

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 16 of*
18 *this Act, and as defined under Section 24 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 24 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 that has been issued by the county containing the
- 3 name of the voter and which has been approved in writing by the State
- 4 Board of Elections pursuant to administrative regulations promulgated
- 5 under KRS Chapter 13A;
- 6 (c) Any identification card with the voter's picture and signature; or
- 7 (d) A credit or debit card with the name of the voter stated.
- 8 (3) After the election officer obtains the affirmation from the voter required by
- 9 subsection (1) of this section, and after the voter provides the documents under
- 10 subsection (2) of this section, the voter shall sign the precinct signature roster
- 11 and shall proceed to cast his or her vote.

12 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 117 IS CREATED TO

13 READ AS FOLLOWS:

- 14 (1) On the day of a primary or an election, or during in-person absentee voting, if a
- 15 voter is unable to provide proof of identification, as required under Section 16 of
- 16 this Act and as defined under Section 24 of this Act, or the voter fails to meet the
- 17 requirements of Section 1 of this Act, the voter may cast a provisional ballot if the
- 18 individual:
- 19 (a) Is eligible to vote under KRS 116.025;
- 20 (b) Is entitled to vote in that precinct; and
- 21 (c) In the presence of the election officer, executes a voter's affirmation, on a
- 22 form prescribed and furnished by the State Board of Elections pursuant to
- 23 administrative regulations promulgated under KRS Chapter 13A,
- 24 affirming:
- 25 1. The voter is a citizen of the United States;
- 26 2. The voter's date of birth to the best of the voter's knowledge and
- 27 belief;

- 1 3. The voter is qualified to vote in this precinct under KRS 116.025;
- 2 4. The voter's name, and that the voter is generally known by that name
- 3 or the name is as stated on his or her voter registration card;
- 4 5. The voter has not voted and will not vote in any other precinct;
- 5 6. The voter's current residential address, including the street address
- 6 number and, if different from the voter's current address, the voter's
- 7 residential address prior to the close of the registration books under
- 8 KRS 116.045, and the date the voter moved; and
- 9 7. The voter understands that making a false statement on the
- 10 affirmation is punishable under penalties of perjury.
- 11 (2) After the voter affirms the information required in subsection (1)(c) of this
- 12 section, the voter shall sign the "Provisional Ballot Signature Roster" and shall
- 13 then proceed to a private area reserved for the voter to cast his or her provisional
- 14 ballot.
- 15 (3) After casting his or her provisional ballot, the provisional voter shall:
- 16 (a) Place the voted provisional ballot in a blank secrecy envelope and seal the
- 17 ballot within the secrecy envelope to ensure anonymity;
- 18 (b) Place the sealed secrecy envelope within an outer envelope;
- 19 (c) Place the required affirmation of subsection (1)(c) of this section within the
- 20 outer envelope and seal the outer envelope; and
- 21 (d) Deposit the sealed outer envelope, with the contents therein, in the locked
- 22 provisional ballot box in the presence of a precinct election officer.
- 23 (4) In order for the voter's provisional ballot to be validated and counted, the voter
- 24 shall personally appear before the county clerk, not later than the close of
- 25 business on the Friday immediately following a primary or an election, and
- 26 either:
- 27 (a) Provide proof of identification as defined in Section 24 of this Act; or

- 1 **(b) 1. The voter's Social Security Card, any identification card that has been**
2 **issued by the county containing the name of the voter and which has**
3 **been approved in writing by the State Board of Elections pursuant to**
4 **administrative regulations promulgated under KRS Chapter 13A, any**
5 **identification card with the voter's picture and signature, a credit card**
6 **with the name of the voter stated, or a debit card with the name of the**
7 **voter stated; and**
- 8 **2. Affirm to one (1) of the following impediments the provisional voter**
9 **has to procure proof of identification:**
- 10 **a. Lack of transportation;**
- 11 **b. Inability to financially afford a copy of his or her birth certificate**
12 **or other documents needed to obtain the proof of identification;**
- 13 **c. Work schedule;**
- 14 **d. Lost or stolen identification;**
- 15 **e. Disability or illness;**
- 16 **f. Family responsibilities;**
- 17 **g. The proof of identification has been applied for, but not yet**
18 **received; or**
- 19 **h. The voter has a religious objection to being photographed.**
- 20 **(5) Except as provided in subsection (6) of this section, the county board of elections,**
21 **upon receiving the affirmation described in subsection (1)(c) of this section and**
22 **paragraph (b)2. of subsection (4) of this section, if applicable, shall find that the**
23 **provisional ballot is valid and direct that the ballot be opened and processed in**
24 **accordance with this chapter.**
- 25 **(6) If the following factors have occurred, the county board of elections shall**
26 **determine that the provisional ballot is invalid and shall reject the provisional**
27 **ballot:**

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

5 *(b) The provisional voter is not a qualified voter of the precinct, under Section*
 6 *18 of this Act;*

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

8 *(d) The provisional voter is unable to provide proof of identification as required*
 9 *in paragraph (a)1. of subsection (4) of this section.*

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

11 Each application for registration, change of affiliation, transfer of registration, *provisional*
 12 *ballot*, or absentee ballot *or provisional absentee ballot*, as absentee ballots *and*
 13 *provisional absentee ballots* are provided for by *Sections 2 and 5 of this Act and* KRS
 14 117.085, shall be verified by a written declaration by the applicant that it is made under
 15 the penalties of perjury.

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

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

26 (2) If the petition submitted pursuant to subsection (1) of this section is approved by the
 27 State Board of Elections, the election shall be conducted according to the following

1 provisions:

- 2 (a) One voting machine may be utilized for both precincts if the State Board of
 3 Elections certifies that separate ballots may be placed upon the voting
 4 machine to be used without endangering the integrity of the ballots or without
 5 violating any other election law. Otherwise, separate voting machines shall be
 6 used for each precinct. In the instance of a precinct which has a small number
 7 of voters such that the use of a separate voting machine would be cost-
 8 prohibitive, the county clerk may make application to the State Board of
 9 Elections to use supplemental paper ballots under KRS 118.215 to conduct the
 10 voting for the small precinct on election day. If the use of supplemental paper
 11 ballots is approved by the State Board of Elections, at the close of voting on
 12 election day, the locked supplemental paper ballot box shall be transported to
 13 the county board of elections along with the provisional ballot box and
 14 ballots shall be counted by the county board of elections as provided by KRS
 15 117.275(10) to ~~(14)~~~~(13)~~;
- 16 (b) Separate precinct voter rosters shall be maintained for each precinct, and steps
 17 shall be taken to insure that voters cast their ballot in their duly authorized
 18 precinct; and
- 19 (c) A separate set of elections forms and reports required by this chapter and the
 20 State Board of Elections shall be maintained for each precinct.

21 ➔Section 5. KRS 117.077 is amended to read as follows:

- 22 (1) In case of a medical emergency within fourteen (14) days or less of an election, a
 23 registered voter and the registered voter's spouse may apply for a mail-in~~[an]~~
 24 absentee ballot. The application shall state that the emergency condition occurred
 25 within the fourteen (14) day period. The application shall be notarized and
 26 accompanied by a copy of the voter's proof of identification as defined in Section
 27 24 of this Act. The application form may be requested by and delivered by the voter

1 or the spouse, parents, or children of the voter. If the voter has no spouse, parents,
 2 or children, the application form may be requested by and delivered by the brother,
 3 sister, niece, nephew, or designee of the voter. The application form shall be
 4 restricted to the use of the voter. Upon receipt of the application, a copy of the
 5 voter's proof of identification, and verification in accordance with this chapter,
 6 the county clerk shall issue an absentee ballot.

7 (2) If the voter does not submit a copy of his or her proof of identification, and the
 8 voter otherwise qualifies to receive a mail-in absentee ballot, the county clerk
 9 shall mail to the voter a mail-in absentee ballot and a voter affirmation described
 10 in subsection (1)(c) of Section 1 of this Act, two (2) official envelopes for
 11 returning the ballot and affirmation, and instructions for voting a mail-in
 12 absentee ballot.

13 ➔Section 6. KRS 117.085 is amended to read as follows:

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

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

- 24 1. A resident of Kentucky who is a covered voter as defined in KRS
- 25 117A.010;
- 26 2. A student who temporarily resides outside the county of his or her
- 27 residence;

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

1 federal post-card application is received at any time not less than seven (7)
2 days before the election, the county clerk shall affix his or her seal to the
3 application form upon receipt.

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

10 (d) A qualified voter may, at any time during normal business hours on those days
11 in-person absentee voting is conducted in the county clerk's office, make
12 application in person to the county clerk to vote on a voting machine in the
13 county clerk's office or other place designated by the county board of elections
14 and approved by the State Board of Elections, if the voter provides proof of
15 identification as defined in Section 24 of this Act or complies with the
16 requirements of Sections 1 or 2 of this Act, and the voter:

- 17 1. Is a resident of Kentucky who is a covered voter as defined in KRS
18 117A.010, who will be absent from the county of his or her residence on
19 any election day;
- 20 2. Is a student who temporarily resides outside the county of his or her
21 residence;
- 22 3. Has surgery, or whose spouse has surgery, scheduled that will require
23 hospitalization on election day;
- 24 4. Temporarily resides outside the state, but is still eligible to vote in this
25 state and will be absent from the county of his or her residence on any
26 election day;
- 27 5. Is a resident of Kentucky who is a uniformed-service voter as defined in

- 1 KRS 117A.010 confined to a military base on election day, learns of that
2 confinement within seven (7) days or less of an election, and is not
3 eligible for a mail-in absentee ballot under this subsection;
- 4 6. Is in her last trimester of pregnancy at the time she wishes to vote under
5 this paragraph. The application form for a voter under this subparagraph
6 shall be prescribed by the State Board of Elections, which shall contain
7 the woman's sworn statement that she is in fact in her last trimester of
8 pregnancy at the time she wishes to vote;
- 9 7. Has not been declared mentally disabled by a court of competent
10 jurisdiction and, on account of age, disability, or illness, is not able to
11 appear at the polls on election day; or
- 12 8. Is not permitted to vote by a mail-in absentee ballot under paragraph (a)
13 of this subsection, but who will be absent from the county of his or her
14 residence on election day.
- 15 (e) Voters who change their place of residence to a different state while the
16 registration books are closed in the new state of residence before a presidential
17 election shall be permitted to cast an in-person absentee ballot for President
18 and Vice President only, by making application in person to the county clerk
19 to vote on a voting machine in the county clerk's office or other place
20 designated by the county board of elections and approved by the State Board
21 of Elections, up to the close of normal business hours on the day before the
22 election.
- 23 (f) Any member of the county board of elections, any precinct election officer
24 appointed to serve in a precinct other than that in which he or she is registered,
25 any alternate precinct election officer, any deputy county clerk, any staff for
26 the State Board of Elections, and any staff for the county board of elections
27 may vote on a voting machine in the county clerk's office or other place

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

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

27 (h) Any individual qualified to appoint challengers for the day of an election may

1 also appoint challengers to observe all in-person absentee voting performed at
2 the county clerk's office or other place designated by the county board of
3 elections, and approved by the State Board of Elections, and those challengers
4 may exercise the same privileges as challengers appointed for observing
5 voting on the day of an election at a regular polling place.

6 (2) The county clerk shall type the name of the voter permitted to vote by mail-in
7 absentee ballot on the mail-in absentee ballot application form for that person's use
8 and no other. The mail-in absentee ballot application form shall be in the form
9 prescribed by the State Board of Elections, shall bear the seal of the county clerk,
10 and shall contain the following information: name, residential address, precinct,
11 party affiliation, statement of the reason the person cannot vote in person on
12 election day, statement of where the voter shall be on election day, statement of
13 compliance with residency requirements for voting in the precinct, 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 24 of**
17 **this Act, with the application.** A notice of the actual penalty provisions in KRS
18 117.995(2) and (5) shall be printed on the mail-in absentee ballot application form.

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

24 (b) **If the voter is unable to provide a copy of his or her proof of identification**
25 **with the application, and the voter otherwise qualifies to receive a mail-in**
26 **absentee ballot, the county clerk shall mail to the voter a mail-in absentee**
27 **ballot and the voter affirmation described in subsection (1)(c) of Section 1**

1 of this Act, two (2) official envelopes for returning the ballot and
2 affirmation, and instructions for voting a mail-in absentee ballot.

3 (c) The county clerk shall complete a postal form for a certificate of mailing for
4 mail-in absentee ballots mailed within the fifty (50) states, and it shall be
5 stamped by the postal service when the mail-in absentee ballots are mailed. A
6 mail-in absentee ballot may be transmitted by facsimile machine or by the
7 electronic transmission system established under KRS 117A.030(4) to a
8 covered voter as defined in KRS 117A.010. The covered voter shall be
9 notified of the options for transmittal of the mail-in absentee ballot, and the
10 mail-in absentee ballot shall be transmitted by the method chosen for receipt
11 by the resident of Kentucky who is a covered voter.

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

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

22 (6) The outer envelope shall bear the words "Absentee Ballot" and the address and
23 official title of the county clerk and shall provide space for the voter's signature,
24 voting address, precinct number, and signatures of two (2) witnesses if the voter
25 signs the form with the use of a mark instead of the voter's signature. The mail-in
26 absentee affirmations shall be included with the voter's mail-in absentee ballot.
27 The mail-in absentee affirmations shall be returned within the outer envelope to

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

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

23 (8) Any voter qualified for a mail-in absentee ballot who does not receive a requested
24 mail-in absentee ballot within a reasonable amount of time shall contact the county
25 clerk, who shall reissue a second mail-in absentee ballot. The county clerk shall
26 keep a record of the mail-in absentee ballots issued and returned by mail,~~[and]~~ the
27 in-person absentee voting **and in-person provisional absentee voting** that is

1 performed on the voting machine in the county clerk's office or other place
2 designated by the county board of elections and approved by the State Board of
3 Elections, to verify that only the first voted ballot to be returned by the voter is
4 counted. Upon the return of any mail-in absentee ballot after the first mail-in
5 absentee ballot is returned, the county clerk shall mark on the outer envelope of the
6 sealed ballot the words "Canceled because ballot reissued."

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

23 (10) Notwithstanding the provisions of the Kentucky Open Records Act, KRS 61.870 to
24 61.884, the information contained in an application for a mail-in absentee ballot
25 shall not be made public until after the close of business hours on the election day
26 for which the application applies. This subsection shall not prohibit at any time the
27 disclosure, upon request, of the total number of applications for mail-in absentee

1 ballots that have been filed, or the disclosure to the Secretary of State or the State
 2 Board of Elections, if requested or if otherwise required by law, of any information
 3 in an application for a mail-in absentee ballot.

4 →Section 7. KRS 117.0851 is amended to read as follows:

5 Absentee **ballots and provisional absentee** ballots cast, as provided by KRS 117.077 and
 6 117.085, shall all be tabulated in the same manner, as shall be provided by this chapter.

7 →Section 8. KRS 117.086 is amended to read as follows:

8 (1) (a) The voter returning his **or her** absentee ballot by mail shall mark his **or her**
 9 ballot, seal it in the **secrecy**~~inner~~ envelope, and then **seal**~~in~~ the outer
 10 envelope **with the voter affirmation, if applicable, described in subsection**
 11 **(1)(c) of Section 1 of this Act**, and mail it to the county clerk as~~shall be~~
 12 provided **in**~~by~~ this chapter.

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

1 extra hour during which those voters may vote who were waiting in line to
2 vote at the scheduled poll closing time.

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

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

17 (b) Any voter qualifying to vote in the county clerk's office or other place
18 designated by the county board of elections, and approved by the State Board
19 of Elections, whose qualifications are challenged on grounds other than
20 inability to provide proof of identification by any clerk or deputy shall
21 complete an "Oath of Voter" affidavit; and

22 (c) Any voter qualifying to vote in the county clerk's office or other place
23 designated by the county board of elections and approved by the State Board
24 of Elections, who is unable to provide proof of identification as defined in
25 Section 24 of this Act, may cast a provisional in-person absentee ballot in
26 accordance with Section 2 of this Act. Provisional in-person absentee
27 ballots and accompanying provisional in-person absentee voter affirmations

1 *shall be kept in a separate ballot box marked as containing provisional*
 2 *absentee ballots under this paragraph. Any voter casting a provisional in-*
 3 *person absentee ballot under this paragraph shall sign a "Provisional*
 4 *Absentee Ballot Signature Roster" and his or her in-person affirmation and*
 5 *vote shall be processed in accordance with Section 2 of this Act.*

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

1 members of the central absentee ballot counting board, if one is appointed, or by the
 2 members of the board of elections, and the equipment shall remain locked until the
 3 ballots are counted.

4 (7) The county clerk shall keep separate lists~~[a list]~~ for each election of all persons
 5 who:

6 (a) Return their absentee ballots by mail;~~[or who]~~

7 (b) Cast their ballots in the county clerk's office or other place designated by the
 8 county board of elections and approved by the State Board of Elections; and

9 (c) *Cast their provisional in-person absentee ballots under subsection (2)(c) of*
 10 *this section.*

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

24 (8) The county board of elections shall report to the State Board of Elections within ten
 25 (10) days after any primary or ~~[general]~~ election as to the number of rejected
 26 absentee ballots, including rejected mail-in absentee ballots and ballots cast under
 27 subsection (2) of this section, and the reasons for rejecting the~~[rejected absentee]~~

1 ballots on a form prescribed ***and furnished*** by the State Board of Elections in
2 administrative regulations promulgated under KRS Chapter 13A.

3 ➔Section 9. KRS 117.0863 is amended to read as follows:

- 4 (1) Except for those voters who have been certified as requiring assistance in voting on
5 a permanent or annual basis, any person voting by means of ~~a~~^{an} ***mail-in*** absentee
6 ballot~~[-by mail]~~ or on the voting machine in the county clerk's office or other place
7 designated by the county board of elections, and approved by the State Board of
8 Elections, as provided in this chapter who receives assistance in voting shall be
9 required to complete the voter assistance form required by KRS 117.255.
- 10 (2) Any person who assists another person in voting by use of an ***mail-in*** absentee
11 ballot~~[-by mail]~~ or on a voting machine in the county clerk's office or other place
12 designated by the county board of elections, and approved by the State Board of
13 Elections, shall complete the voter assistance form required by KRS 117.255.
- 14 (3) The detachable flap on all ***mail-in*** absentee ballot envelopes shall have printed upon
15 it the voter assistance form required by KRS 117.255, as well as a notice of the
16 penalty for failure to complete the form.
- 17 (4) The State Board of Elections shall promulgate ***by administrative regulations under***
18 ***KRS Chapter 13A*** a voter assistance form which shall be in a form acceptable to the
19 Attorney General.

20 ➔Section 10. KRS 117.0865 is amended to read as follows:

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

24 ➔Section 11. KRS 117.087 is amended to read as follows:

- 25 (1) The challenge of an absentee ballot returned by mail shall be in writing and in the
26 hands of the county clerk before 8 a.m. on election day.
- 27 (2) The county board of elections shall count the absentee ballots returned by mail and

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

8 (3) Beginning at 8 a.m. on election day, the board shall meet at the **county** clerk's office
9 to count the absentee ballots returned by mail and the ballots cast on the voting
10 machine in the county clerk's office or other place designated by the county board of
11 elections and approved by the State Board of Elections. Candidates or their
12 representatives shall be permitted to be present. The county board of elections shall
13 authorize representatives of the news media to observe the counting of the ballots.
14 The board shall open the boxes containing absentee ballots returned by mail and
15 remove the envelopes one (1) at a time. As each envelope is removed, it shall be
16 examined to ascertain whether the outer envelope and the detachable flap are in
17 proper order and have been signed by the voter, **or in the instance of a mail-in**
18 **absentee ballot with a voter affirmation, whether the affirmation has been signed**
19 **and executed.** A person having power of attorney for the voter and who signs the
20 detachable flap and outer envelope for the voter shall complete the voter assistance
21 form required by KRS 117.255. The signatures of two (2) witnesses are required if
22 the voter signs the form with the use of a mark instead of the voter's signature. All
23 unsigned **mail-in** absentee ballots, **or unsigned affirmations with accompanying**
24 **mail-in absentee ballots,** shall be rejected automatically. The **chair**~~[chairman]~~ of
25 the county board of elections shall compare the signatures on the outer envelope,~~[~~
26 ~~and]~~ the detachable flap, **and the voter affirmation if applicable,** with the signature
27 of the voter that appears on the registration card. If the outer envelope,~~[~~ and] the

1 detachable flap, **and the voter affirmation if applicable,** are found to be in order,
2 the **chair**~~[chairman]~~ shall read aloud the name of the voter. If the vote of the voter is
3 not rejected on a challenge then made as provided in subsection (4) of this section,
4 the **chair**~~[chairman]~~ shall remove the detachable flap and place the **secrecy**~~[inner]~~
5 envelope unopened in a ballot box which has been provided for the purpose.

6 (4) When the name of a voter who cast **a mail-in absentee ballot**~~[an absentee ballot by~~
7 ~~mail]~~ is read aloud by the **chair**~~[chairman]~~, the vote of the voter may be challenged
8 by any board member or by the written challenge provided in subsection (1) of this
9 section and the challenge may be determined and the vote accepted or rejected by
10 the board as if the voter was present and voting in person; but if the outer envelope
11 and the detachable flap are regular, **or in the case of a mail-in absentee ballot the**
12 **voter affirmation is regular,** and **each** substantially comply with the provisions of
13 this chapter, they shall be considered as showing that the voter is prima facie
14 entitled to vote. If the vote of a voter is rejected pursuant to the challenge, the
15 **secrecy**~~[inner]~~ envelope shall not be opened, but returned to the outer envelope
16 upon which the **chair**~~[chairman]~~ shall write on the envelope the word "rejected."

17 (5) After the challenges have been made and all the blank **secrecy**~~[inner]~~ envelopes
18 have been placed in a ballot box, the box shall be thoroughly shaken to redistribute
19 the absentee ballots in the box. The board shall open the ballot box, remove the
20 absentee ballots from the **secrecy**~~[inner]~~ envelopes, and count the ballots.

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

26 (7) The county board of elections, the county clerk, and all individuals permitted to be
27 present for the counting of absentee ballots pursuant to subsection (2) of this section

1 shall not make public the absentee ballot results determined as provided in this
2 section until after 6 p.m. prevailing time.

3 ➔Section 12. KRS 117.145 is amended to read as follows:

4 (1) At least fifteen (15) days before any special election, and at least fifty (50) days
5 before any primary or regular election, the county clerk of each county shall cause
6 to be printed and ready for use ballot labels for each candidate who, and each
7 question which, is entitled to be voted upon in such election. The ballot labels shall
8 be printed on clear white paper or other material which shall be furnished by the
9 printer. They shall be printed in black ink, in plain, clear type clearly legible to a
10 person with normal vision, and shall be of a size to fit the ballot frames. The labels
11 shall include the necessary party designations.

12 (2) Each county clerk shall have printed a sufficient number of paper absentee ballots
13 and voter affirmations. The voter affirmation and the absentee ballot shall be used
14 for voting by absent voters; by precinct officers who have been assigned to a
15 precinct other than their own; by members of a county board of elections; by voters
16 so disabled by age, infirmity, or illness as to be unable to appear at the polls; and for
17 voting in an emergency situation. The provisional absentee ballot shall indicate
18 that the ballot is a provisional absentee ballot. The provisional absentee ballot
19 stubs and the absentee ballot stubs shall each be consecutively numbered, and the
20 county board shall keep a record, by number, of all provisional absentee ballots
21 and all absentee ballots used for any of the purposes listed in this
22 subsection[herein].

23 (3) Each county clerk shall have printed a sufficient number of provisional ballots,
24 which shall have the same form as the absentee ballots, and provisional voter
25 affirmations. A provisional ballot shall indicate that the ballot is a provisional
26 ballot and not an absentee ballot. The provisional ballot stubs shall be
27 consecutively numbered, and the county board of elections shall keep a record, by

1 **number, of all provisional ballots used for votes cast by provisional voters.**

2 ~~(4)~~~~(3)~~ No later than the Friday preceding a special or regular election, the county
3 clerk shall equip the voting machines with the necessary supplies for the purpose of
4 write-in votes. The county clerk shall also attach a pencil or pen to the voting
5 machine for write-in purposes.

6 ~~(5)~~~~(4)~~ If supplemental paper ballots have been approved as provided in KRS
7 118.215, the county clerk shall cause to be printed a sufficient number of paper
8 ballots for the registered voters of each precinct. The paper ballots shall have stubs
9 which are numbered consecutively. The quality of paper on which the supplemental
10 paper ballots are printed shall be determined by **administrative** regulations
11 promulgated **under KRS Chapter 13A** by the secretary of the Finance and
12 Administration Cabinet.

13 ➔Section 13. KRS 117.175 is amended to read as follows:

14 The county clerk shall, with the county attorney, prepare a sufficient number of
15 instruction cards containing a diagram showing the front of the voting machine as it will
16 appear on the day of the election, instructions as to the proper method of voting by the use
17 of the machine, and instructions as to the proper method of casting a write-in vote. **For**
18 **provisional ballots and**~~(H)~~ supplemental paper ballots, ~~if have been~~ approved~~,~~ as
19 provided in KRS 118.215, the instruction cards shall indicate the offices, candidates, and
20 questions which will appear on the **provisional ballots and supplemental** paper ballots,
21 ~~and~~ the instructions for marking and depositing the **supplemental paper** ballots, **and**
22 **instructions for filling out the provisional ballot and voter affirmation described in**
23 **Section 2 of this Act.** The cards shall be examined and approved by the county board of
24 elections at the time the machines are examined and approved. The cards shall be
25 delivered to each election clerk by the county clerk at the time that other election supplies
26 are delivered and the election clerk shall post the card at the polling place.

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

- 1 (1) The State Board of Elections shall regularly provide special training regarding the
2 election laws and methods of enforcement to all members of county boards of
3 elections, county attorneys, Commonwealth's attorneys, and certain members of the
4 Department of Kentucky State Police.
- 5 (2) The county board of elections shall provide special training before each primary and
6 regular election, and any special election held during a year in which no elections
7 are scheduled, to all election officers, alternates, and certified challengers regarding
8 their duties and the penalties for failure to perform. Election officers, including
9 alternates, and certified challengers shall attend the training session, unless excused
10 by the county board of elections for reason of illness or other emergency. Any
11 person who fails to attend a training session without being excused shall be
12 prohibited from serving as an election officer or challenger for a period of five (5)
13 years. The training provided by the county board of elections shall include but not
14 be limited to the following:
- 15 (a) Operation of the voting machine or ballot cards;
 - 16 (b) Posting of necessary signs and notices at the polling place;
 - 17 (c) Voter assistance;
 - 18 (d) Maintaining precinct rosters;
 - 19 (e) Confirmation of a voter's identity;
 - 20 (f) Challenge of a voter;
 - 21 (g) Completing changes of address or name at the polling place;
 - 22 (h) Qualifications for voting in a primary~~[election]~~;
 - 23 (i) Electioneering and exit polling;
 - 24 (j) Write-in voting procedures;
 - 25 (k) Persons who may be in the voting room;
 - 26 (l) Election violations and penalties;
 - 27 (m) Assistance which may be provided by law enforcement officers;

- 1 (n) Election reports;
- 2 (o) Disability awareness;
- 3 (p) Provisional voting **and provisional absentee voting**~~[process]~~;
- 4 (q) Election emergency contingency plan;~~[and]~~
- 5 (r) Elections and voting equipment security plan; **and**
- 6 **(s) Proof of identification.**

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

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

12 ➔Section 15. KRS 117.195 is amended to read as follows:

13 (1) At least one (1) hour prior to the opening of the polls, the county clerk shall deliver
14 each machine, with the operating device and mechanism and the device covering
15 the registering counters securely locked, to the clerk of the precinct in which it is to
16 be used, and shall take a receipt indicating the distinguishing number of the
17 machine. The clerk of the precinct shall cause the machine to be arranged in the
18 voting place so that the front of the machine, on which appear the ballot labels and
19 the operating devices, will not be visible, when being operated, to any person other
20 than the voter.

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

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

27 **(a) A sufficient number of ballots, and supplemental paper ballots if approved,**

1 for the registered voters of each precinct;~~;~~

2 **(b)** A sufficient number of voting booths for voting **provisional ballots, and**
 3 **supplemental** paper ballots~~;~~ **if approved;**

4 **(c)** **A sufficient amount of** string **and**~~;~~ rubber stamps for marking "Spoiled" and
 5 "Unused" ballots;~~and~~

6 **(d)** A locked ballot box for **provisional ballots, and a separate locked ballot box**
 7 **for supplemental paper ballots if approved, for** each precinct; **and**

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

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

13 ➔Section 16. KRS 117.225 is amended to read as follows:

14 (1) Any person desiring to vote on election day shall give his **or her** name and address
 15 to the clerk of the election **and shall provide proof of identification as defined in**
 16 **Section 24 of this Act.**

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

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

24 **(4)** If the ~~voter's~~~~[person's]~~ name is listed on the precinct list furnished by the State
 25 Board of Elections as provided in KRS 117.025, **the voter provides proof of**
 26 **identification, the voter is exempt pursuant to subsection (3) of this section, or the**
 27 **voter satisfies the requirements of Section 1 or 2 of this Act,** and if no challenge is

1 made, then he or she shall sign his or her name on the precinct list in the space
 2 opposite his or her printed name. The voter's signature shall constitute his
 3 verification that he is a properly registered and qualified voter. The voter shall then
 4 retire alone to cast his or her vote on the voting machine. The county board of
 5 elections may provide to each precinct the original registration form of each voter
 6 entitled to vote in that precinct. These forms shall be used to compare signatures in
 7 those precincts to which the forms are provided.

8 ~~(5)(2)~~ If supplemental paper ballots are used, as provided in KRS 118.215, after
 9 voting on the voting machine the voter shall take the supplemental paper ballot with
 10 the stub intact and retire alone to the voting booth provided for voting paper ballots.
 11 After voting the supplemental paper ballot, the voter shall remove the numbered
 12 stub, hand the stub to an election officer~~[official]~~ and deposit the voted ballot in the
 13 locked supplemental paper ballot box in the presence of a precinct election
 14 officer.

15 ➔Section 17. KRS 117.227 is amended to read as follows:

16 Except as otherwise provided, election officers shall confirm the identity of each voter by
 17 proof of identification as defined in Section 24 of this Act~~[personal acquaintance or by a~~
 18 ~~document, such as a motor vehicle operator's license, Social Security card, any~~
 19 ~~identification card that has been issued by the county and which has been approved in~~
 20 ~~writing by the State Board of Elections, any identification card with picture and signature,~~
 21 ~~any United States government issued identification card, any Kentucky state government-~~
 22 ~~issued identification card with picture, or credit card]. The election officer confirming the~~
 23 identity shall sign the precinct voter roster and list the method of proof of identification.

24 ➔Section 18. KRS 117.245 is amended to read as follows:

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

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

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

11 (4) The Commonwealth's attorney and county attorney shall investigate each of the
 12 oaths and cause to be summoned before the grand jury the witnesses they or either
 13 of them, deem proper, and the grand jury shall make a thorough investigation of all
 14 votes so cast, and return indictments against all persons illegally voting. The
 15 foreman of the grand jury shall return to the county clerk all of the oaths upon
 16 which no indictments are found. The county clerk shall safely keep them as a part
 17 of the records of his or her office, and shall produce any or all of them, when
 18 required, to any subsequent grand jury.

19 ➔Section 19. KRS 117.255 is amended to read as follows:

20 (1) The voter shall be instructed by the officers of election, with the aid of the
 21 instruction cards and the model, in the use of the machine, if the voter so requests.

22 (2) Except for those voters who have been certified as requiring assistance on a
 23 permanent basis, no voter shall be permitted to receive any assistance in voting at
 24 the polls unless the voter~~he~~ makes and signs an oath that, because of blindness,
 25 other physical disability, or an inability to read English, the voter~~he~~ is unable to
 26 vote without assistance. The oath shall be upon a voter assistance form prescribed
 27 and furnished by the State Board of Elections pursuant to administrative

1 **regulations promulgated under KRS Chapter 13A.** Any person assisting a voter
2 shall complete the voter assistance form.

3 (3) Upon making and filing the oath with the precinct clerk, the voter requiring
4 assistance shall retire to the voting machine or ballot completion area with the
5 precinct judges, and one (1) of the judges shall, in the presence of the other judge
6 and the voter, operate the machine or complete the ballot as the voter directs. A
7 voter requiring assistance in voting may, if **the voter**~~[he]~~ prefers, be assisted by a
8 person of **the voter's**~~[his]~~ own choice who is not an election officer, except that the
9 voter's employer, an agent of the voter's employer, or an officer or agent of the
10 voter's union shall not assist a voter.

11 (4) The precinct election clerk shall swear a person assisting a voter in voting to operate
12 the voting machine or complete the ballot in accordance with the directions of the
13 voter, and the person sworn shall enter the voting booth or ballot completion area
14 and operate the machine or complete the ballot for the voter as the voter directs.

15 (5) A voter who requires voting assistance on a permanent basis because of blindness
16 or other physical disability may apply to the county board of elections for
17 certification. Application may be made when registering to vote or completing the
18 voter assistance form by indicating that the reason for obtaining assistance is
19 permanent. The county board of elections shall determine whether the applicant
20 requires assistance on a permanent basis. The county board of elections shall notify
21 the county clerk of persons certified as requiring permanent voting assistance and
22 the county clerk shall enter the certification on the voter's registration record. The
23 State Board of Elections shall indicate on the precinct roster of voters those voters
24 who are certified to receive assistance permanently without signing the voter
25 assistance form at the precinct.

26 (6) "Voting booth" or "ballot completion area" means an area in which a voter casts his
27 **or her** vote or completes his **or her** ballot which is designed to insure the secrecy of

- 1 the vote. No voter shall be assisted under this subsection unless the judges and the
2 sheriff of election are satisfied of the truth of the facts stated in the oath. The voter
3 shall state in his or her oath the specific reason that requires him or her to receive
4 assistance.
- 5 (7) No voter shall be permitted to occupy the voting machine more than two (2)
6 minutes if other voters are waiting to use it, except that those voters who because of
7 a disability need extra time to cast a ballot shall be given a reasonable amount of
8 time to vote.
- 9 (8) In primaries~~[primary elections]~~, before a voter is permitted to use the voting
10 machine, a judge of the election shall adjust the machine so that the voter will only
11 be able to vote for the persons for whom the voter is qualified to vote.
- 12 (9) If the machine is so constructed as to require adjustment after one (1) person has
13 voted before another person may vote, the judges of election shall adjust it after
14 each person has voted.
- 15 (10) The election officers shall constantly maintain a watch in order to prevent any
16 person from voting more than once.
- 17 (11) For voters voting as provisional voters, or if supplemental paper ballots have been
18 approved~~[,]~~ as provided in KRS 118.215, the voter shall vote his or her provisional
19 or supplemental ballot in privacy in a booth provided for that purpose by the county
20 clerk. If the voter spoils his or her ballot, the voter~~[he]~~ shall return the spoiled
21 paper ballot to an election officer~~[official]~~ who shall stamp the ballot "Spoiled,"
22 initial and place the spoiled ballot in an envelope provided for that purpose. The
23 voter shall be issued a second provisional or supplemental paper ballot. Upon
24 completion of voting, the voter shall remove the numbered stub from the ballot,
25 hand the stub to an election officer~~[official]~~ and deposit the voted ballot in the
26 appropriate locked ballot box in the presence of a precinct election
27 officer~~[officials]~~.

1 (12) The election sheriff shall be responsible for reporting violations of this section.

2 ➔Section 20. KRS 117.265 is amended to read as follows:

3 (1) A voter may, at any regular or special election, cast a write-in vote for any person
4 qualified as provided in subsection (2) or (3) of this section, whose name does not
5 appear upon the ballot label for any office, by writing the name of his or her choice
6 upon the appropriate device for the office being voted on provided on the voting
7 machine as required by KRS 117.125. Any candidate for city, county, urban-county,
8 consolidated local government, charter county government, or unified local
9 government office who is defeated in a partisan or nonpartisan primary shall be
10 ineligible as a candidate for the same office in the regular election. Any voter
11 utilizing a provisional ballot, a provisional in-person absentee ballot, or a~~an~~
12 mail-in absentee ballot for a regular or special election may write in a vote for any
13 eligible person whose name does not appear upon the ballot, by writing the name of
14 his or her choice under the office.

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

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

- 1 (a) For more than one (1) office in a regular or special election; or
2 (b) If his or her name appears upon the ballot label for any office, except that the
3 candidate may file a notice of withdrawal prior to filing an intent to be a write-
4 in candidate for office when a vacancy in a different office occurs because of:
- 5 1. Death;
 - 6 2. Disqualification to hold the office sought;
 - 7 3. Severe disabling condition which arose after the nomination; or
 - 8 4. The nomination of an unopposed candidate.

9 (4) Persons who wish to run for President and Vice-President shall file a declaration of
10 intent to be a write-in candidate, along with a list of presidential electors pledged to
11 those candidates, with the Secretary of State on or before the fourth Friday in
12 October preceding the date of the regular election for those offices. The declaration
13 of intent shall be filed no earlier than the first Wednesday after the first Monday in
14 November of the year preceding the year the office will appear on the ballot, and no
15 later than 4 p.m. local time at the place of filing when filed on the last date on which
16 papers may be filed. Write-in votes cast for the candidates whose names appear on
17 the ballot shall apply to the slate of pledged presidential electors, whose names shall
18 not appear on the ballot.

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

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

24 ➔Section 21. KRS 117.275 is amended to read as follows:

25 (1) At the count of the votes in any precinct, any candidate or slate of candidates and
26 any representatives to witness and check the count of the votes therein, who are
27 authorized to be appointed as is provided in subsection (9) of this section, shall be

1 admitted and be permitted to be present and witness the count.

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

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

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

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

10 (d) The number or other designation of the voting equipment, which certificate
11 shall be returned by the judges of election to the officials authorized by law to
12 receive it. The judges shall compare the number of voters, as shown by the
13 counter of the voting equipment, with the number of those who have voted as
14 shown by the protective or accumulative counter or device, if any.

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

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

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

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

25 (4) Where voting equipment is used that prints the candidates' names along with the
26 total votes received on a return sheet or record for that equipment, the precinct
27 election officers shall sign the return sheets or record for the voting equipment,

1 which shall be posted on the door of the precinct.

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

5 (6) Each of the return sheets, if applicable, and the record of the voting equipment shall
6 be enclosed in an envelope. One (1) copy of the return sheets, if applicable, one (1)
7 copy of the record of the voting equipment, and the write-in roll, if any write-in
8 votes were cast in the precinct, shall be directed to the county board of elections of
9 the county in which the election is being held. One (1) copy of the return sheets or
10 record of the voting equipment shall be given to the county clerk of the county in
11 which the election is being held and to each of the local governing bodies of the two
12 (2) dominant political parties, but a local governing body of a dominant political
13 party may decline a copy of the precinct election return by filing a written
14 declination with the county board of elections prior to the election, and upon this
15 declination, a printed copy shall not be issued to the political party so declining. The
16 declination on file shall be effective for that election and any subsequent elections
17 until revoked by the local governing body of a dominant political party by filing a
18 written revocation with the county board of elections. The envelope shall have
19 endorsed thereon a certificate of the election officers, stating the number of the
20 machine, the precinct where it has been used, the number on the seal, and the
21 number on the protective or accumulative counter or device at the close of the polls.

22 (7) Following the tabulation of all votes cast in the election, including absentee votes
23 and write-in votes, the county board shall mail a copy of the precinct-by-precinct
24 summary of the tabulation sheets showing the results from each precinct to the State
25 Board of Elections and the county clerk shall mail or deliver the precinct signature
26 rosters from each precinct to the State Board of Elections during the period
27 established by KRS 117.355(3).

- 1 (8) As soon as possible after the completion of the count, the two (2) judges shall return
2 to the county board of elections the keys to the voting machine received and
3 receipted for by them, and the county clerk in which the precinct is located shall
4 have the voting machine properly boxed or securely covered and removed to a
5 proper and secure place of storage.
- 6 (9) In primaries, each candidate, slate of candidates, or group of candidates may
7 designate to the county board of elections a representative to witness and check the
8 vote count. In regular elections, the governing authority of each political party, each
9 candidate for member of board of education, nonpartisan candidate, independent
10 candidate, or independent ticket may designate a representative to the county board
11 of elections to witness and check the vote count. The county board of elections shall
12 authorize representatives of the news media to witness the vote count.
- 13 (10) **For all provisional ballots, and**~~if~~ supplemental paper ballots ~~if~~ ~~have been~~
14 approved~~;~~ as provided in KRS 118.215, after the polls are closed, the two (2)
15 judges shall return to the county clerk's office the locked **provisional ballot box and**
16 **the supplemental paper** ballot box, all ballot stubs, spoiled ballots, and unvoted
17 ballots at the same time as the tabulation of votes from the voting machine is
18 delivered. The county clerk shall issue a receipt for the number of ballot stubs,
19 unvoted ballots, spoiled ballots, and the ballot ~~boxes~~~~box~~.
- 20 (11) The county board of elections, or its designee, shall count and tally the
21 **supplemental** paper ballots manually or with the use of tabulating equipment which
22 does not involve an additional voting system. The results of the vote tally shall be
23 certified by the county board of elections to the county clerk and to the Secretary of
24 State.
- 25 **(12) Following the period for verification of provisional ballots established in Section**
26 **2 of this Act, the county board of elections shall tabulate the valid provisional**
27 **ballots. The results of the vote tally shall be certified by the county board of**

1 *elections to the county clerk and to the Secretary of State. The county board shall*
 2 *mail a copy of the precinct-by-precinct summary of the valid provisional ballot*
 3 *tabulation sheets showing the results from each precinct to the State Board of*
 4 *Elections.*

5 ~~(13)~~~~(12)~~ The county board of elections shall authorize the candidates, slates of
 6 candidates, or their representatives, and representatives of the news media to be
 7 present during the counting of the *supplemental and provisional* paper ballots.

8 ~~(14)~~~~(13)~~ Except as otherwise required in this chapter that certain records and papers
 9 relating to specified elections be retained for twenty-two (22) months, the county
 10 clerk shall retain the voted *provisional ballots, the ballot affirmations, and the*
 11 *supplemental* paper ballots for twenty-two (22) months and the unvoted *provisional*
 12 *ballots, the ballot affirmations, and the supplemental* paper ballots for sixty (60)
 13 days after each election day, after which time they shall be destroyed in a manner to
 14 render them unreadable by the county board of elections if no contest or recount
 15 action has been filed.

16 ➔Section 22. KRS 117.305 is amended to read as follows:

17 (1) The canvass and returns provided for in KRS 117.275 shall constitute the official
 18 returns of the precinct, unless before 4 p.m. on the Tuesday following a primary or
 19 regular election, or before 4 p.m. on the *Tuesday*~~[day]~~ following a special election
 20 held for the purpose of filling a vacancy, the county clerk or county board of
 21 elections takes notice of a discrepancy in the tally of votes cast in any precinct or
 22 number of precincts, or a candidate makes a written request to the county board of
 23 elections in the case of a candidate who has filed with the county clerk, or the
 24 Secretary of State in the case of a candidate who has filed with the Secretary of
 25 State, to check and recanvass the voting machines, *valid provisional ballots, valid*
 26 *provisional absentee ballots,* and absentee ballots of any precinct or any number of
 27 precincts involving his *or her* race. After this time period has elapsed and notice is

1 taken, the county ~~election~~board of elections shall assemble at 9 a.m. on the
2 Thursday following the filing deadline to request a recanvass, and not sooner, and
3 recheck and recanvass each machine and make a proper return thereof to the county
4 clerk, and the canvass and return shall become the official returns for the election.
5 In making the recanvass, the board shall make a record of the number of the seal
6 upon the voting machine and, without unlocking the machine against voting,
7 recanvass the vote cast thereon. If, after a recanvass, it is found that the original
8 canvass of the returns has been correctly made from the machine, and that there still
9 remains a discrepancy unaccounted for, this discrepancy shall be noted. If, upon
10 recanvass, it appears that the original canvass of the returns by the election officers
11 was incorrect, the returns and all papers being prepared by the board shall be
12 corrected accordingly. The county board of elections shall, immediately upon
13 receipt of a request for a recanvass, notify each candidate for the office of the time
14 and place of the recanvass. At the recanvass, each political party represented on the
15 board may appoint a representative there to be its governing body, and also each
16 candidate to be voted for may be present, either in person or by a representative or
17 both. The county board of elections shall authorize representatives of the news
18 media to observe the recanvass of the votes cast on the voting machine in each
19 precinct. Nothing in this section shall prohibit an individual from requesting, in
20 addition to a recanvass, a recount as authorized by KRS Chapter 120.

21 (2) The State Board of Elections shall prescribe and furnish forms to be used by
22 county boards of election to report all recanvassed votes. The form shall include the
23 following information:

- 24 (a) The name of the county in which the recanvass was conducted;
25 (b) The date of the report;
26 (c) The date of the election;
27 (d) The office for which the recanvass was conducted;

- 1 (e) The names of each candidate for the office being recanvassed; and
- 2 (f) The machine votes, absentee votes, valid provisional votes, valid provisional
- 3 absentee votes, and vote totals for each candidate, as well as write-in votes
- 4 cast in a regular or special election for candidates whose names did not appear
- 5 on the ballot.

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

- 7 (3) The county board of elections shall file its recanvass report as prescribed in
- 8 administrative regulations promulgated by the State Board of Elections in
- 9 conformity with KRS Chapter 13A.
- 10 (4) The State Board of Elections shall promulgate administrative regulations in
- 11 accordance with KRS Chapter 13A to establish the proper procedures for
- 12 conducting a recanvass for each type of voting system approved by the State Board
- 13 of Elections and in use in Kentucky.

14 ➔Section 23. KRS 117.365 is amended to read as follows:

15 Upon the first day a grand jury convenes after a primary, regular~~[general]~~ election, or

16 special election, the county clerk shall present to the grand jury all voter assistance forms,

17 ~~and~~ all applications for absentee ballots, and all voter affirmations accompanying

18 provisional absentee ballots which shall have been completed in the immediately

19 preceding primary, regular~~[general]~~ election, or special election. The county clerk may

20 photocopy applications for absentee ballots, voter affirmations accompanying

21 provisional absentee ballots, and voter assistance forms, certify them as true copies of

22 the originals, and present the grand jury with those certified copies instead of the

23 originals. The county clerk shall retain all applications for absentee ballots, voter

24 affirmations accompanying provisional absentee ballots, and one (1) copy of each voter

25 assistance form as part of the records of the office and shall produce certified copies of

26 any or all of them, when required, to any subsequent grand jury.

27 ➔Section 24. KRS 117.375 is amended to read as follows:

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

- 2 (1) "Electronic or electromechanical voting system" means a system of casting votes by
3 use of marking devices and tabulating ballots employing automatic tabulating
4 equipment or data processing equipment.
- 5 (2) "Automatic tabulating equipment" means apparatus necessary to automatically
6 examine and count votes as designated on ballots and data processing machines
7 which can be used for counting ballots and tabulating results.
- 8 (3) "Voting device" means either an apparatus in which paper ballots or ballot cards are
9 used in connection with an implement by which a voter registers his or her votes
10 with ink or other substance or by punching, or an apparatus by which such votes are
11 registered electronically, so that in either case the votes so registered may be
12 computed and tabulated by means of automatic tabulating equipment.
- 13 (4) "Ballot card" means a tabulating card on which votes may be recorded by a voter by
14 use of a voting punch device or by marking with a pen or special marking device.
- 15 (5) "Ballot label" means the cards, papers, booklet, pages or other material on which
16 appear the names of candidates and the questions to be voted on by means of ballot
17 cards or voting machines.
- 18 (6) "Ballot" or "official ballot" means the voting machine ballot label, ballot cards,
19 paper ballots, an absentee ballot, a provisional ballot, a provisional absentee
20 ballot, or a supplemental paper ballot which has been authorized for the use of
21 voters in any primary or regular~~[, general]~~ or special election by the Secretary of
22 State or the county clerk.
- 23 (7) "Voting punch device" means an apparatus in which ballots or ballot cards are
24 inserted for the piercing of ballots by the voter. The hole may be in the form of a
25 round dot, rectangle, square, or any other shape that will clearly indicate the intent
26 of the voter.
- 27 (8) "Vote marking device" means any approved device for marking a paper ballot with

1 ink or other substance which will enable the ballot to be tabulated by means of
2 automatic tabulating equipment.

3 (9) "Secrecy envelope" means the envelope handed to the voter with his or her ballot
4 into which the voter shall place his or her voted ballot cards.

5 (10) "Precinct ballot counter" means an automatic tabulating device used at the precinct
6 to tabulate and process ballots.

7 (11) "Voting machine" or "machine" shall include lever machines and, as far as
8 applicable, any electronic or electromechanical unit and supplies utilized or relied
9 upon by a voter in casting and recording his votes in an election.

10 **(12) "Proof of identification" means a document that was issued by:**

11 **(a) The United States or the Commonwealth of Kentucky, and contains:**

12 **1. The name of the individual to whom the document was issued, and the**
13 **name conforms to the name on the individual's voter registration**
14 **card; and**

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

16 **(b) The United States Department of Defense, a branch of the uniformed**
17 **services, the Merchant Marines, or the Kentucky National Guard, and if the**
18 **document complies with the requirements of paragraph (a)1. and 2. of this**
19 **subsection; or**

20 **(c) A public or private college, university, or postgraduate technical or**
21 **professional school located within the state, and contains:**

22 **1. The name of the individual to whom the document was issued, and the**
23 **name conforms to the name in the individual's voter registration card;**
24 **and**

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

26 **(13) "Provisional voter" means a person:**

27 **(a) Who is registered to vote;**

- 1 **(b) Whose name appears on the precinct roster;**
 2 **(c) Who has not provided proof of identification to the precinct election officer**
 3 **before voting; and**
 4 **(d) Who elects to proceed with provisional voting under Section 2 of this Act.**

5 **(14) "Provisional ballot" or "provisional absentee ballot" means ballot cards or paper**
 6 **ballots which have been authorized for the use of provisional voters in any**
 7 **primary or regular or special election by the Secretary of State or the county**
 8 **clerk.**

9 ➔Section 25. KRS 117.383 is amended to read as follows:

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

- 13 (1) Achieve and maintain the maximum degree of correctness, impartiality, and
 14 efficiency of the procedures of voting;
- 15 (2) Count, tabulate, and record votes;
- 16 (3) Establish a method for placing items on the electronic voting device, which shall, as
 17 closely as possible, follow the requirements pertaining to ballot labels;
- 18 (4) Design the ballot cards **and provisional ballot cards**, including a numerical system
 19 to **ensure**~~insure~~ an accurate record of all voting activities;
- 20 (5) Instruct voters in the use of the voting device;
- 21 (6) Provide for checking the accuracy of the equipment;
- 22 (7) Provide necessary supplies, including those necessary for a write-in vote and
 23 secrecy envelopes for punch cards or data processing cards to insure voter privacy;
- 24 (8) As part of the official canvass, provide for a manual recount of randomly selected
 25 precincts representing three percent (3%) to five percent (5%) of the total ballots
 26 cast in each election;
- 27 (9) Provide a method for maintaining sufficient documents and records so that votes

1 can be recounted. Such documents and records shall include any material other than
 2 a ballot card which is imprinted with the names of candidates and issues voted
 3 upon. Records shall be maintained in such a manner that a specific piece of printed
 4 material listing issues and candidates can be matched with the specific ballot cards
 5 which were marked in reliance upon such printed material. Except as otherwise
 6 required in this chapter that certain records and papers relating to specified elections
 7 be retained for twenty-two (22) months, such documents and records shall be
 8 maintained for thirty (30) days following an election; **and**

9 **(10) Unless contrary to the Help America Vote Act of 2002, ensure that all provisional**
 10 **voting shall be conducted in a manner as prescribed by KRS Chapters 116 to 120.**

11 ➔Section 26. KRS 117.385 is amended to read as follows:

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

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

23 **(b)** When precinct ballot counters are used, the voter, **unless voting a provisional**
 24 **ballot,** may either:

25 **1.** Insert his **or her** ballot contained in the secrecy envelope provided and
 26 deposit the emptied ballot container envelope with the election
 27 **officer**[official] presiding over the ballot counter; or

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

3 ➔Section 27. KRS 117.995 is amended to read as follows:

- 4 (1) Any person appointed to serve as an election officer but who shall knowingly and
5 willfully fail to serve and who is not excused by the county board of elections for
6 the reasons specified in this chapter shall be guilty of a violation and shall be
7 ineligible to serve as an election officer for a period of five (5) years.
- 8 (2) Any county clerk or member of the county board of elections who knowingly and
9 willfully violates any of the provisions of this chapter, including furnishing
10 applications for absentee ballots **and provisional absentee ballots** to persons other
11 than those specified by the provisions of this chapter and failure to type the name of
12 the voter on the application form as required by the provisions of this chapter, shall
13 be guilty of a Class D felony.
- 14 (3) Any officer who willfully fails to prepare or furnish ballot labels, **provisional**
15 **ballots, provisional absentee ballots,** or absentee ballots or fails to allow a qualified
16 voter to cast his or her vote on the machine as required of the voter by this chapter
17 shall be guilty of a Class A misdemeanor.
- 18 (4) Any election officer who knowingly and willfully violates any of the provisions of
19 this chapter, including failure to enforce the prohibition against electioneering
20 established by KRS 117.235, shall be guilty of a Class A misdemeanor for the first
21 offense and a Class D felony for each subsequent offense.
- 22 (5) Any person who signs a name other than his or her own on an application for an
23 absentee ballot ~~or on~~ the verification form for the ballot ~~or on~~ an emergency
24 absentee ballot affidavit, **or a voter affirmation,** or any person who votes an
25 absentee ballot other than the one issued in his or her name, or any person who
26 applies for the ballot for the use of anyone other than himself or herself or the
27 person designated by the provisions of this chapter, or any person who makes a

1 false statement on an application for an absentee ballot or on an emergency absentee
2 ballot affidavit shall be guilty of a Class D felony.

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

8 (7) Any person who knowingly and willfully prepares or assists in the preparation of an
9 inaccurate or incomplete voter assistance form or fails to complete a voter
10 assistance form when required shall be guilty of a Class A misdemeanor for the first
11 offense and a Class D felony for each subsequent offense; however, if a voter has
12 been permanently certified as requiring voting assistance, there shall be no offense
13 for the failure of the voter to complete the form.

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

17 (9) Any local or state election official, including the Secretary of State, employees of
18 the Secretary, and members of the State Board of Elections and their staff, who
19 knowingly and willfully uses the voter registration roster in violation of KRS
20 117.025(3)(a) shall, for each offense, be guilty of a Class A misdemeanor.

21 ➔Section 28. KRS 118.015 is amended to read as follows:

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

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

27 (2) The word "election" used in reference to a state, district, county, or city election,

1 includes the decisions of questions submitted to the qualified voters as well as the
2 choice of officers by them;

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

8 (4) "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 (5) "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 (6) "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 *or her* votes in an election;

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

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

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

25 ➔Section 29. KRS 118.305 is amended to read as follows:

26 (1) Except as provided in KRS 118.345, and subject to the provisions of subsections
27 (2), (3), and (4) of this section, the county clerk of each county shall cause to be

1 printed for the voting machines and on the absentee ballots, provisional ballots, and
2 provisional absentee ballots, for the regular election the names of the following
3 persons:

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

8 (b) Candidates of a political party, as defined in KRS 118.015, who have been
9 nominated for an unexpired term in a manner determined by the governing
10 authority of the party, as provided in KRS 118.115, and whose evidences of
11 nomination have been filed with the Secretary of State or the appropriate
12 county clerk within the time prescribed in this chapter;

13 (c) Candidates of a political party, as defined in KRS 118.015, who have been
14 nominated by the governing authority of the party to fill a vacancy in the
15 candidacy of a person nominated at the preceding primary~~[-election]~~, as
16 provided in KRS 118.105, and whose certificates of nomination have been
17 filed with the Secretary of State or the appropriate county clerk, by at least the
18 date provided by the election law generally for such filing;

19 (d) Candidates who have been nominated by a political organization as provided
20 in KRS 118.325 and whose certificates or petitions of nomination have been
21 filed with the Secretary of State or the appropriate county clerk within the
22 time prescribed in this chapter;

23 (e) Independent candidates who have been nominated by petition as provided in
24 KRS 118.315, and whose petitions of nomination have been filed with the
25 Secretary of State or the appropriate county clerk within the time prescribed in
26 this chapter;

27 (f) Successful nominees of all nonpartisan primaries which shall have been

1 conducted;

2 (g) Candidates who have filed a petition of candidacy as shall be required to fill a
3 vacancy which shall appear on the ballot;

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

- 1 are reprinted or supplemental paper ballots are printed, or if voting machines
2 must be reprogrammed to count the votes cast for a replacement candidate, the
3 costs for the printing and reprogramming shall be paid by the political party
4 who has nominated a replacement candidate, or proportionately by each
5 political party if each party nominates a replacement candidate;
- 6 (i) Candidates for President and Vice President of the United States, of those
7 political parties and organizations who have nominated presidential electors as
8 provided in KRS 118.325, if the certificate of nomination of the electors has
9 been filed with the Secretary of State within the time prescribed in this
10 chapter;
- 11 (j) Candidates for soil and water district supervisors who have been nominated
12 by petition as provided in KRS 262.210; and
- 13 (k) Candidates for city office for which no nonpartisan primary has been
14 conducted in a city which requires nonpartisan city elections.
- 15 (2) Any candidate for city office who is defeated in a partisan or nonpartisan primary
16 shall be ineligible as a candidate for the same office in the regular election.
- 17 (3) Candidates for members of boards of education shall have their names printed on
18 ballot labels, provisional ballots, provisional absentee ballots, and absentee ballots
19 for the regular election only after filing as provided in KRS 160.220.
- 20 (4) Except as provided in KRS 118.105 and 118.115, no candidate's name shall be
21 printed upon the ballot labels, provisional ballots, provisional absentee ballots, and
22 absentee ballots for any regular election as the nominee of any political party, as
23 defined in KRS 118.015, or under the emblem of any political party, as so defined,
24 except those candidates who have been duly and regularly nominated as nominees
25 of that party at a primary held as provided in this chapter.
- 26 (5) No county clerk shall knowingly cause to be printed, upon the ballot labels,
27 provisional ballots, provisional absentee ballots, or absentee ballots for any regular

1 election, the name of any candidate of a political party, as defined in KRS 118.015,
2 who has not been nominated in the manner provided in the ~~primary election~~ laws
3 *governing primaries* or the name of any candidate who is not in compliance with
4 the restrictions concerning party registration and candidacy provided in of KRS
5 118.315(1).

6 (6) The names of candidates for President and Vice President shall be certified in lieu
7 of certifying the names of the candidates for presidential electors.

8 (7) When a vacancy occurs in an elective office which is required by law to be filled
9 temporarily by appointment, the officer or body designated by law to make the
10 appointment, or in the case of an office to be filled by appointment from a list of
11 nominations, the officer or body designated by law to make the nominations, shall
12 immediately notify in writing both the county clerk and Secretary of State of the
13 vacancy.

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

18 ➔Section 30. KRS 118.425 is amended to read as follows:

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

23 (2) Except as provided in subsection (3) of this section, not later than the second
24 Monday after the election, the county board of elections shall issue certificates of
25 election where the successful candidate was voted for by the electors of one (1)
26 county, or of a district less than one (1) county, except members of Congress,
27 members of the General Assembly, and designated officers filing with the Secretary

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

9 (3) In counties containing cities of the first class, not later than the thirtieth day of
10 December after the election, the county board of elections shall issue certificates of
11 election where the successful candidate was voted for by the electors of the county,
12 except members of Congress, members of the General Assembly, and designated
13 officers filing with the Secretary of State. The right to contest or recount an election
14 in accordance with KRS Chapter 120 shall not be impaired. The county board of
15 elections of the candidate's residence shall issue certificates of election where the
16 successful candidate was voted for by the electors of a city whose boundaries
17 extend beyond those of a single county. The board shall forward the certificate to
18 the elected candidate. If the board finds that two (2) or more candidates have
19 received the highest and equal number of votes for the same office, the board shall
20 determine by lot which of the candidates is elected.

21 (4) In the case of all offices voted for, and in the case of public questions submitted to
22 the vote of the people of the state at large or of a district greater than one (1) county,
23 the county board of elections shall make out duplicate certificates of the total
24 number of votes received by each of the candidates for the office and the total
25 number of votes for and against each of the questions on a form prescribed by the
26 State Board of Elections through the promulgation of administrative regulations in
27 accordance with KRS Chapter 13A. The certificate of the total number of votes

1 shall be certified to the Secretary of State's Office not later than 12 p.m., prevailing
2 time, on the Monday~~[Friday]~~ following the election.~~[For special elections the~~
3 ~~certificate of the total number of votes shall be certified to the Secretary of State's~~
4 ~~Office not later than 12 p.m., prevailing time, on the day following the election.]~~

5 The county clerk shall keep one (1) of the certificates in his or her office. He or she
6 shall not later than three (3) days after receiving the certificate from the board,
7 forward the other certificate by mail to the Secretary of State who shall deliver it to
8 the State Board of Elections.

9 (5) The State Board of Elections shall meet, to count and tabulate the votes received by
10 the different candidates as certified to the Secretary of State no later than the third
11 Monday after the election. The right to contest or recount an election in accordance
12 with KRS Chapter 120 shall not be impaired. A majority of the members of the
13 board shall constitute a quorum and may act. The board shall make out the
14 certificates of election in the office of the board from the returns made. The board
15 shall make out duplicate certificates of election, in writing, over the signatures of its
16 members. The board shall forward the original certificate, by mail, to the elected
17 candidate. The duplicate shall be retained in the office of the board. In the case of
18 the election of a representative in Congress, an additional certificate shall be made
19 and sent, by mail, to the clerk of the House of Representatives.

20 (6) The certificate of election shall be issued to the candidate receiving the highest
21 number of votes in the territory from which the election is to be made. If two (2) or
22 more persons are found to have received the highest and an equal number of votes
23 for the same office, the election shall be determined by lot in the manner the board
24 directs, in the presence of not less than three (3) other persons. In the case of
25 elections for electors of President and Vice President of the United States, the board
26 shall issue a certificate of election to each elector of the political party or
27 organization whose candidates for President and Vice President received the highest

1 number of votes and the determination by the board that the candidates of any
2 political party or organization for President and Vice President have received the
3 highest number of votes shall constitute a determination that the electors nominated
4 by that party have been elected.

5 →Section 31. KRS 118.405 is amended to read as follows:

6 No candidate's name shall appear on any voting machine, provisional ballot, provisional
7 absentee ballot, or absentee ballot more than once, except that a candidate's name may
8 appear twice if he or she is a candidate for a primary or a regular election and also a
9 candidate to fill a vacancy in the same office required to be filled at a special election,
10 when the special election to fill a vacancy is scheduled for the regular election day.

11 →Section 32. KRS 118A.010 is amended to read as follows:

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

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

27 No provisions of KRS Chapter 118 existing on March 10, 1976, except KRS 118.015

1 through 118.045 shall apply to such elections. All other provisions of the election laws
2 not inconsistent with this chapter shall be applicable thereto.

3 ➔Section 33. KRS 118A.100 is amended to read as follows:

- 4 (1) Candidates for an unexpired term of a judicial office to be filled at a regular election
5 shall be nominated at the primary next preceding the regular election in the manner
6 prescribed in KRS 118A.060 if the vacancy occurs not later than the second Friday
7 in December preceding the primary. If the vacancy occurs on or after that date, the
8 election to fill the unexpired term shall be held in accordance with the procedures
9 described in this section and Section 152 of the Constitution of Kentucky.
- 10 (2) If in a regular election for judicial office no candidates nominated as provided in
11 KRS 118A.060 are available due to death, incapacity, or withdrawal, and the
12 candidates have not been replaced as provided in KRS 118A.060, the election to fill
13 the regular term shall be conducted in the manner prescribed in subsections (3)
14 through (11) of this section.
- 15 (3) Each candidate shall file a petition for nomination with the Secretary of State not
16 earlier than the first Wednesday after the first Monday in November of the year
17 preceding the year in which the election for the unexpired term will be held and not
18 later than the first Tuesday after the first Monday in June preceding the day fixed by
19 law for holding the regular election for the unexpired term, if the vacancy occurs
20 prior to the first Tuesday following the first Monday in June. If the vacancy occurs
21 after the first Tuesday following the first Monday in June, each candidate shall file a
22 petition for nomination with the Secretary of State not later than the second Tuesday
23 in August preceding the day fixed by law for holding the regular election for the
24 unexpired term. The petition shall be sworn to by the candidate and by not less than
25 two (2) registered voters from the district or circuit from which he or she seeks
26 nomination, before an officer authorized to administer an oath. Signatures for
27 nomination papers shall not be affixed on the document to be filed prior to the first

1 Wednesday after the first Monday in November of the year preceding the year in
2 which the office will appear on the ballot. The petition shall be filed no later than 4
3 p.m. local time at the place of filing when filed on the last date on which the papers
4 are permitted to be filed.

5 (4) The petition for nomination shall be in the form prescribed and furnished by the
6 State Board of Elections. The petition shall include a declaration sworn to by the
7 candidate, that he or she possesses all the constitutional and statutory requirements
8 of the office for which the candidate has filed. Titles, ranks, or spurious phrases
9 shall not be accepted on the petition and shall not be printed on the ballots as part of
10 the candidate's name; however, nicknames, initials, and contractions of given names
11 may be acceptable as the candidate's name.

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

15 (6) The order of names on the ballot for each district or circuit, and numbered division
16 if divisions exist, shall be determined by lot at a public drawing to be held in the
17 office of the Secretary of State at 2 p.m., standard time, on the Thursday following
18 the first Tuesday after the first Monday in June preceding the regular election for
19 those petitions for nomination required to be filed no later than the first Tuesday
20 following the first Monday in June. For those petitions for nomination required to
21 be filed no later than the second Tuesday in August, the order of names on the ballot
22 for each district and circuit, and numbered division if divisions exist, shall be
23 determined by lot at a public drawing to be held in the office of the Secretary of
24 State at 2 p.m., standard time, on the Thursday following the second Tuesday in
25 August preceding the regular election.

26 (7) Not later than the date set forth in KRS 118.215 and after the order of names on the
27 ballot has been determined as required in subsection (6) of this section, the

1 Secretary of State shall:

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

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

10 (8) The ballot position of a candidate shall not be changed after the ballot position has
11 been designated by the county clerk.

12 (9) The county clerks of each county shall cause to be printed on the ballot labels for
13 the voting machines and on the absentee ballots, provisional ballots, and
14 provisional absentee ballots for the regular election the names of the candidates for
15 offices of the Court of Justice.

16 (10) The names of the candidates shall be placed on the voting machine in a separate
17 column or columns or in a separate line or lines and identified by the words
18 "Judicial Ballot," and in a manner so that the casting of a vote for all of the
19 candidates of a political party will not operate to cast a vote for judicial candidates.
20 The words "Vote for one" or "Vote for one in each division," shall be printed on the
21 appropriate location. The office, numbered division if divisions exist, and the
22 candidates therefor shall be clearly labeled. No party designation or emblem of any
23 kind, nor any sign indicating any candidate's political belief or party affiliation, shall
24 be used on voting machines or special ballots.

25 (11) The candidate receiving the highest number of votes cast at the regular election for a
26 district or circuit, or for a numbered division if divisions exist, shall be elected.

27 (12) A judge who elected to retire as a Senior Status Special Judge in accordance with

1 KRS 21.580 shall not become a candidate or a nominee for any elected office
2 during the five (5) year term prescribed in KRS 21.580(1)(a)1., regardless of the
3 number of days served by the judge acting as a Senior Status Special Judge.

4 ➔Section 34. KRS 118A.130 is amended to read as follows:

5 No judicial candidate's name shall appear on any voting machine, provisional ballot,
6 provisional absentee ballot, or absentee ballot more than once.

7 ➔Section 35. KRS 118A.150 is amended to read as follows:

- 8 (1) In certification of candidates for judicial office, no reference shall be made to
9 political affiliation.
- 10 (2) The Secretary of State shall not knowingly certify to the county clerk of any county
11 the name of any candidate who has not filed the required nomination or candidacy
12 papers, nor knowingly fail to certify the name of any candidate who has filed the
13 required nomination or candidacy papers.
- 14 (3) No county clerk shall knowingly cause to be printed on the ballot labels,
15 provisional ballots, provisional absentee ballots, or absentee ballots for any
16 election, the name of a candidate for an office of the Court of Justice who has not
17 been certified in the manner specified in this chapter.
- 18 (4) If, before the time of certification of candidates who will appear on the ballot
19 provided for in this chapter, any candidate whose petition or certificate of
20 nomination or petition for candidacy has been filed, dies or notifies the Secretary of
21 State in writing, signed and properly notarized, that he or she will not accept the
22 nomination or election, the Secretary of State shall not certify his or her name.
- 23 (5) If, after the certification of candidates who will appear on the ballot, any candidate
24 whose petition or certificate of nomination or petition for candidacy has been filed,
25 dies or notifies the Secretary of State in the manner described in subsection (4) of
26 this section, that he or she will not accept the nomination or election, the Secretary
27 of State shall immediately notify the appropriate county clerk, and the county clerk

1 shall ensure that notice is provided to the appropriate precincts as provided in
2 subsection (7) of this section.

3 (6) If after the certification of candidates who will appear on the ballot, any candidate
4 whose name appears on the ballot shall withdraw or die, neither the precinct
5 election officers nor the county board of elections shall tabulate or record the votes
6 cast for the candidate; and, in a primary~~[election]~~, if there are only one (1) or two
7 (2) remaining candidates on the ballot for that office, following the withdrawal or
8 death of the other candidate or candidates, neither the precinct election officers nor
9 the county board of elections shall tabulate or record the votes for the remaining
10 candidate or candidates, and the officer with whom the remaining candidate or
11 candidates has filed his or her nomination papers shall immediately issue and file in
12 his or her office a certificate of nomination for that remaining candidate or
13 candidates and send a copy to the remaining candidate or candidates.

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

24 ➔Section 36. KRS 119.005 is amended to read as follows:

25 (1) A "ballot" or "official ballot" means the voting machine ballot label, ballot cards,
26 paper ballots, an absentee ballot, a special ballot, **a provisional ballot, a provisional**
27 **absentee ballot,** or a supplemental paper ballot which has been authorized for the

1 use of the voters in any primary or regular~~[, general]~~ or special election by the
2 Secretary of State or the county clerk;

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

8 (4) "Voting machine" or "machine" shall include lever machines and, as far as
9 applicable, any electronic or electromechanical unit and supplies utilized or relied
10 upon by a voter in casting and recording his or her vote in an election.

11 ➔Section 37. KRS 120.005 is amended to read as follows:

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

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

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

22 (4) "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 vote in an election.

25 ➔Section 38. KRS 186.531 is amended to read as follows:

26 (1) As used in this section:

27 (a) "AOC Fund" means the circuit court clerk salary account created in KRS

- 1 27A.052;
- 2 (b) "GF" means the general fund;
- 3 (c) "IP" means instruction permit;
- 4 (d) "License Fund" means the KYTC photo license account created in KRS
- 5 174.056;
- 6 (e) "MC" means motorcycle;
- 7 (f) "MC Fund" means the motorcycle safety education program fund established
- 8 in KRS 15A.358;
- 9 (g) "OL" means operator's license; and
- 10 (h) "PIDC" means personal identification card.

11 (2) The fees imposed for voluntary travel ID operator's licenses, instruction permits,
 12 and personal identification cards shall be as follows. The fees received shall be
 13 distributed as shown in the table. The fees shown, unless otherwise noted, are for an
 14 eight (8) year period:

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

1	Motorcycle OL						
2	(initial/renewal)	\$48	\$19.50	\$9	\$9.50	\$0	\$10
3	Combination						
4	vehicle/MC OL						
5	(initial/renewal)	\$58	\$28	\$7	\$13	\$0	\$10
6	PIDC						
7	(initial/renewal)	\$28	\$11	\$8	\$6	\$3	\$0
8	PIDC						
9	(duplicate/corrected)	\$15	\$6	\$4	\$3.50	\$1.50	\$0

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

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

1	(initial/renewal)	\$43	\$17.50	\$8	\$7.50	\$0	\$10
2	Combination						
3	vehicle/MC OL						
4	(initial/renewal)	\$53	\$25	\$7	\$11	\$0	\$10
5	PIDC						
6	(initial/renewal)	\$23	\$8	\$8	\$4	\$3	\$0
7	PIDC						
8	(duplicate/corrected)	\$15	\$6	\$4	\$3.50	\$1.50	\$0
9	PIDC						
10	(no fixed address)						
11	KRS 186.4122(5) and						
12	186.4123(5)	\$10	\$0	\$5	\$5	\$0	\$0

13 (4) The fee for a second or subsequent duplicate personal identification card for a
 14 person who does not have a fixed, permanent address, as allowed under KRS
 15 186.4122(5) and 186.4123(5), shall be the same as for a duplicate regular personal
 16 identification card.

17 (5) The fee for a four (4) year original or renewal license issued pursuant to KRS
 18 186.4101 shall be fifty percent (50%) of the amount shown in subsections (2) and
 19 (3) of this section. The distribution of fees shown in subsections (2) and (3) of this
 20 section shall also be reduced by fifty percent (50%) for licenses that are issued for
 21 four (4) years.

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

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

- 1 (b) A donation under this subsection shall be two dollars (\$2) for any license or
2 card with an eight (8) year term, and one dollar (\$1) for any license or card
3 with a term of less than eight (8) years.
- 4 (c) The donation under this subsection shall be added to the regular fee for an
5 original or renewal motor vehicle operator's license, commercial driver's
6 license, motorcycle operator's license, or personal identification card. One (1)
7 donation may be made per issuance or renewal of a license or any
8 combination thereof.
- 9 (d) The fee shall be paid to the circuit clerk and shall be forwarded by the clerk on
10 a monthly basis to the Kentucky Circuit Court Clerks' Trust for Life, and such
11 moneys are hereby appropriated to be used exclusively for the purpose of
12 promoting an organ donor program. A donation under this subsection shall be
13 voluntary and may be refused by the applicant at the time of issuance or
14 renewal.
- 15 (8) In addition to the fees outlined in this section, the following individuals, upon
16 application for an initial or renewal operator's license, instruction permit, or
17 personal identification card, shall pay an additional application fee of thirty dollars
18 (\$30), which shall be deposited in the road fund:
- 19 (a) An applicant who is not a United States citizen or permanent resident and who
20 applies under KRS 186.4121 or 186.4123; or
- 21 (b) An applicant who is applying for a instruction permit, operator's license, or
22 personal identification card without a photo under KRS 186.4102(9).
- 23 **(9) There shall be no fee assessed for the initial, renewal, or duplicate standard**
24 **personal identification card to an individual, if the individual:**
- 25 **(a) Does not possess a valid operator's license or a commercial driver's license;**
26 **and**
- 27 **(b) Is at least eighteen (18) years of age on or before the day of the next regular**

1

election.