots are printed shall be determined by administrative regulations
 25 promulgated under KRS Chapter 13A by the secretary of the Finance and
 26 Administration Cabinet.

27 ➔Section 12. KRS 117.175 is amended to read as follows:

1 The county clerk shall, with the county attorney, prepare a sufficient number of
2 instruction cards containing a diagram showing the front of the voting machine as it will
3 appear on the day of the election, instructions as to the proper method of voting by the use
4 of the machine, and instructions as to the proper method of casting a write-in vote. ***For***
5 ***provisional ballots and*** supplemental paper ballots, ~~if have been~~ approved, as
6 provided in KRS 118.215, the instruction cards shall indicate the offices, candidates, and
7 questions which will appear on the ***provisional ballots and supplemental*** paper ballots,
8 ~~and~~ the instructions for marking and depositing the ***supplemental paper*** ballots, ***and***
9 ***instructions for filling out the provisional ballot and voter affirmation described in***
10 ***Section 2 of this Act.*** The cards shall be examined and approved by the county board of
11 elections at the time the machines are examined and approved. The cards shall be
12 delivered to each election clerk by the county clerk at the time that other election supplies
13 are delivered and the election clerk shall post the card at the polling place.

14 ➔Section 13. KRS 117.187 is amended to read as follows:

- 15 (1) The State Board of Elections shall regularly provide special training regarding the
16 election laws and methods of enforcement to all members of county boards of
17 elections, county attorneys, Commonwealth's attorneys, and certain members of the
18 Department of Kentucky State Police.
- 19 (2) The county board of elections shall provide special training before each primary and
20 regular election, and any special election held during a year in which no elections
21 are scheduled, to all election officers, alternates, and certified challengers regarding
22 their duties and the penalties for failure to perform. Election officers, including
23 alternates, and certified challengers shall attend the training session, unless excused
24 by the county board of elections for reason of illness or other emergency. Any
25 person who fails to attend a training session without being excused shall be
26 prohibited from serving as an election officer or challenger for a period of five (5)
27 years. The training provided by the county board of elections shall include but not

1 be limited to the following:

- 2 (a) Operation of the voting machine or ballot cards;
- 3 (b) Posting of necessary signs and notices at the polling place;
- 4 (c) Voter assistance;
- 5 (d) Maintaining precinct rosters;
- 6 (e) Confirmation of a voter's identity;
- 7 (f) Challenge of a voter;
- 8 (g) Completing changes of address or name at the polling place;
- 9 (h) Qualifications for voting in a primary~~[election]~~;
- 10 (i) Electioneering and exit polling;
- 11 (j) Write-in voting procedures;
- 12 (k) Persons who may be in the voting room;
- 13 (l) Election violations and penalties;
- 14 (m) Assistance which may be provided by law enforcement officers;
- 15 (n) Election reports;
- 16 (o) Disability awareness;
- 17 (p) Provisional voting ***and provisional absentee voting***~~[process]~~;
- 18 (q) Election emergency contingency plan;~~[and]~~
- 19 (r) Elections and voting equipment security plan; ***and***
- 20 ***(s) Proof of identification.***

21 (3) The county attorney shall attend the training session for election officers to assist in
22 explaining the duties and penalties for failure to perform.

23 (4) Compensation in the minimum amount of ten dollars (\$10) for reimbursement of
24 actual expenses shall be paid by the county to the election officers for attending the
25 training session.

26 ➔Section 14. KRS 117.195 is amended to read as follows:

27 (1) At least one (1) hour prior to the opening of the polls, the county clerk shall deliver

1 each machine, with the operating device and mechanism and the device covering
 2 the registering counters securely locked, to the clerk of the precinct in which it is to
 3 be used, and shall take a receipt indicating the distinguishing number of the
 4 machine. The clerk of the precinct shall cause the machine to be arranged in the
 5 voting place so that the front of the machine, on which appear the ballot labels and
 6 the operating devices, will not be visible, when being operated, to any person other
 7 than the voter.

8 (2) In polling places in which machines for multiple precincts are located, the county
 9 clerk shall post a sign near each machine identifying the precinct for which the
 10 machine has been designated.

11 (3) **For provisional ballots, and**~~[H]~~ supplemental paper ballots ~~if have been~~ approved
 12 as provided in KRS 118.215, the county clerk shall, at least one **(1)** hour prior to the
 13 opening of the polls, deliver:

14 **(a)** A sufficient number of ballots, **and supplemental paper ballots if approved,**
 15 for the registered voters of each precinct;~~[,]~~

16 **(b)** A sufficient number of voting booths for voting **provisional ballots, and**
 17 **supplemental** paper ballots~~[,]~~ **if approved;**

18 **(c)** **A sufficient amount of** string ~~and~~~~[,]~~ rubber stamps for marking "Spoiled" and
 19 "Unused" ballots;~~[and]~~

20 **(d)** A locked ballot box **or receptacle** for **provisional ballots, and a separate**
 21 **locked ballot box for supplemental paper ballots if approved, for** each
 22 precinct; **and**

23 **(e)** **A sufficient number of provisional voter ballots and voter affirmations**
 24 **described in subsection (1)(c) of Section 2 of this Act.**

25 The county clerk shall take a receipt for the number of **provisional** ballots, **and**
 26 **supplemental paper ballots if approved,** issued and the ballot ~~boxes~~~~[box]~~ **or ballot**
 27 **receptacles** for each precinct. The county clerk shall retain the keys to all ballot

1 boxes and ballot receptacles.

2 →Section 15. KRS 117.225 is amended to read as follows:

3 (1) Any person desiring to vote on election day shall give his or her name and address
4 to the clerk of the election and shall provide proof of identification as defined in
5 Section 23 of this Act.

6 (2) If the voter's name is listed on the precinct list furnished by the State Board of
7 Elections as provided in KRS 117.025, but the voter is unable to provide proof of
8 identification, the voter may vote a provisional ballot under Section 2 of this Act
9 as a provisional voter.

10 (3) A voter who votes in person at a precinct polling place that is located at a state
11 licensed care facility where the voter resides is not required to provide proof of
12 identification before voting in an election.

13 (4) If the voter's~~person's~~ name is listed on the precinct list furnished by the State
14 Board of Elections as provided in KRS 117.025, the voter provides proof of
15 identification, the voter is exempt pursuant to subsection (3) of this section, or the
16 voter satisfies the requirements of Section 1 of this Act, and if no challenge is
17 made, then he or she shall sign his or her name on the precinct list in the space
18 opposite his or her printed name. The voter's signature shall constitute his
19 verification that he is a properly registered and qualified voter. The voter shall then
20 retire alone to cast his or her vote on the voting machine. The county board of
21 elections may provide to each precinct the original registration form of each voter
22 entitled to vote in that precinct. These forms shall be used to compare signatures in
23 those precincts to which the forms are provided.

24 ~~(5)~~~~(2)~~ If supplemental paper ballots are used, as provided in KRS 118.215, after
25 voting on the voting machine the voter shall take the supplemental paper ballot with
26 the stub intact and retire alone to the voting booth provided for voting paper ballots.
27 After voting the supplemental paper ballot, the voter shall remove the numbered

1 stub, hand the stub to an election ~~officer~~~~[official]~~ and deposit the voted ballot in the
 2 locked supplemental paper ballot box in the presence of a precinct election
 3 officer.

4 →Section 16. KRS 117.227 is amended to read as follows:

5 Except as otherwise provided, election officers shall confirm the identity of each voter by
 6 proof of identification as defined in Section 23 of this Act~~[personal acquaintance or by a~~
 7 ~~document, such as a motor vehicle operator's license, Social Security card, any~~
 8 ~~identification card that has been issued by the county and which has been approved in~~
 9 ~~writing by the State Board of Elections, any identification card with picture and signature,~~
 10 ~~any United States government issued identification card, any Kentucky state government-~~
 11 ~~issued identification card with picture, or credit card].~~ The election officer confirming the
 12 identity shall sign the precinct voter roster and list the method of proof of identification.

13 →Section 17. KRS 117.245 is amended to read as follows:

14 (1) The fact that a person is registered constitutes only prima facie evidence of his or
 15 her right to vote and does not prevent the officers of any election from refusing to
 16 allow him or her to vote for cause.

17 (2) When the officers of an election disagree as to the qualifications of a voter or if his
 18 or her right to vote is disputed by a challenger other than for failure to provide
 19 proof of identification as defined in Section 23 of this Act, the voter shall sign a
 20 written oath as to his or her qualifications before he or she is permitted to vote. The
 21 oath shall be in such form prescribed and furnished~~[as prescribed]~~ by the State
 22 Board of Elections pursuant to administrative regulations promulgated under
 23 KRS Chapter 13A~~[and]~~ Twenty (20) printed copies of these oaths shall be
 24 included in the election supplies of each precinct.

25 (3) The subscribed oaths shall be returned to the county clerk who shall deliver them to
 26 the Commonwealth's attorney.

27 (4) The Commonwealth's attorney and county attorney shall investigate each of the

1 oaths and cause to be summoned before the grand jury the witnesses they or either
2 of them, deem proper, and the grand jury shall make a thorough investigation of all
3 votes so cast, and return indictments against all persons illegally voting. The
4 foreman of the grand jury shall return to the county clerk all of the oaths upon
5 which no indictments are found. The county clerk shall safely keep them as a part
6 of the records of his or her office, and shall produce any or all of them, when
7 required, to any subsequent grand jury.

8 ➔Section 18. KRS 117.255 is amended to read as follows:

- 9 (1) The voter shall be instructed by the officers of election, with the aid of the
10 instruction cards and the model, in the use of the machine, if the voter so requests.
- 11 (2) Except for those voters who have been certified as requiring assistance on a
12 permanent basis, no voter shall be permitted to receive any assistance in voting at
13 the polls unless the voter~~[he]~~ makes and signs an oath that, because of blindness,
14 other physical disability, or an inability to read English, the voter~~[he]~~ is unable to
15 vote without assistance. The oath shall be upon a voter assistance form prescribed
16 and furnished by the State Board of Elections pursuant to administrative
17 regulations promulgated under KRS Chapter 13A. Any person assisting a voter
18 shall complete the voter assistance form.
- 19 (3) Upon making and filing the oath with the precinct clerk, the voter requiring
20 assistance shall retire to the voting machine or ballot completion area with the
21 precinct judges, and one (1) of the judges shall, in the presence of the other judge
22 and the voter, operate the machine or complete the ballot as the voter directs. A
23 voter requiring assistance in voting may, if the voter~~[he]~~ prefers, be assisted by a
24 person of the voter's~~[his]~~ own choice who is not an election officer, except that the
25 voter's employer, an agent of the voter's employer, or an officer or agent of the
26 voter's union shall not assist a voter.
- 27 (4) The precinct election clerk shall swear a person assisting a voter in voting to operate

1 the voting machine or complete the ballot in accordance with the directions of the
2 voter, and the person sworn shall enter the voting booth or ballot completion area
3 and operate the machine or complete the ballot for the voter as the voter directs.

4 (5) A voter who requires voting assistance on a permanent basis because of blindness
5 or other physical disability may apply to the county board of elections for
6 certification. Application may be made when registering to vote or completing the
7 voter assistance form by indicating that the reason for obtaining assistance is
8 permanent. The county board of elections shall determine whether the applicant
9 requires assistance on a permanent basis. The county board of elections shall notify
10 the county clerk of persons certified as requiring permanent voting assistance and
11 the county clerk shall enter the certification on the voter's registration record. The
12 State Board of Elections shall indicate on the precinct roster of voters those voters
13 who are certified to receive assistance permanently without signing the voter
14 assistance form at the precinct.

15 (6) "Voting booth" or "ballot completion area" means an area in which a voter casts his
16 or her vote or completes his or her ballot which is designed to insure the secrecy of
17 the vote. No voter shall be assisted under this subsection unless the judges and the
18 sheriff of election are satisfied of the truth of the facts stated in the oath. The voter
19 shall state in his or her oath the specific reason that requires him or her to receive
20 assistance.

21 (7) No voter shall be permitted to occupy the voting machine more than two (2)
22 minutes if other voters are waiting to use it, except that those voters who because of
23 a disability need extra time to cast a ballot shall be given a reasonable amount of
24 time to vote.

25 (8) In primaries~~[primary elections]~~, before a voter is permitted to use the voting
26 machine, a judge of the election shall adjust the machine so that the voter will only
27 be able to vote for the persons for whom the voter is qualified to vote.

- 1 (9) If the machine is so constructed as to require adjustment after one (1) person has
2 voted before another person may vote, the judges of election shall adjust it after
3 each person has voted.
- 4 (10) The election officers shall constantly maintain a watch in order to prevent any
5 person from voting more than once.
- 6 (11) **For voters voting as provisional voters, or** if supplemental paper ballots have been
7 approved~~[,]~~ as provided in KRS 118.215, the voter shall vote his **or her provisional**
8 **or supplemental** ballot in privacy in a **voting** booth provided for that purpose by the
9 county clerk. If the voter spoils his **or her** ballot, **the voter**~~[he]~~ shall return the
10 spoiled paper ballot to an election **officer**~~[official]~~ who shall stamp the ballot
11 "Spoiled," initial and place the spoiled ballot in an envelope provided for that
12 purpose. The voter shall be issued a second **provisional or** supplemental paper
13 ballot. Upon completion of voting, the voter shall remove the numbered stub from
14 the ballot, hand the stub to an election **officer**~~[official]~~ and deposit the voted ballot
15 in the **appropriate** locked ballot box **or locked receptacle** in the presence of **a**
16 precinct election **officer**~~[officials]~~.
- 17 (12) The election sheriff shall be responsible for reporting violations of this section.
- 18 ➔Section 19. KRS 117.265 is amended to read as follows:
- 19 (1) A voter may, at any regular or special election, cast a write-in vote for any person
20 qualified as provided in subsection (2) or (3) of this section, whose name does not
21 appear upon the ballot label for any office, by writing the name of his or her choice
22 upon the appropriate device for the office being voted on provided on the voting
23 machine as required by KRS 117.125. Any candidate for city, county, urban-county,
24 consolidated local government, charter county government, or unified local
25 government office who is defeated in a partisan or nonpartisan primary shall be
26 ineligible as a candidate for the same office in the regular election. Any voter
27 utilizing **a provisional ballot, a provisional in-person absentee ballot, or a**~~[an]~~

1 **mail-in** absentee ballot for a regular or special election may write in a vote for any
2 eligible person whose name does not appear upon the ballot, by writing the name of
3 his or her choice under the office.

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

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

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

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

21 1. Death;

22 2. Disqualification to hold the office sought;

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

24 4. The nomination of an unopposed candidate.

25 (4) Persons who wish to run for President and Vice-President shall file a declaration of
26 intent to be a write-in candidate, along with a list of presidential electors pledged to
27 those candidates, with the Secretary of State on or before the fourth Friday in

1 October preceding the date of the regular election for those offices. The declaration
2 of intent shall be filed no earlier than the first Wednesday after the first Monday in
3 November of the year preceding the year the office will appear on the ballot, and no
4 later than 4 p.m. local time at the place of filing when filed on the last date on which
5 papers may be filed. Write-in votes cast for the candidates whose names appear on
6 the ballot shall apply to the slate of pledged presidential electors, whose names shall
7 not appear on the ballot.

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

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

13 ➔Section 20. KRS 117.275 is amended to read as follows:

14 (1) At the count of the votes in any precinct, any candidate or slate of candidates and
15 any representatives to witness and check the count of the votes therein, who are
16 authorized to be appointed as is provided in subsection (9) of this section, shall be
17 admitted and be permitted to be present and witness the count.

18 (2) As soon as the polls are closed, and the last voter has voted, the judges shall
19 immediately lock and seal the voting equipment so that the voting and counting
20 mechanism will be prevented from operation, and they shall sign a certificate
21 stating:

22 (a) That the voting equipment has been locked against voting and sealed;

23 (b) The number of voters, as shown on the public counters;

24 (c) The number registered on the protective or accumulative counter or device, if
25 any; and

26 (d) The number or other designation of the voting equipment, which certificate
27 shall be returned by the judges of election to the officials authorized by law to

1 receive it. The judges shall compare the number of voters, as shown by the
2 counter of the voting equipment, with the number of those who have voted as
3 shown by the protective or accumulative counter or device, if any.

4 (3) Where voting equipment is used which does not print the candidates' names along
5 with the total votes received on a general return sheet or record for that equipment,
6 the procedure to be followed shall be as follows:

7 (a) The judges, in the presence of the representatives mentioned in subsection (1)
8 of this section, if any, and of all other persons who may be lawfully within the
9 polling place, shall give full view of all the counter numbers;

10 (b) The judges shall enter, in ink, the total votes cast for each candidate, and slate
11 of candidates, and for and against each question on the return sheets; and

12 (c) Each precinct election officer shall sign the return sheets, and a copy of the
13 return sheets shall be posted on the precinct door.

14 (4) Where voting equipment is used that prints the candidates' names along with the
15 total votes received on a return sheet or record for that equipment, the precinct
16 election officers shall sign the return sheets or record for the voting equipment,
17 which shall be posted on the door of the precinct.

18 (5) If any officer shall decline to sign the return sheets, he or she shall state the reason
19 in writing, and a copy thereof, signed by the officer, shall be enclosed with the
20 return sheets.

21 (6) Each of the return sheets, if applicable, and the record of the voting equipment shall
22 be enclosed in an envelope. One (1) copy of the return sheets, if applicable, one (1)
23 copy of the record of the voting equipment, and the write-in roll, if any write-in
24 votes were cast in the precinct, shall be directed to the county board of elections of
25 the county in which the election is being held. One (1) copy of the return sheets or
26 record of the voting equipment shall be given to the county clerk of the county in
27 which the election is being held and to each of the local governing bodies of the two

- 1 (2) dominant political parties, but a local governing body of a dominant political
2 party may decline a copy of the precinct election return by filing a written
3 declination with the county board of elections prior to the election, and upon this
4 declination, a printed copy shall not be issued to the political party so declining. The
5 declination on file shall be effective for that election and any subsequent elections
6 until revoked by the local governing body of a dominant political party by filing a
7 written revocation with the county board of elections. The envelope shall have
8 endorsed thereon a certificate of the election officers, stating the number of the
9 machine, the precinct where it has been used, the number on the seal, and the
10 number on the protective or accumulative counter or device at the close of the polls.
- 11 (7) Following the tabulation of all votes cast in the election, including absentee votes
12 and write-in votes, the county board shall mail a copy of the precinct-by-precinct
13 summary of the tabulation sheets showing the results from each precinct to the State
14 Board of Elections and the county clerk shall mail or deliver the precinct signature
15 rosters from each precinct to the State Board of Elections during the period
16 established by KRS 117.355(3).
- 17 (8) As soon as possible after the completion of the count, the two (2) judges shall return
18 to the county board of elections the keys to the voting machine received and
19 receipted for by them, and the county clerk in which the precinct is located shall
20 have the voting machine properly boxed or securely covered and removed to a
21 proper and secure place of storage.
- 22 (9) In primaries, each candidate, slate of candidates, or group of candidates may
23 designate to the county board of elections a representative to witness and check the
24 vote count. In regular elections, the governing authority of each political party, each
25 candidate for member of board of education, nonpartisan candidate, independent
26 candidate, or independent ticket may designate a representative to the county board
27 of elections to witness and check the vote count. The county board of elections shall

1 authorize representatives of the news media to witness the vote count.

2 (10) **For all provisional ballots, and**~~[H]~~ supplemental paper ballots ~~if have been~~
3 approved~~[,]~~ as provided in KRS 118.215, after the polls are closed, the two (2)
4 judges shall return to the county clerk's office the locked **provisional ballot**
5 **receptacle and the supplemental paper** ballot box, all ballot stubs, spoiled ballots,
6 and unvoted ballots at the same time as the tabulation of votes from the voting
7 machine is delivered. The county clerk shall issue a receipt for the number of ballot
8 stubs, unvoted ballots, spoiled ballots, and the ballot ~~boxes~~~~[box]~~ **or ballot**
9 **receptacle**.

10 (11) The county board of elections, or its designee, shall count and tally the
11 **supplemental** paper ballots manually or with the use of tabulating equipment which
12 does not involve an additional voting system. The results of the vote tally shall be
13 certified by the county board of elections to the county clerk and to the Secretary of
14 State.

15 **(12) Following the period for verification of provisional ballots established in Section**
16 **2 of this Act, the county board of elections shall tabulate the valid provisional**
17 **ballots. The results of the vote tally shall be certified by the county board of**
18 **elections to the county clerk and to the Secretary of State. The county board shall**
19 **mail a copy of the precinct-by-precinct summary of the valid provisional ballot**
20 **tabulation sheets showing the results from each precinct to the State Board of**
21 **Elections.**

22 ~~(13)~~~~[(12)]~~ The county board of elections shall authorize the candidates, slates of
23 candidates, or their representatives, and representatives of the news media to be
24 present during the counting of the **supplemental and provisional** paper ballots.

25 ~~(14)~~~~[(13)]~~ Except as otherwise required in this chapter that certain records and papers
26 relating to specified elections be retained for twenty-two (22) months, the county
27 clerk shall retain the voted **provisional ballots, voter affirmations, and the**

1 supplemental paper ballots for twenty-two (22) months and the unvoted provisional
2 ballots, the voter affirmations, and the supplemental paper ballots for sixty (60)
3 days after each election day, after which time they shall be destroyed in a manner to
4 render them unreadable by the county board of elections if no contest or recount
5 action has been filed.

6 ➔Section 21. KRS 117.305 is amended to read as follows:

- 7 (1) The canvass and returns provided for in KRS 117.275 shall constitute the official
8 returns of the precinct, unless before 4 p.m. on the Tuesday following a primary or
9 regular election, or before 4 p.m. on the Tuesday~~[day]~~ following a special election
10 held for the purpose of filling a vacancy, the county clerk or county board of
11 elections takes notice of a discrepancy in the tally of votes cast in any precinct or
12 number of precincts, or a candidate makes a written request to the county board of
13 elections in the case of a candidate who has filed with the county clerk, or the
14 Secretary of State in the case of a candidate who has filed with the Secretary of
15 State, to check and recanvass the voting machines, valid provisional ballots, valid
16 provisional absentee ballots, and absentee ballots of any precinct or any number of
17 precincts involving his or her race. After this time period has elapsed and notice is
18 taken, the county ~~[election]~~board of elections shall assemble at 9 a.m. on the
19 Thursday following the filing deadline to request a recanvass, and not sooner, and
20 recheck and recanvass each machine and make a proper return thereof to the county
21 clerk, and the canvass and return shall become the official returns for the election.
22 In making the recanvass, the board shall make a record of the number of the seal
23 upon the voting machine and, without unlocking the machine against voting,
24 recanvass the vote cast thereon. If, after a recanvass, it is found that the original
25 canvass of the returns has been correctly made from the machine, and that there still
26 remains a discrepancy unaccounted for, this discrepancy shall be noted. If, upon
27 recanvass, it appears that the original canvass of the returns by the election officers

1 was incorrect, the returns and all papers being prepared by the board shall be
2 corrected accordingly. The county board of elections shall, immediately upon
3 receipt of a request for a canvass, notify each candidate for the office of the time
4 and place of the canvass. At the canvass, each political party represented on the
5 board may appoint a representative there to be its governing body, and also each
6 candidate to be voted for may be present, either in person or by a representative or
7 both. The county board of elections shall authorize representatives of the news
8 media to observe the canvass of the votes cast on the voting machine in each
9 precinct. Nothing in this section shall prohibit an individual from requesting, in
10 addition to a canvass, a recount as authorized by KRS Chapter 120.

11 (2) The State Board of Elections shall prescribe and furnish forms to be used by
12 county boards of election to report all canvassed votes. The form shall include the
13 following information:

- 14 (a) The name of the county in which the canvass was conducted;
15 (b) The date of the report;
16 (c) The date of the election;
17 (d) The office for which the canvass was conducted;
18 (e) The names of each candidate for the office being canvassed; and
19 (f) The machine votes, absentee votes, valid provisional votes, valid provisional
20 absentee votes, and vote totals for each candidate, as well as write-in votes
21 cast in a regular or special election for candidates whose names did not appear
22 on the ballot.

23 The report shall be signed by each member of the county board of elections.

24 (3) The county board of elections shall file its canvass report as prescribed in
25 administrative regulations promulgated by the State Board of Elections in
26 conformity with KRS Chapter 13A.

27 (4) The State Board of Elections shall promulgate administrative regulations in

1 accordance with KRS Chapter 13A to establish the proper procedures for
2 conducting a canvass for each type of voting system approved by the State Board
3 of Elections and in use in Kentucky.

4 ➔Section 22. KRS 117.365 is amended to read as follows:

5 Upon the first day a grand jury convenes after a primary, ~~regular~~^{general} election, or
6 special election, the county clerk shall present to the grand jury all voter assistance forms,
7 all voter affirmations, and all applications for absentee ballots which shall have been
8 completed in the immediately preceding primary, ~~regular~~^{general} election, or special
9 election. The county clerk may photocopy applications for absentee ballots, voter
10 affirmations, and voter assistance forms, certify them as true copies of the originals, and
11 present the grand jury with those certified copies instead of the originals. The county
12 clerk shall retain all applications for absentee ballots, voter affirmations, and one (1)
13 copy of each voter assistance form as part of the records of the office and shall produce
14 certified copies of any or all of them, when required, to any subsequent grand jury.

15 ➔Section 23. KRS 117.375 is amended to read as follows:

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

- 17 (1) "Electronic or electromechanical voting system" means a system of casting votes by
18 use of marking devices and tabulating ballots employing automatic tabulating
19 equipment or data processing equipment.
- 20 (2) "Automatic tabulating equipment" means apparatus necessary to automatically
21 examine and count votes as designated on ballots and data processing machines
22 which can be used for counting ballots and tabulating results.
- 23 (3) "Voting device" means either an apparatus in which paper ballots or ballot cards are
24 used in connection with an implement by which a voter registers his or her votes
25 with ink or other substance or by punching, or an apparatus by which such votes are
26 registered electronically, so that in either case the votes so registered may be
27 computed and tabulated by means of automatic tabulating equipment.

- 1 (4) "Ballot card" means a tabulating card on which votes may be recorded by a voter by
2 use of a voting punch device or by marking with a pen or special marking device.
- 3 (5) "Ballot label" means the cards, papers, booklet, pages or other material on which
4 appear the names of candidates and the questions to be voted on by means of ballot
5 cards or voting machines.
- 6 (6) "Ballot" or "official ballot" means the voting machine ballot label, ballot cards,
7 paper ballots, an absentee ballot, a provisional ballot, a provisional absentee
8 ballot, or a supplemental paper ballot which has been authorized for the use of
9 voters in any primary or regular~~[, general]~~ or special election by the Secretary of
10 State or the county clerk.
- 11 (7) "Voting punch device" means an apparatus in which ballots or ballot cards are
12 inserted for the piercing of ballots by the voter. The hole may be in the form of a
13 round dot, rectangle, square, or any other shape that will clearly indicate the intent
14 of the voter.
- 15 (8) "Vote marking device" means any approved device for marking a paper ballot with
16 ink or other substance which will enable the ballot to be tabulated by means of
17 automatic tabulating equipment.
- 18 (9) "Secrecy envelope" means the envelope handed to the voter with his or her ballot
19 into which the voter shall place his or her voted ballot cards.
- 20 (10) "Precinct ballot counter" means an automatic tabulating device used at the precinct
21 to tabulate and process ballots.
- 22 (11) "Voting machine" or "machine" shall include lever machines and, as far as
23 applicable, any electronic or electromechanical unit and supplies utilized or relied
24 upon by a voter in casting and recording his votes in an election.
- 25 (12) "Proof of identification" means a document that was issued by:
26 (a) The United States, the Commonwealth of Kentucky, or any other state of the
27 United States, and the document contains:

1 1. The name of the individual to whom the document was issued; and

2 2. A photograph of the individual to whom the document was issued;

3 (b) The United States Department of Defense, a branch of the uniformed
4 services, the Merchant Marines, or the Kentucky National Guard, and if the
5 document contains

6 1. The name of the individual to whom the document was issued; and

7 2. A photograph of the individual to whom the document was issued;

8 (c) A public or private college, university, or postgraduate technical or
9 professional school located within the United States, and contains:

10 1. The name of the individual to whom the document was issued; and

11 2. A photograph of the individual to whom the document was issued;

12 (d) Any city government, county government, urban-county government,
13 charter county government, consolidated local government, or unified local
14 government, which is located within this state, and the document contains:

15 1. The name of the individual to whom the document was issued; and

16 2. A photograph of the individual to whom the document was issued.

17 (13) "Provisional voter" means a person:

18 (a) Who is registered to vote;

19 (b) Whose name appears on the precinct roster;

20 (c) Who has not provided proof of identification to the precinct election officer
21 before voting; and

22 (d) Who elects to proceed with provisional voting under Section 2 of this Act.

23 (14) "Provisional ballot" or "provisional absentee ballot" means ballot cards or paper
24 ballots which have been authorized for the use of provisional voters in any
25 primary or regular or special election by the Secretary of State or the county
26 clerk.

27 ➔Section 24. KRS 117.383 is amended to read as follows:

1 The State Board of Elections shall prescribe rules and *promulgate administrative*
2 regulations *under KRS Chapter 13A* which shall include but not be limited to the
3 following:

- 4 (1) Achieve and maintain the maximum degree of correctness, impartiality, and
5 efficiency of the procedures of voting;
- 6 (2) Count, tabulate, and record votes;
- 7 (3) Establish a method for placing items on the electronic voting device, which shall, as
8 closely as possible, follow the requirements pertaining to ballot labels;
- 9 (4) Design the ballot cards *and provisional ballot cards*, including a numerical system
10 to *ensure*~~insure~~ an accurate record of all voting activities;
- 11 (5) Instruct voters in the use of the voting device;
- 12 (6) Provide for checking the accuracy of the equipment;
- 13 (7) Provide necessary supplies, including those necessary for a write-in vote and
14 secrecy envelopes for punch cards or data processing cards to insure voter privacy;
- 15 (8) As part of the official canvass, provide for a manual recount of randomly selected
16 precincts representing three percent (3%) to five percent (5%) of the total ballots
17 cast in each election;
- 18 (9) Provide a method for maintaining sufficient documents and records so that votes
19 can be recounted. Such documents and records shall include any material other than
20 a ballot card which is imprinted with the names of candidates and issues voted
21 upon. Records shall be maintained in such a manner that a specific piece of printed
22 material listing issues and candidates can be matched with the specific ballot cards
23 which were marked in reliance upon such printed material. Except as otherwise
24 required in this chapter that certain records and papers relating to specified elections
25 be retained for twenty-two (22) months, such documents and records shall be
26 maintained for thirty (30) days following an election; *and*
- 27 *(10) Unless contrary to the Help America Vote Act of 2002, ensure that all provisional*

1 **voting shall be conducted in a manner as prescribed by KRS Chapters 116 to 120.**

2 ➔Section 25. KRS 117.385 is amended to read as follows:

3 (1) A voter who spoils or defaces a ballot card or marks it erroneously shall return the
4 card to an[the] election officer[officials]. The election officer[officials] shall
5 deliver to the voter another ballot card, but no voter may receive more than three (3)
6 ballot cards including the one originally delivered to the voter. Upon return of a
7 defective ballot card, an election officer[official] shall cancel it by writing in ink on
8 the back the word "spoiled." The canceled ballot card shall be placed with spoiled
9 ballots to be returned with the election returns.

10 (2) (a) After marking the ballot card, the voter shall place it, with the accompanying
11 affirmation if it is a provisional ballot, inside the secrecy envelope and return
12 it to an election officer[official], who shall deposit the ballot in the
13 appropriate ballot box.

14 (b) When precinct ballot counters are used, the voter, unless voting a provisional
15 ballot, may either:

16 1. Insert his or her ballot contained in the secrecy envelope provided and
17 deposit the emptied ballot container envelope with the election
18 officer[official] presiding over the ballot counter; or

19 2. Deposit the ballot in the ballot box;
20 for processing by a precinct election officer[officials] after the polls close.

21 ➔Section 26. KRS 117.995 is amended to read as follows:

22 (1) Any person appointed to serve as an election officer but who shall knowingly and
23 willfully fail to serve and who is not excused by the county board of elections for
24 the reasons specified in this chapter shall be guilty of a violation and shall be
25 ineligible to serve as an election officer for a period of five (5) years.

26 (2) Any county clerk or member of the county board of elections who knowingly and
27 willfully violates any of the provisions of this chapter, including furnishing

1 applications for absentee ballots and provisional absentee ballots to persons other
2 than those specified by the provisions of this chapter and failure to type the name of
3 the voter on the application form as required by the provisions of this chapter, shall
4 be guilty of a Class D felony.

5 (3) Any officer who willfully fails to prepare or furnish ballot labels, provisional
6 ballots, provisional absentee ballots, or absentee ballots or fails to allow a qualified
7 voter to cast his or her vote on the machine as required of the voter by this chapter
8 shall be guilty of a Class A misdemeanor.

9 (4) Any election officer who knowingly and willfully violates any of the provisions of
10 this chapter, including failure to enforce the prohibition against electioneering
11 established by KRS 117.235, shall be guilty of a Class A misdemeanor for the first
12 offense and a Class D felony for each subsequent offense.

13 (5) Any person who signs a name other than his or her own on an application for an
14 absentee ballot, ~~or on~~ the verification form for the ballot, ~~or on~~ an emergency
15 absentee ballot affidavit, or a voter affirmation, or any person who votes an
16 absentee ballot other than the one issued in his or her name, or any person who
17 applies for the ballot for the use of anyone other than himself or herself or the
18 person designated by the provisions of this chapter, or any person who makes a
19 false statement on an application for an absentee ballot or on an emergency absentee
20 ballot affidavit shall be guilty of a Class D felony.

21 (6) Any person who violates any provision of KRS 117.235 or 117.236 related to
22 prohibited activities during absentee voting or on election day, after he or she has
23 been duly notified of the provisions by any precinct election officer, county clerk,
24 deputy county clerk, or other law enforcement official, shall, for each offense, be
25 guilty of a Class A misdemeanor.

26 (7) Any person who knowingly and willfully prepares or assists in the preparation of an
27 inaccurate or incomplete voter assistance form or fails to complete a voter

1 assistance form when required shall be guilty of a Class A misdemeanor for the first
 2 offense and a Class D felony for each subsequent offense; however, if a voter has
 3 been permanently certified as requiring voting assistance, there shall be no offense
 4 for the failure of the voter to complete the form.

5 (8) The members of a county board of elections who fail~~that fails~~ to provide the
 6 training to precinct election officers required by KRS 117.187(2) shall be subject to
 7 removal by the State Board of Elections.

8 (9) Any local or state election official, including the Secretary of State, employees of
 9 the Secretary, and members of the State Board of Elections and their staff, who
 10 knowingly and willfully uses the voter registration roster in violation of KRS
 11 117.025(3)(a) shall, for each offense, be guilty of a Class A misdemeanor.

12 ➔Section 27. KRS 118.015 is amended to read as follows:

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

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

18 (2) The word "election" used in reference to a state, district, county, or city election,
 19 includes the decisions of questions submitted to the qualified voters as well as the
 20 choice of officers by them;

21 (3) A "ballot" or "official ballot" means the voting machine ballot label, ballot cards,
 22 paper ballots, an absentee ballot, a provisional ballot, a provisional absentee
 23 ballot, or a supplemental paper ballot which has been authorized for the use of the
 24 voters in any primary or regular~~general~~ or special election by the Secretary of
 25 State or the county clerk;

26 (4) "Ballot label" means the cards, papers, booklet, pages, or other material on which
 27 appear the names of candidates and the questions to be voted on by means of ballot

1 cards or voting machines;

2 (5) "Ballot card" means a tabulating card on which votes may be recorded by a voter by
3 use of a voting punch device or by marking with a pen or special marking device;

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

7 (7) The word "resident" used in reference to a candidate in a state, district, county, or
8 city election shall mean actual resident, without regard to the residence of the
9 spouse of the candidate;

10 (8) "Political organization" means a political group not constituting a political party
11 within the meaning of subsection (1) of this section but whose candidate received
12 two percent (2%) or more of the vote of the state at the last preceding election for
13 presidential electors; and

14 (9) "Political group" means a political group not constituting a political party or a
15 political organization within the meaning of subsections (1) and (8) of this section.

16 ➔Section 28. KRS 118.305 is amended to read as follows:

17 (1) Except as provided in KRS 118.345, and subject to the provisions of subsections
18 (2), (3), and (4) of this section, the county clerk of each county shall cause to be
19 printed for the voting machines and on the absentee ballots, ***provisional ballots, and***
20 ***provisional absentee ballots,*** for the regular election the names of the following
21 persons:

22 (a) Candidates of a political party, as defined in KRS 118.015, who have received
23 certificates of nomination at the preceding primary, or certificates of
24 nomination under KRS 118.185, and whose certificates of nomination have
25 been filed with the Secretary of State or the appropriate county clerk;

26 (b) Candidates of a political party, as defined in KRS 118.015, who have been
27 nominated for an unexpired term in a manner determined by the governing

- 1 authority of the party, as provided in KRS 118.115, and whose evidences of
2 nomination have been filed with the Secretary of State or the appropriate
3 county clerk within the time prescribed in this chapter;
- 4 (c) Candidates of a political party, as defined in KRS 118.015, who have been
5 nominated by the governing authority of the party to fill a vacancy in the
6 candidacy of a person nominated at the preceding primary~~[election]~~, as
7 provided in KRS 118.105, and whose certificates of nomination have been
8 filed with the Secretary of State or the appropriate county clerk, by at least the
9 date provided by the election law generally for such filing;
- 10 (d) Candidates who have been nominated by a political organization as provided
11 in KRS 118.325 and whose certificates or petitions of nomination have been
12 filed with the Secretary of State or the appropriate county clerk within the
13 time prescribed in this chapter;
- 14 (e) Independent candidates who have been nominated by petition as provided in
15 KRS 118.315, and whose petitions of nomination have been filed with the
16 Secretary of State or the appropriate county clerk within the time prescribed in
17 this chapter;
- 18 (f) Successful nominees of all nonpartisan primaries which shall have been
19 conducted;
- 20 (g) Candidates who have filed a petition of candidacy as shall be required to fill a
21 vacancy which shall appear on the ballot;
- 22 (h) The county clerk shall determine whether the name of any replacement
23 candidate who has been nominated as provided in KRS 118.105(5) may be
24 placed on the machine ballot or ballot cards and whether the voting machine
25 may be reprogrammed to count the votes cast for that candidate or whether the
26 ballot or ballot cards must be reprinted to accommodate votes cast for any
27 replacement candidate and shall take the appropriate action to accommodate

1 the replacement of any candidate. If the county clerk determines that the name
2 of any replacement candidate cannot be accommodated on the existing ballot
3 or ballot cards and if there is insufficient time before the election to reprint the
4 entire ballot, the county clerk shall request approval to use supplemental paper
5 ballots for voting for that office only in the same manner as permitted for
6 other situations as provided in KRS 118.215(5), and, if approved, shall have
7 an adequate number of supplemental paper ballots printed for voting for that
8 office and only votes cast for that office by means of the supplemental paper
9 ballots, in addition to any provisional ballots, shall be tabulated and recorded
10 by the precinct election officers and county board of elections. All actions by a
11 county clerk, the State Board of Elections, and the Secretary of State which
12 are necessary to provide for voting at a regular election for candidates
13 nominated pursuant to KRS 118.105(5) shall be carried out with all possible
14 speed. When a candidate has been replaced as provided in KRS 118.105(5)
15 after absentee and provisional absentee ballots have been printed and
16 distributed for the regular election, neither the precinct election officers nor
17 the county board of elections shall tabulate or record any absentee or
18 provisional absentee votes cast for the candidate who was replaced. If ballots
19 are reprinted or supplemental paper ballots are printed, or if voting machines
20 must be reprogrammed to count the votes cast for a replacement candidate, the
21 costs for the printing and reprogramming shall be paid by the political party
22 who has nominated a replacement candidate, or proportionately by each
23 political party if each party nominates a replacement candidate;

- 24 (i) Candidates for President and Vice President of the United States, of those
25 political parties and organizations who have nominated presidential electors as
26 provided in KRS 118.325, if the certificate of nomination of the electors has
27 been filed with the Secretary of State within the time prescribed in this

- 1 chapter;
- 2 (j) Candidates for soil and water district supervisors who have been nominated
3 by petition as provided in KRS 262.210; and
- 4 (k) Candidates for city office for which no nonpartisan primary has been
5 conducted in a city which requires nonpartisan city elections.
- 6 (2) Any candidate for city office who is defeated in a partisan or nonpartisan primary
7 shall be ineligible as a candidate for the same office in the regular election.
- 8 (3) Candidates for members of boards of education shall have their names printed on
9 ballot labels, provisional ballots, provisional absentee ballots, and absentee ballots
10 for the regular election only after filing as provided in KRS 160.220.
- 11 (4) Except as provided in KRS 118.105 and 118.115, no candidate's name shall be
12 printed upon the ballot labels, provisional ballots, provisional absentee ballots, and
13 absentee ballots for any regular election as the nominee of any political party, as
14 defined in KRS 118.015, or under the emblem of any political party, as so defined,
15 except those candidates who have been duly and regularly nominated as nominees
16 of that party at a primary held as provided in this chapter.
- 17 (5) No county clerk shall knowingly cause to be printed, upon the ballot labels,
18 provisional ballots, provisional absentee ballots, or absentee ballots for any regular
19 election, the name of any candidate of a political party, as defined in KRS 118.015,
20 who has not been nominated in the manner provided in the ~~primary election~~ laws
21 governing primaries or the name of any candidate who is not in compliance with
22 the restrictions concerning party registration and candidacy provided in of KRS
23 118.315(1).
- 24 (6) The names of candidates for President and Vice President shall be certified in lieu
25 of certifying the names of the candidates for presidential electors.
- 26 (7) When a vacancy occurs in an elective office which is required by law to be filled
27 temporarily by appointment, the officer or body designated by law to make the

1 appointment, or in the case of an office to be filled by appointment from a list of
2 nominations, the officer or body designated by law to make the nominations, shall
3 immediately notify in writing both the county clerk and Secretary of State of the
4 vacancy.

5 (8) A judge who elected to retire as a Senior Status Special Judge in accordance with
6 KRS 21.580 shall not become a candidate or a nominee for any elected office
7 during the five (5) year term prescribed in KRS 21.580(1)(a)1., regardless of the
8 number of days served by the judge acting as a Senior Status Special Judge.

9 ➔Section 29. KRS 118.425 is amended to read as follows:

10 (1) The State Board of Elections shall issue certificates of election where the successful
11 candidate was voted for by the state at large, was voted for by a district greater than
12 one (1) county, or was a candidate for member of Congress or the General
13 Assembly.

14 (2) Except as provided in subsection (3) of this section, not later than the second
15 Monday after the election, the county board of elections shall issue certificates of
16 election where the successful candidate was voted for by the electors of one (1)
17 county, or of a district less than one (1) county, except members of Congress,
18 members of the General Assembly, and designated officers filing with the Secretary
19 of State. The right to contest or recount an election in accordance with KRS Chapter
20 120 shall not be impaired. The county board of elections of the candidate's
21 residence shall issue certificates of election where the successful candidate was
22 voted for by the electors of a city or school district whose boundaries extend beyond
23 those of a single county. The board shall forward the certificate to the elected
24 candidate. If the board finds that two (2) or more candidates have received the
25 highest and equal number of votes for the same office, the board shall determine by
26 lot which of the candidates is elected.

27 (3) In counties containing cities of the first class, not later than the thirtieth day of

1 December after the election, the county board of elections shall issue certificates of
2 election where the successful candidate was voted for by the electors of the county,
3 except members of Congress, members of the General Assembly, and designated
4 officers filing with the Secretary of State. The right to contest or recount an election
5 in accordance with KRS Chapter 120 shall not be impaired. The county board of
6 elections of the candidate's residence shall issue certificates of election where the
7 successful candidate was voted for by the electors of a city whose boundaries
8 extend beyond those of a single county. The board shall forward the certificate to
9 the elected candidate. If the board finds that two (2) or more candidates have
10 received the highest and equal number of votes for the same office, the board shall
11 determine by lot which of the candidates is elected.

12 (4) In the case of all offices voted for, and in the case of public questions submitted to
13 the vote of the people of the state at large or of a district greater than one (1) county,
14 the county board of elections shall make out duplicate certificates of the total
15 number of votes received by each of the candidates for the office and the total
16 number of votes for and against each of the questions on a form prescribed by the
17 State Board of Elections through the promulgation of administrative regulations in
18 accordance with KRS Chapter 13A. The certificate of the total number of votes
19 shall be certified to the Secretary of State's Office not later than 12 p.m., prevailing
20 time, on the Monday~~[Friday]~~ following the election.~~[For special elections the~~
21 ~~certificate of the total number of votes shall be certified to the Secretary of State's~~
22 ~~Office not later than 12 p.m., prevailing time, on the day following the election.]~~
23 The county clerk shall keep one (1) of the certificates in his or her office. He or she
24 shall not later than three (3) days after receiving the certificate from the board,
25 forward the other certificate by mail to the Secretary of State who shall deliver it to
26 the State Board of Elections.

27 (5) The State Board of Elections shall meet, to count and tabulate the votes received by

1 the different candidates as certified to the Secretary of State no later than the third
2 Monday after the election. The right to contest or recount an election in accordance
3 with KRS Chapter 120 shall not be impaired. A majority of the members of the
4 board shall constitute a quorum and may act. The board shall make out the
5 certificates of election in the office of the board from the returns made. The board
6 shall make out duplicate certificates of election, in writing, over the signatures of its
7 members. The board shall forward the original certificate, by mail, to the elected
8 candidate. The duplicate shall be retained in the office of the board. In the case of
9 the election of a representative in Congress, an additional certificate shall be made
10 and sent, by mail, to the clerk of the House of Representatives.

11 (6) The certificate of election shall be issued to the candidate receiving the highest
12 number of votes in the territory from which the election is to be made. If two (2) or
13 more persons are found to have received the highest and an equal number of votes
14 for the same office, the election shall be determined by lot in the manner the board
15 directs, in the presence of not less than three (3) other persons. In the case of
16 elections for electors of President and Vice President of the United States, the board
17 shall issue a certificate of election to each elector of the political party or
18 organization whose candidates for President and Vice President received the highest
19 number of votes and the determination by the board that the candidates of any
20 political party or organization for President and Vice President have received the
21 highest number of votes shall constitute a determination that the electors nominated
22 by that party have been elected.

23 ➔Section 30. KRS 118.405 is amended to read as follows:

24 No candidate's name shall appear on any voting machine, provisional ballot, provisional
25 absentee ballot, or absentee ballot more than once, except that a candidate's name may
26 appear twice if he or she is a candidate for a primary or a regular election and also a
27 candidate to fill a vacancy in the same office required to be filled at a special election,

1 when the special election to fill a vacancy is scheduled for the regular election day.

2 ➔Section 31. KRS 118A.010 is amended to read as follows:

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

- 4 (1) "Ballot" or "official ballot" means the voting machine ballot label, ballot cards,
5 paper ballots, an absentee ballot, a special ballot, **a provisional ballot, a provisional**
6 **absentee ballot,** or a supplemental paper ballot which has been authorized for the
7 use of the voters in any primary **or regular**~~[, general,]~~ or special election by the
8 Secretary of State or the county clerk;
- 9 (2) "Ballot card" means a tabulating card on which votes may be recorded by a voter by
10 use of a voting device or by marking with a pen or special marking device;
- 11 (3) "Ballot label" means the cards, papers, booklet, pages, or other material on which
12 appear the names of candidates and the questions to be voted on by means of ballot
13 cards or voting machines;
- 14 (4) "Election" refers only to elections for offices of the Court of Justice; and
- 15 (5) "Voting machine" or "machine" shall include lever machines and, as far as
16 applicable, any electronic or electromechanical unit and supplies utilized or relied
17 upon by a voter in casting his vote in an election.

18 No provisions of KRS Chapter 118 existing on March 10, 1976, except KRS 118.015
19 through 118.045 shall apply to such elections. All other provisions of the election laws
20 not inconsistent with this chapter shall be applicable thereto.

21 ➔Section 32. KRS 118A.100 is amended to read as follows:

- 22 (1) Candidates for an unexpired term of a judicial office to be filled at a regular election
23 shall be nominated at the primary next preceding the regular election in the manner
24 prescribed in KRS 118A.060 if the vacancy occurs not later than the second Friday
25 in December preceding the primary. If the vacancy occurs on or after that date, the
26 election to fill the unexpired term shall be held in accordance with the procedures
27 described in this section and Section 152 of the Constitution of Kentucky.

- 1 (2) If in a regular election for judicial office no candidates nominated as provided in
2 KRS 118A.060 are available due to death, incapacity, or withdrawal, and the
3 candidates have not been replaced as provided in KRS 118A.060, the election to fill
4 the regular term shall be conducted in the manner prescribed in subsections (3)
5 through (11) of this section.
- 6 (3) Each candidate shall file a petition for nomination with the Secretary of State not
7 earlier than the first Wednesday after the first Monday in November of the year
8 preceding the year in which the election for the unexpired term will be held and not
9 later than the first Tuesday after the first Monday in June preceding the day fixed by
10 law for holding the regular election for the unexpired term, if the vacancy occurs
11 prior to the first Tuesday following the first Monday in June. If the vacancy occurs
12 after the first Tuesday following the first Monday in June, each candidate shall file a
13 petition for nomination with the Secretary of State not later than the second Tuesday
14 in August preceding the day fixed by law for holding the regular election for the
15 unexpired term. The petition shall be sworn to by the candidate and by not less than
16 two (2) registered voters from the district or circuit from which he or she seeks
17 nomination, before an officer authorized to administer an oath. Signatures for
18 nomination papers shall not be affixed on the document to be filed prior to the first
19 Wednesday after the first Monday in November of the year preceding the year in
20 which the office will appear on the ballot. The petition shall be filed no later than 4
21 p.m. local time at the place of filing when filed on the last date on which the papers
22 are permitted to be filed.
- 23 (4) The petition for nomination shall be in the form prescribed ***and furnished*** by the
24 State Board of Elections. The petition shall include a declaration sworn to by the
25 candidate, that he or she possesses all the constitutional and statutory requirements
26 of the office for which the candidate has filed. Titles, ranks, or spurious phrases
27 shall not be accepted on the petition and shall not be printed on the ballots as part of

1 the candidate's name; however, nicknames, initials, and contractions of given names
2 may be acceptable as the candidate's name.

3 (5) The Secretary of State shall examine the petition of each candidate to determine
4 whether it is regular on its face. If there is an error, the Secretary of State shall
5 notify the candidate by certified mail within twenty-four (24) hours of filing.

6 (6) The order of names on the ballot for each district or circuit, and numbered division
7 if divisions exist, shall be determined by lot at a public drawing to be held in the
8 office of the Secretary of State at 2 p.m., standard time, on the Thursday following
9 the first Tuesday after the first Monday in June preceding the regular election for
10 those petitions for nomination required to be filed no later than the first Tuesday
11 following the first Monday in June. For those petitions for nomination required to
12 be filed no later than the second Tuesday in August, the order of names on the ballot
13 for each district and circuit, and numbered division if divisions exist, shall be
14 determined by lot at a public drawing to be held in the office of the Secretary of
15 State at 2 p.m., standard time, on the Thursday following the second Tuesday in
16 August preceding the regular election.

17 (7) Not later than the date set forth in KRS 118.215 and after the order of names on the
18 ballot has been determined as required in subsection (6) of this section, the
19 Secretary of State shall:

20 (a) Certify to the county clerks of the respective counties entitled to participate in
21 the election of the various candidates, the name and place of residence of each
22 candidate for each office, by district or circuit, and numbered division if
23 divisions exist, as specified in the petitions for nomination filed with the
24 Secretary of State; and

25 (b) Designate for the county clerks the office of the Court of Justice with which
26 the names of candidates shall be printed and the order in which they are to
27 appear on the ballot.

- 1 (8) The ballot position of a candidate shall not be changed after the ballot position has
2 been designated by the county clerk.
- 3 (9) The county clerks of each county shall cause to be printed on the ballot labels for
4 the voting machines and on the absentee ballots, provisional ballots, and
5 provisional absentee ballots for the regular election the names of the candidates for
6 offices of the Court of Justice.
- 7 (10) The names of the candidates shall be placed on the voting machine in a separate
8 column or columns or in a separate line or lines and identified by the words
9 "Judicial Ballot," and in a manner so that the casting of a vote for all of the
10 candidates of a political party will not operate to cast a vote for judicial candidates.
11 The words "Vote for one" or "Vote for one in each division," shall be printed on the
12 appropriate location. The office, numbered division if divisions exist, and the
13 candidates therefor shall be clearly labeled. No party designation or emblem of any
14 kind, nor any sign indicating any candidate's political belief or party affiliation, shall
15 be used on voting machines or special ballots.
- 16 (11) The candidate receiving the highest number of votes cast at the regular election for a
17 district or circuit, or for a numbered division if divisions exist, shall be elected.
- 18 (12) A judge who elected to retire as a Senior Status Special Judge in accordance with
19 KRS 21.580 shall not become a candidate or a nominee for any elected office
20 during the five (5) year term prescribed in KRS 21.580(1)(a)1., regardless of the
21 number of days served by the judge acting as a Senior Status Special Judge.
- 22 ➔Section 33. KRS 118A.130 is amended to read as follows:
23 No judicial candidate's name shall appear on any voting machine, provisional ballot,
24 provisional absentee ballot, or absentee ballot more than once.
- 25 ➔Section 34. KRS 118A.150 is amended to read as follows:
26 (1) In certification of candidates for judicial office, no reference shall be made to
27 political affiliation.

- 1 (2) The Secretary of State shall not knowingly certify to the county clerk of any county
2 the name of any candidate who has not filed the required nomination or candidacy
3 papers, nor knowingly fail to certify the name of any candidate who has filed the
4 required nomination or candidacy papers.
- 5 (3) No county clerk shall knowingly cause to be printed on the ballot labels,
6 provisional ballots, provisional absentee ballots, or absentee ballots for any
7 election, the name of a candidate for an office of the Court of Justice who has not
8 been certified in the manner specified in this chapter.
- 9 (4) If, before the time of certification of candidates who will appear on the ballot
10 provided for in this chapter, any candidate whose petition or certificate of
11 nomination or petition for candidacy has been filed, dies or notifies the Secretary of
12 State in writing, signed and properly notarized, that he or she will not accept the
13 nomination or election, the Secretary of State shall not certify his or her name.
- 14 (5) If, after the certification of candidates who will appear on the ballot, any candidate
15 whose petition or certificate of nomination or petition for candidacy has been filed,
16 dies or notifies the Secretary of State in the manner described in subsection (4) of
17 this section, that he or she will not accept the nomination or election, the Secretary
18 of State shall immediately notify the appropriate county clerk, and the county clerk
19 shall ensure that notice is provided to the appropriate precincts as provided in
20 subsection (7) of this section.
- 21 (6) If after the certification of candidates who will appear on the ballot, any candidate
22 whose name appears on the ballot shall withdraw or die, neither the precinct
23 election officers nor the county board of elections shall tabulate or record the votes
24 cast for the candidate; and, in a primary ~~election~~, if there are only one (1) or two
25 (2) remaining candidates on the ballot for that office, following the withdrawal or
26 death of the other candidate or candidates, neither the precinct election officers nor
27 the county board of elections shall tabulate or record the votes for the remaining

1 candidate or candidates, and the officer with whom the remaining candidate or
2 candidates has filed his or her nomination papers shall immediately issue and file in
3 his or her office a certificate of nomination for that remaining candidate or
4 candidates and send a copy to the remaining candidate or candidates.

5 (7) If, after the certification of candidates who will appear on the ballot, any candidate
6 whose name appears on the ballot shall withdraw pursuant to KRS 118.212 or die,
7 the county clerk shall provide notices to the precinct election officers who shall see
8 that a notice is conspicuously displayed at the polling place advising voters of the
9 change, and that votes for the candidate shall not be tabulated or recorded. If the
10 county clerk learns of the death or withdrawal at least five (5) days prior to the
11 election and provides the notices required by this subsection and the precinct
12 officers fail to post the notices at the polling place, the officers shall be guilty of a
13 violation, subject to a fine of not less than ten dollars (\$10) nor more than two
14 hundred fifty dollars (\$250).

15 ➔Section 35. KRS 119.005 is amended to read as follows:

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

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

24 (3) "Ballot card" means a tabulating card on which votes may be recorded by a voter by
25 use of a voting punch device or by marking with a pen or special marking device;

26 (4) "Voting machine" or "machine" shall include lever machines and, as far as
27 applicable, any electronic or electromechanical unit and supplies utilized or relied

1 upon by a voter in casting and recording his or her vote in an election.

2 ➔Section 36. KRS 120.005 is amended to read as follows:

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

16 ➔Section 37. KRS 186.531 is amended to read as follows:

- 17 (1) As used in this section:
- 18 (a) "AOC Fund" means the circuit court clerk salary account created in KRS
19 27A.052;
- 20 (b) "GF" means the general fund;
- 21 (c) "IP" means instruction permit;
- 22 (d) "License Fund" means the KYTC photo license account created in KRS
23 174.056;
- 24 (e) "MC" means motorcycle;
- 25 (f) "MC Fund" means the motorcycle safety education program fund established
26 in KRS 15A.358;
- 27 (g) "OL" means operator's license; and

1 (h) "PIDC" means personal identification card.
 2 (2) The fees imposed for voluntary travel ID operator's licenses, instruction permits,
 3 and personal identification cards shall be as follows. The fees received shall be
 4 distributed as shown in the table. The fees shown, unless otherwise noted, are for an
 5 eight (8) year period:

6 Card	Fee	Road	License	AOC	GF	MC
7 Type		Fund	Fund	Fund		Fund
8 OL						
9 (initial/renewal)	\$48	\$31	\$7	\$10	\$0	\$0
10 OL (Under 21)						
11 (Up to 4 years)	\$18	\$8.50	\$5	\$4.50	\$0	\$0
12 Any OL, MC OL						
13 or combination						
14 (duplicate /corrected)	\$15	\$5.25	\$4	\$4	\$1.75	\$0
15 Motor vehicle IP						
16 (3 years)	\$18	\$6	\$5	\$5	\$2	\$0
17 Motorcycle IP						
18 (1 year)	\$18	\$6	\$5	\$2	\$1	\$4
19 Motorcycle OL						
20 (initial/renewal)	\$48	\$19.50	\$9	\$9.50	\$0	\$10
21 Combination						
22 vehicle/MC OL						
23 (initial/renewal)	\$58	\$28	\$7	\$13	\$0	\$10
24 PIDC						
25 (initial/renewal)	\$28	\$11	\$8	\$6	\$3	\$0
26 PIDC						
27 (duplicate/corrected)	\$15	\$6	\$4	\$3.50	\$1.50	\$0

1 (3) Except as provided in subsection (9) of this section, the fees imposed for standard
 2 operator's licenses, instruction permits, and personal identification cards shall be as
 3 follows. The fees received shall be distributed as shown in the table. The fees
 4 shown, unless otherwise noted, are for an eight (8) year period:

5 Card	Fee	Road	License	AOC	GF	MC
6 Type		Fund	Fund	Fund		Fund
7 OL						
8 (initial/renewal)	\$43	\$28	\$7	\$8	\$0	\$0
9 OL (Under 21)						
10 (Up to 4 years)	\$15	\$7.50	\$4	\$3.50	\$0	\$0
11 Any OL, MC OL						
12 or combination						
13 (duplicate /corrected)	\$15	\$5.25	\$4	\$4	\$1.75	\$0
14 Motor vehicle IP						
15 (3 years)	\$15	\$5	\$4	\$4	\$2	\$0
16 Motorcycle IP						
17 (1 year)	\$15	\$5	\$4	\$1	\$1	\$4
18 Motorcycle OL						
19 (initial/renewal)	\$43	\$17.50	\$8	\$7.50	\$0	\$10
20 Combination						
21 vehicle/MC OL						
22 (initial/renewal)	\$53	\$25	\$7	\$11	\$0	\$10
23 PIDC						
24 (initial/renewal)	\$23	\$8	\$8	\$4	\$3	\$0
25 PIDC						
26 (duplicate/corrected)	\$15	\$6	\$4	\$3.50	\$1.50	\$0
27 PIDC						

1 (no fixed address)

2 KRS 186.4122(5) and

3 186.4123(5) \$10 \$0 \$5 \$5 \$0 \$0

4 (4) The fee for a second or subsequent duplicate personal identification card for a
5 person who does not have a fixed, permanent address, as allowed under KRS
6 186.4122(5) and 186.4123(5), shall be the same as for a duplicate regular personal
7 identification card.

8 (5) The fee for a four (4) year original or renewal license issued pursuant to KRS
9 186.4101 shall be fifty percent (50%) of the amount shown in subsections (2) and
10 (3) of this section. The distribution of fees shown in subsections (2) and (3) of this
11 section shall also be reduced by fifty percent (50%) for licenses that are issued for
12 four (4) years.

13 (6) Any fee for any identity document applied for using alternative technology under
14 KRS 186.410 and 186.4122 shall be distributed in the same manner as a document
15 applied for with the circuit clerk.

16 (7) (a) An applicant for an original or renewal operator's license, commercial driver's
17 license, motorcycle operator's license, or personal identification card shall be
18 requested by the clerk to make a donation to promote an organ donor program.

19 (b) A donation under this subsection shall be two dollars (\$2) for any license or
20 card with an eight (8) year term, and one dollar (\$1) for any license or card
21 with a term of less than eight (8) years.

22 (c) The donation under this subsection shall be added to the regular fee for an
23 original or renewal motor vehicle operator's license, commercial driver's
24 license, motorcycle operator's license, or personal identification card. One (1)
25 donation may be made per issuance or renewal of a license or any
26 combination thereof.

27 (d) The fee shall be paid to the circuit clerk and shall be forwarded by the clerk on

1 a monthly basis to the Kentucky Circuit Court Clerks' Trust for Life, and such
2 moneys are hereby appropriated to be used exclusively for the purpose of
3 promoting an organ donor program. A donation under this subsection shall be
4 voluntary and may be refused by the applicant at the time of issuance or
5 renewal.

6 (8) In addition to the fees outlined in this section, the following individuals, upon
7 application for an initial or renewal operator's license, instruction permit, or
8 personal identification card, shall pay an additional application fee of thirty dollars
9 (\$30), which shall be deposited in the road fund:

10 (a) An applicant who is not a United States citizen or permanent resident and who
11 applies under KRS 186.4121 or 186.4123; or

12 (b) An applicant who is applying for a instruction permit, operator's license, or
13 personal identification card without a photo under KRS 186.4102(9).

14 **(9) There shall be no fee assessed for the initial, renewal, or duplicate standard**
15 **personal identification card to an individual, if the individual:**

16 **(a) Does not possess a valid operator's license or a commercial driver's license;**

17 **and**

18 **(b) Is at least eighteen (18) years of age on or before the day of the next regular**
19 **election.**