

1 AN ACT relating to elections and declaring an emergency.

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

3 ➔Section 1. KRS 117.035 is amended to read as follows:

- 4 (1) There shall be a county board of elections, which shall, at the direction and under
5 the supervision of the State Board of Elections, administer the election laws and the
6 registration and purgation of voters within the county.
- 7 (2) (a) The board shall consist of the county clerk, the sheriff, and two (2) members
8 appointed by the State Board of Elections *under paragraph (d) of this*
9 *subsection. Those members appointed by the State Board of Elections in*
10 *2020 shall serve for a term of three (3) years and until their successors are*
11 *appointed in 2023. Beginning in 2023, and for each term thereafter,*
12 *members of the county board of elections appointed by the State Board of*
13 *Elections shall serve*~~[not later than July 1 following the election of persons to~~
14 ~~statewide office,]~~ for a term of four (4) years and until their successors are
15 appointed. *All appointments under this paragraph shall be made no later*
16 *than July 1 of the year in which the term expires.*
- 17 (b) The sheriff shall not serve on the board during any year in which he or she is a
18 candidate, but shall recommend to the board a temporary replacement to serve
19 in his or her place. If the sheriff cannot serve because he or she is sick,
20 injured, or otherwise incapacitated, he or she may recommend a temporary
21 replacement to serve in his or her place until the sheriff may resume his or her
22 duties or a vacancy in office is declared.
- 23 (c) The county clerk may, at his or her option, continue to serve on the board
24 during a year in which he or she is a candidate. If the clerk elects not to serve,
25 he or she shall recommend a temporary replacement to serve in his or her
26 place. If the county clerk cannot serve because he or she is sick, injured, or
27 otherwise incapacitated, he or she may recommend a temporary replacement

1 to serve in his or her place until the county clerk may resume his or her duties
2 or a vacancy in office is declared.

- 3 (d) 1. Notwithstanding the provisions of KRS 61.080, service on the board of
4 elections shall be compatible with the holding of any other county or city
5 office.
- 6 2. The members shall be at least twenty-one (21) years of age, qualified
7 voters in the county from which they are appointed, and shall not have
8 been convicted of any election law offense.
- 9 3. One (1) member shall be appointed from a list of five (5) names
10 submitted by the county executive committee of each political party as
11 defined in KRS 118.015. If there are two (2) or more contending
12 executive committees of the same political party in any county, the one
13 recognized by the written certificate of the chair of the state central
14 committee of the political party shall be the one authorized to submit the
15 lists.
- 16 4. If the State Board of Elections does not receive the list as required by
17 subparagraph 3. of this paragraph for each political party for each county
18 by the deadline established in paragraph (a) of this subsection or within
19 one (1) month of a vacancy, then the chair of the state central
20 committees for the political parties may submit lists of five (5) names of
21 qualified residents from the remaining counties by August 1 of the year
22 in which the term expires,~~following the election of persons to~~
23 ~~statewide office~~ or within two (2) months of a vacancy.
- 24 5. If the State Board of Elections does not receive a list from either the
25 county executive committee under subparagraph 3. of this paragraph or
26 the chair of the state executive committee under subparagraph 4. of this
27 paragraph, then the State Board of Elections shall appoint a qualified

- 1 resident from the county at its next regularly scheduled meeting in
2 September *of the year in which the term expires*,~~[following the election~~
3 ~~of persons to statewide office]~~ or within three (3) months of a vacancy.
- 4 6. A member appointed by the State Board of Elections may be removed
5 by the State Board of Elections for cause.
- 6 7. A member appointed by the State Board of Elections may be removed
7 by the State Board of Elections upon a request approved by a two-thirds
8 (2/3) vote of the full membership of the county executive committee that
9 submitted the member's name. The county executive *committee* shall
10 provide conclusive evidence of the committee's membership and
11 evidence of the committee's two-thirds (2/3) vote before the State Board
12 of Elections removes any member appointed by the State Board of
13 Elections.
- 14 8. If an appointee is temporarily unable to act, a temporary appointee shall
15 be named by the State Board of Elections. A temporary appointee shall
16 serve until the original appointee notifies the State Board of Elections
17 that he or she is able to resume his or her term.
- 18 9. A member appointed by the State Board of Elections shall not serve on
19 the board if he or she is a candidate for public office, and the member
20 shall resign upon filing papers to become a candidate for public office or
21 shall be removed from office by the State Board of Elections. A member
22 who resigns or is removed because of his or her candidacy shall not
23 resume his or her term following the completion of the candidacy.
- 24 10. Vacancies and temporary vacancies shall be filled in the same manner as
25 provided for original appointments, and the person appointed to fill the
26 vacancy or temporary vacancy shall be of the same political party as his
27 or her predecessor.

- 1 (e) Compensation and payment of actual expenses of members shall be set by the
2 fiscal court either as an amount payable on an annual basis, or as an amount
3 payable on a per diem basis of not less than fifteen dollars (\$15) nor more than
4 one hundred dollars (\$100) for each day the board meets.
- 5 (3) A majority of the board shall constitute a quorum. The county clerk shall serve as
6 chair of the meetings and may vote. In case of a tie, the chair may cast an additional
7 vote. Records shall be kept of all proceedings, and the records shall be public and
8 kept at the office of the county clerk.
- 9 (4) The board shall meet as follows:
- 10 (a) During years in which a primary or regular election is scheduled, the board
11 shall meet at least once every other month and may meet more frequently if
12 necessary upon the call of the chair or upon written agreement of two (2) or
13 more members of the board. The call shall provide notice as prescribed by
14 KRS 61.823.
- 15 (b) During years in which no primary or regular election is scheduled, the board
16 shall meet at the call of the chair or upon written agreement of two (2) or more
17 members of the board. The call shall provide notice as prescribed by KRS
18 61.823.
- 19 (c) The board shall meet and stay in session on primary, regular election, and
20 special election days to correct clerical errors and rule on questions regarding
21 voter registration and may make to the election officers such certifications as
22 may be necessary. On primary, regular election, and special election days,
23 appeals may be made to a Circuit Judge, but a ruling of the board shall be
24 reversed only upon a finding that it was arbitrary and capricious.
- 25 (5) The board may employ, on a bipartisan basis, a staff sufficient to carry out the
26 duties assigned to the board.
- 27 ➔Section 2. KRS 117.045 is amended to read as follows:

- 1 (1) (a) The county board of elections shall in the manner prescribed by this section,
2 not later than March 20 each year, except in a year in which no primary and
3 regular elections are scheduled, appoint for each precinct in the county two (2)
4 judges, one (1) clerk and one (1) sheriff of election. They shall serve in all
5 elections held in the county during the year, except for minors seventeen (17)
6 years of age who will become eighteen (18) years of age on or before the day
7 of the regular election who may only serve as election officers for the primary
8 and regular elections as provided in subsection (9) of this section.
- 9 (b) If a special election is ordered to be held in a year in which no elections are
10 scheduled, the county executive committee of each political party in each
11 county in the territory affected by the special election shall, not later than
12 twenty-eight (28) days preceding the date of the special election, submit a
13 written list of nominees for precinct election officers to serve in the special
14 election in a manner consistent with the provisions of subsection (2) of this
15 section. The county board of elections in each county in the territory affected
16 by the special election shall, not later than twenty-one (21) days preceding the
17 date of the special election, appoint precinct election officers to serve in the
18 special election in a manner consistent with the provisions of subsections (4),
19 (5), and (6) of this section.
- 20 (c) The State Board of Elections shall promulgate an administrative regulation
21 under KRS Chapter 13A establishing evaluation procedures which county
22 boards of elections may use to qualify persons nominated to serve as precinct
23 election officers.
- 24 (2) The county executive committees of the two (2) political parties having
25 representation on the State Board of Elections may, on or before February~~March~~
26 15 each year, designate in writing to the county board of elections a list of not less
27 than four (4) names for each precinct; except that, in any precinct where there are

1 not as many as four (4) persons possessing the qualifications of an election officer
 2 belonging to the political party filing the list, a lesser number may be designated. If
 3 there are two (2) or more contending executive committees of the same party in any
 4 county, the one recognized by the written certificate of the chair~~[chairman]~~ of the
 5 state central committee of the party shall be the one authorized to submit the lists.
 6 The lists shall contain the full name, address, phone number, and Social Security
 7 number, if available, of each person listed. The lists shall be accompanied by a
 8 signed statement from each person stating that the person~~[he]~~ is willing to serve,
 9 has not failed to serve without excuse in the past, and has not been convicted of an
 10 election law offense or any felony, unless the person's civil rights have been
 11 restored by the Governor. The State Board of Elections shall prescribe the form of
 12 the list by administrative regulation promulgated under KRS Chapter 13A~~[the~~
 13 ~~form of the list]~~.

14 (3) The Attorney General shall notify each party state central committee of the duties of
 15 the party.

16 (4) (a) If lists are submitted by the county executive committees under subsection
 17 (2) of this section, the county board of elections shall select one (1) judge at
 18 each voting place from each political party's list, and the county board shall
 19 select the sheriff from one (1) political party's list and the clerk from the other.

20 (b) If no lists are submitted by the county executive committees under subsection
 21 (2) of this section, the two (2) members of the county board of elections who
 22 are appointed by the State Board of Elections may submit lists; and the county
 23 board of elections shall select the sheriff and one (1) judge from one (1) list
 24 and the clerk and the other judge from the remaining list.

25 (c) If no lists are submitted by the county executive committees under subsection
 26 (2) of this section, or by the county board of elections under paragraph (b)
 27 of this subsection, the county clerk~~[board]~~ shall select the sheriff and one (1)

1 judge from the membership of one (1) party and the clerk and the other judge
2 from the membership of the remaining party. *If no members of one (1) of the*
3 *two (2) political parties are available or willing to serve as a judge, the*
4 *county clerk shall:*

5 *1. Select one (1) voter of independent status or one (1) member of any*
6 *political organization not constituting a political party within the*
7 *meaning of KRS 118.015 but whose candidate received two percent*
8 *(2%) of the vote of the state at the last preceding election for*
9 *presidential electors to serve as a judge at a voting place; and*

10 *2. Not select two (2) judges with the same political affiliation.*

11 *(d)* The county board *of elections* shall, when possible, also appoint an adequate
12 number of alternate precinct election officers from names on the lists which
13 were submitted but which were not selected by the county board as precinct
14 election officers. If alternate precinct election officers are not appointed from
15 the lists of nominees who were not selected as precinct election officers, the
16 county board of elections shall submit its method of selecting alternate
17 precinct election officers to the State Board of Elections for its approval. *If no*
18 *lists are submitted to the county board of elections as provided in this*
19 *section, the county clerk shall select an adequate number of alternate*
20 *precinct election officers.*

21 *(e) The names of all precinct election officers and alternate precinct election*
22 *officers selected by the county clerk shall be submitted to the county board*
23 *of elections for its approval.*

24 *(f) Nothing in this subsection shall prevent the selection of voters of*
25 *independent status or members of any political organization not*
26 *constituting a political party within the meaning of KRS 118.015 but whose*
27 *candidate received two percent (2%) of the vote of the state at the last*

1 *preceding election for presidential electors to serve as a precinct election*
 2 *officer in a precinct in which the officer resides or as otherwise provided in*
 3 *this subsection.*

4 (5) If, after all reasonable efforts have been made, *neither* the county board of elections
 5 *nor the county clerk* is *able*~~[unable]~~ to find two (2) qualified officers for each
 6 precinct who are affiliated with the two (2) political parties having representation on
 7 the State Board of Elections *or voters of independent status or members of any*
 8 *political party not constituting a political party within the meaning of KRS*
 9 *118.015 but whose candidate received two percent (2%) of the vote of the state at*
 10 *the last preceding election for presidential electors*, the county board *of elections*
 11 shall submit a list of emergency election officer appointments to the State Board of
 12 Elections. The county board *of elections* shall also present, in writing, its efforts to
 13 recruit and appoint election officers as prescribed in subsection (4) of this section.~~]~~
 14 ~~The list of emergency appointments may include qualified voters not affiliated with~~
 15 ~~the two (2) parties represented on the state board.]~~ The *State Board of*
 16 *Elections*~~[state board]~~, after its review, may approve any or all of the emergency
 17 appointments submitted by the county board *of elections* or may direct the county
 18 board to take other action. Any emergency appointment shall be made for the next
 19 ensuing election only.

20 (6) In addition to precinct election officers appointed under subsection (1) of this
 21 section, a county board of elections *or the county clerk* may appoint up to two (2)
 22 additional precinct election officers per precinct with the approval of the State
 23 Board of Elections. The *State Board of Elections*~~[state board]~~ shall promulgate an
 24 administrative regulation *under KRS Chapter 13A* establishing conditions under
 25 which additional precinct officers may be approved.

26 (7) The county board of elections shall, not less than ten (10) days before the next
 27 ensuing election, send to each election officer written notice of his *or her*

1 appointment. The county board of elections may direct the sheriff of the county to
 2 serve the notice of appointment, if it deems the action is necessary.

3 (8) The State Board of Elections may require the county board of elections to submit its
 4 list of precinct officers for review. The State Board of Elections may, after a
 5 hearing, direct the removal of any election officer who the board finds would not
 6 fairly administer the state election laws. The State Board of Elections shall provide
 7 for the method and manner of the hearing by administrative regulation
 8 promulgated under KRS Chapter 13A, and~~[state board]~~ shall replace any officer so
 9 removed.~~[The board shall provide for the method and manner of the hearing by~~
 10 ~~administrative regulation].~~

11 (9) (a) An election officer shall be a qualified voter of the precinct; except that,
 12 where no qualified voter of the required political party is available within the
 13 precinct, the election officer shall be a qualified voter of the county.

14 (b) A minor seventeen (17) years of age who will become eighteen (18) years of
 15 age on or before the day of the regular election may serve as an election
 16 officer for the primary and regular elections in which he or she is qualified to
 17 vote; however, no precinct shall have more than one (1) person serving as an
 18 election officer who is a minor seventeen (17) years of age.

19 (c) An election officer shall not be a candidate for office during the election year.

20 (d) An election officer shall not be the spouse, parent, brother, sister, or child of a
 21 candidate who is to be voted for at the election in the precinct in which the
 22 election officer will serve on election day. An election officer shall not have
 23 changed his or her voter registration party affiliation after December 31
 24 immediately preceding~~[for one (1) year prior to]~~ his or her appointment to
 25 serve for the primary, or after the second Tuesday in August to serve for the
 26 regular election.

27 (e) An election officer may be removed, for cause, at any time up to five (5) days

1 before an election. Vacancies shall be filled by the county board of elections
2 or the county clerk with alternate precinct election officers and if the vacancy
3 occurs in the appointment of a judge, the person appointed to fill the vacancy
4 shall be of the same political affiliation~~[party]~~ as the vacating officer, except
5 for emergency appointments made as provided in subsection (5) of this
6 section.

7 (10) If the county board of elections or the county clerk fails to appoint election officers,
8 or if any officer is not present at the precinct at the time for commencing the
9 election, or refuses to act, and if no alternate is available, the officer in attendance
10 representing the political party of the absentee shall appoint a suitable person to act
11 in his or her place for that election. If both representatives of the same political
12 party are absent, qualified voters present affiliating with that party shall elect, viva
13 voce, suitable persons to act in their places.

14 (11) Each election officer shall be paid a minimum of sixty dollars (\$60) per election day
15 served, and such an additional amount as compensation as may be determined by
16 the county board of elections, with the approval of the governing body which would
17 be responsible for funding the election officers' pay, for each election in which the
18 election officer serves, to be paid by the county. For delivering the election packets
19 to the polls, the precinct election officers shall receive in addition the mileage
20 reimbursement provided for state employees, for each mile necessarily traveled in
21 the delivery of the packets to the polls, or a flat fee if the fee equals or exceeds that
22 amount. For delivering election returns, the precinct election judges shall receive in
23 addition the mileage reimbursement provided for state employees for each mile
24 necessarily traveled from the place of voting to and from the place of delivery, or a
25 flat fee if the fee equals or exceeds that amount. The fee paid to the precinct election
26 judges for delivering election returns shall be paid by the county.

27 ➔Section 3. KRS 117.066 is amended to read as follows:

1 (1) ~~[In the case of a precinct comprised of a small number of registered voters,]~~The
 2 county board of elections may, pursuant to KRS 117.055, **designate a single voting**
 3 **location for more than one (1) precinct if the voting location is equipped with**
 4 **voting machines capable of providing or accepting separate ballots without**
 5 **endangering the integrity of the ballots or without violating any other election**
 6 **law**~~[utilize the facilities of another precinct as a voting location. Additionally, the~~
 7 ~~county board of elections may petition the State Board of Elections to allow the~~
 8 ~~precinct election officers of the larger precinct to serve as precinct election officers~~
 9 ~~for the precinct that is the subject of the petition. The petition shall designate both~~
 10 ~~the smaller precinct and the larger precinct with which it is to be included, the type~~
 11 ~~of voting machine or machines to be used, and whether supplemental paper ballots~~
 12 ~~are to be used. The petition shall contain a full explanation of the reasons why~~
 13 ~~inclusion is desirable].~~

14 (2) If **a single voting location for more than one (1) precinct is designated by the**
 15 **county board of elections**~~[the petition submitted pursuant to subsection (1) of this~~
 16 ~~section is approved by the State Board of Elections], the **primary or** election shall~~
 17 ~~be conducted **as follows**[according to the following provisions]:~~

18 (a) One **(1)** voting machine may be **used**~~[utilized]~~ for **more than one (1) precinct**
 19 **if**~~[both precincts if the State Board of Elections certifies that]~~ separate ballots
 20 may be placed upon the voting machine to be used without endangering the
 21 integrity of the ballots or without violating any other election law, **and if**
 22 **ballots are tabulated for each separate precinct.** Otherwise, separate voting
 23 machines shall be used for each precinct. In the instance of a precinct which
 24 has a small number of voters such that the use of a separate voting machine
 25 would be cost-prohibitive, the county clerk may make application to the State
 26 Board of Elections to use supplemental paper ballots under KRS 118.215 to
 27 conduct the voting for the small precinct on **any primary or** election day. If

1 the use of supplemental paper ballots is approved by the State Board of
2 Elections, at the close of voting on any primary or election day, the locked
3 ballot box shall be transported to the county board of elections and ballots
4 shall be counted by the county board of elections as provided by KRS
5 117.275(10) to (13);

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

9 (c) A separate set of election~~[elections]~~ forms and reports required by this chapter
10 and the State Board of Elections shall be maintained for each precinct.

11 **(3) The county board of elections may petition the State Board of Elections to allow**
12 **the consolidation of precinct election officers at any voting location where voters**
13 **of more than one (1) precinct vote. The petition shall be on a form prescribed by**
14 **the State Board of Elections in administrative regulations promulgated under**
15 **KRS Chapter 13A and shall include:**

16 **(a) A list of all precincts designated to vote at the voting location;**

17 **(b) The address and type of facility of the voting location;**

18 **(c) The number and type of voting machine or machines to be used at the**
19 **voting location;**

20 **(d) The number of registered voters in each precinct designated to vote the**
21 **voting location; and**

22 **(e) An explanation of the reasons why the consolidation is desirable.**

23 **(4) If the petition submitted under subsection (3) of this section is approved by the**
24 **State Board of Elections, the precinct election officers designated to serve as**
25 **election officers for more than one (1) precinct shall meet the eligibility**
26 **requirements of Section 2 of this Act except that the election officer shall not be**
27 **required to reside in the precinct to which they are assigned.**

1 ➔Section 4. KRS 117.085 is amended to read as follows:

2 (1) All requests for an application for a mail-in absentee ballot may be transmitted by
3 telephone, facsimile machine, by mail, by electronic mail, or in person. The county
4 clerk shall transmit all applications for a mail-in absentee ballot to the voter by
5 mail, electronic mail, or in person at the option of the voter, except as provided in
6 paragraph (b) of this subsection. The mail-in absentee ballot application may be
7 requested by the voter or the spouse, parents, or children of the voter, but shall be
8 restricted to the use of the voter.

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

- 12 1. A resident of Kentucky who is a covered voter as defined in KRS
13 117A.010;
- 14 2. A student who temporarily resides outside the county of his or her
15 residence;
- 16 3. Incarcerated in jail and charged with a crime, but has not been convicted
17 of the crime;
- 18 4. Changing or has changed his or her place of residence to a different state
19 while the registration books are closed in the new state of residence
20 before an election of electors for President and Vice President of the
21 United States, in which case the voter shall be permitted to cast a mail-in
22 absentee ballot for electors for President and Vice President of the
23 United States only;
- 24 5. Temporarily residing outside the state but still eligible to vote in this
25 state;
- 26 6. Prevented from voting in person at the polls on election day and from
27 casting an in-person absentee ballot in the county clerk's office on all

1 days in-person absentee voting is conducted because his or her
2 employment location requires him or her to be absent from the county of
3 his or her residence all hours and all days in-person absentee voting is
4 conducted in the county clerk's office;

5 7. A participant in the Secretary of State's crime victim address
6 confidentiality protection program as authorized by KRS 14.312; or

7 8. Not able to appear at the polls on election day on the account of age,
8 disability, or illness, and who has not been declared mentally disabled by
9 a court of competent jurisdiction.

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

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

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

- 1 county clerk's office or other place designated by the county board of elections
2 and approved by the State Board of Elections, if the voter:
- 3 1. Is a resident of Kentucky who is a covered voter as defined in KRS
4 117A.010, who will be absent from the county of his or her residence on
5 any election day;
 - 6 2. Is a student who temporarily resides outside the county of his or her
7 residence;
 - 8 3. Has surgery, or whose spouse has surgery, scheduled that will require
9 hospitalization on election day;
 - 10 4. Temporarily resides outside the state, but is still eligible to vote in this
11 state and will be absent from the county of his or her residence on any
12 election day;
 - 13 5. Is a resident of Kentucky who is a uniformed-service voter as defined in
14 KRS 117A.010 confined to a military base on election day, learns of that
15 confinement within seven (7) days or less of an election, and is not
16 eligible for a mail-in absentee ballot under this subsection;
 - 17 6. Is in her last trimester of pregnancy at the time she wishes to vote under
18 this paragraph. The application form for a voter under this subparagraph
19 shall be prescribed by the State Board of Elections, which shall contain
20 the woman's sworn statement that she is in fact in her last trimester of
21 pregnancy at the time she wishes to vote;
 - 22 7. Has not been declared mentally disabled by a court of competent
23 jurisdiction and, on account of age, disability, or illness, is not able to
24 appear at the polls on election day; or
 - 25 8. Is not permitted to vote by a mail-in absentee ballot under paragraph (a)
26 of this subsection, but who will be absent from the county of his or her
27 residence on election day.

1 (e) Voters who change their place of residence to a different state while the
2 registration books are closed in the new state of residence before a presidential
3 election shall be permitted to cast an in-person absentee ballot for President
4 and Vice President only, by making application in person to the county clerk
5 to vote on a voting machine in the county clerk's office or other place
6 designated by the county board of elections and approved by the State Board
7 of Elections, up to the close of normal business hours on the day before the
8 election.

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

1 (g) The members of the county board of elections or their designees who provide
2 equal representation of both political parties may serve as precinct election
3 officers, without compensation, for all in-person absentee voting performed
4 on a voting machine in the county clerk's office or other place designated by
5 the county board of elections and approved by the State Board of Elections. If
6 the members of the county board of elections or their designees serve as
7 precinct election officers for the in-person absentee voting, they shall perform
8 the same duties and exercise the same authority as precinct election officers
9 who serve on the day of an election. If the members of the county board of
10 elections or their designees do not serve as precinct election officers for in-
11 person absentee voting, the county clerk or deputy county clerks shall
12 supervise the in-person absentee voting.

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

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

1 application form shall be verified and signed by the voter. A notice of the actual
2 penalty provisions in KRS 117.995(2) and (5) shall be printed on the mail-in
3 absentee ballot application form.

4 (3) If the county clerk finds that the voter is properly registered as stated in his or her
5 mail-in absentee ballot application form and qualifies to receive a mail-in absentee
6 ballot by mail, he or she shall mail to the voter a mail-in absentee ballot, two (2)
7 official envelopes for returning the mail-in absentee ballot, and instructions for
8 voting. The county clerk shall complete a postal form for a certificate of mailing for
9 mail-in absentee ballots mailed within the fifty (50) states, and it shall be stamped
10 by the postal service when the mail-in absentee ballots are mailed. A mail-in
11 absentee ballot may be transmitted by facsimile machine or by the electronic
12 transmission system established under KRS 117A.030(4) to a covered voter as
13 defined in KRS 117A.010. The covered voter shall be notified of the options for
14 transmittal of the mail-in absentee ballot, and the mail-in absentee ballot shall be
15 transmitted by the method chosen for receipt by the resident of Kentucky who is a
16 covered voter.

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

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

27 (6) The outer envelope shall bear the words "Absentee Ballot" and the address and

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

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

25 (8) Any voter qualified for a mail-in absentee ballot who does not receive a requested
26 mail-in absentee ballot within a reasonable amount of time shall contact the county
27 clerk, who shall reissue a second mail-in absentee ballot. The county clerk shall

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

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

24 (10) Notwithstanding the provisions of the Kentucky Open Records Act, KRS 61.870 to
25 61.884, the information contained in an application for a mail-in absentee ballot
26 shall not be made public until after the close of business hours on the election day
27 for which the application applies, except when the identification of the voter is

1 provided to the county board of elections under Section 6 of this Act. This
2 subsection shall not prohibit at any time the disclosure, upon request, of the total
3 number of applications for mail-in absentee ballots that have been filed, or the
4 disclosure to the Secretary of State or the State Board of Elections, if requested or if
5 otherwise required by law, of any information in an application for a mail-in
6 absentee ballot.

7 ➔Section 5. KRS 117.086 is amended to read as follows:

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

25 (2) Any voter who shall be absent from the county on election day, but who does not
26 qualify to receive an absentee ballot by mail under the provisions of KRS 117.085,
27 and all voters qualified to vote prior to the election under the provisions of KRS

1 117.085, shall vote at the main office of the county clerk or other place designated
2 by the county board of elections, and approved by the State Board of Elections,
3 prior to the day of election. The clerk may provide for such voting by the voting
4 equipment in general use in the county either at the precinct, the equipment as may
5 be used to tabulate absentee ballots, or any other voting equipment approved by the
6 State Board of Elections for use in Kentucky, except as follows:

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

11 (b) Any voter qualifying to vote in the clerk's office or other place designated by
12 the county board of elections, and approved by the State Board of Elections,
13 whose qualifications are challenged by any clerk or deputy shall complete an
14 "Oath of Voter" affidavit.

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

19 (4) The clerk shall designate a location within his office where the ballots shall be cast
20 secretly. The county clerk, with the approval of the State Board of Elections, may
21 establish locations other than his main office in which the voters may execute their
22 ballots. Public notice of the locations shall be given pursuant to KRS Chapter 424
23 and similar notice by mail shall be given to the county chairmen of the two (2)
24 political parties whose candidates polled the largest number of votes in the county at
25 the last general election.

26 (5) The State Board of Elections shall promulgate administrative regulations to provide
27 for casting ballots as provided in subsection (2) of this section.

1 (6) The clerk shall deposit all of the absentee ballots returned by mail in a locked ballot
2 box immediately upon receipt without opening the outer envelope. The ballot box
3 shall be locked with three (3) locks. The keys to the box shall be retained by the
4 three (3) members of the central absentee ballot counting board, if one is appointed,
5 or by the members of the board of elections, and the box shall remain locked until
6 the ballots are reviewed or counted under Section 6 of this Act. All voting
7 equipment on which ballots are cast as permitted in subsection (2) of this section
8 shall also remain locked and the keys shall be retained by the three (3) members of
9 the central absentee ballot counting board, if one is appointed, or by the members of
10 the board of elections, and the equipment shall remain locked until the ballots are
11 counted.

12 (7) The clerk shall keep a list for each election of all persons who return their absentee
13 ballots by mail or who cast their ballots in the clerk's office or other place
14 designated by the county board of elections and approved by the State Board of
15 Elections, and shall send a copy of each list to the state board after the election day
16 for which the list applies. Notwithstanding the provisions of the Kentucky Open
17 Records Act, KRS 61.870 to 61.884, each list of all persons who return their
18 absentee ballots by mail or cast their ballots in the clerk's office or other designated
19 and approved place shall not be made public until after the close of business hours
20 on the election day for which the list applies, except when provided to the county
21 board of elections under Section 6 of this Act. The county clerk and the Secretary
22 of State shall keep a record of the number of votes cast by absentee ballots returned
23 by mail and cast on the voting machine in the county clerk's office or other place
24 designated by the county board of elections and approved by the State Board of
25 Elections, which are cast in any election as a part of the official returns of the
26 election.

27 (8) The county board of elections shall report to the State Board of Elections within ten

1 (10) days after any primary or general election as to the number of rejected absentee
2 ballots and the reasons for rejected absentee ballots on a form prescribed by the
3 State Board of Elections in administrative regulations promulgated under KRS
4 Chapter 13A.

5 ➔Section 6. KRS 117.087 is amended to read as follows:

- 6 (1) The challenge of an absentee ballot returned by mail shall be in writing and in the
7 hands of the county clerk before 8 a.m. on **the day preceding any primary, regular**
8 **election, or special** election day.
- 9 (2) The county board of elections~~[shall count the absentee ballots returned by mail and~~
10 ~~the votes cast on the voting machine in the county clerk's office or other place~~
11 ~~designated by the county board of elections and approved by the State Board of~~
12 ~~Elections. The board]~~ may appoint a central ballot counting board of not less than
13 three (3) members, who shall be qualified voters and no more than two-thirds (2/3)
14 of whom shall be members of the same political party, to **review and** count the
15 ballots at the direction of the county board of elections.
- 16 (3) (a) Beginning at 8 a.m. on **either the day preceding or on any primary, regular**
17 **election, or special** election day, the **county** board **of elections** shall meet at
18 the **county** clerk's office to **review**~~[count]~~ the absentee ballots returned by
19 mail~~[and the ballots cast on the voting machine in the county clerk's office or~~
20 ~~other place designated by the county board of elections and approved by the~~
21 ~~State Board of Elections]~~. Candidates or their representatives shall be
22 permitted to be present.
- 23 (b) **The board chair or the chair's designee shall provide each board member**
24 **with a list of all voters who have returned an absentee ballot by mail. If a**
25 **list of all voters who have returned an absentee ballot by mail is not**
26 **provided to the board, the name of each voter who cast an absentee ballot by**
27 **mail shall be read aloud.** The county board of elections shall authorize

1 representatives of the news media to observe the review~~[counting]~~ of the
2 ballots to determine their acceptance or rejection.

3 (c) Acceptance or rejection of the ballots shall be determined as follows:

4 1. The county board of elections, or the central counting board if one has
5 been appointed, shall open the boxes containing absentee ballots
6 returned by mail and remove the envelopes one (1) at a time;~~[-]~~

7 2. As each envelope is removed, it shall be examined to ascertain whether
8 the outer envelope and the detachable flap are in proper order and have
9 been signed by the voter, except if:~~[-]~~

10 a. ~~[A person having power of attorney for the voter and who signs~~
11 ~~]The detachable flap and outer envelope for the voter have been~~
12 ~~signed by a person having power of attorney for the voter, the~~
13 ~~county board of elections, or the central counting board if one~~
14 ~~has been appointed, shall verify that the person having power of~~
15 ~~attorney has completed~~~~[complete]~~ the voter assistance form
16 required by KRS 117.255; or~~[-]~~

17 b. The voter has signed the detachable flap and outer envelope with
18 the use of a mark instead of the voter's signature, the county
19 board of elections, or the central counting board if one has been
20 appointed, shall verify that the mark was made in the
21 presence~~[signatures]~~ of two (2) witnesses;~~[- are required if the~~
22 ~~voter signs the form with the use of a mark instead of the voter's~~
23 ~~signature.]~~

24 3. Ballots with unsigned detachable flaps or outer envelopes~~[All~~
25 ~~unsigned absentee ballots]~~ shall be rejected automatically;~~[-]~~

26 4. The members~~[chairman]~~ of the county board of elections, or the
27 members of the central counting board if one has been appointed,

1 shall compare the signatures on the outer envelope and the detachable
 2 flap with the signature of the voter that appears on the registration card
 3 of the voter or on the application of the voter for the mail-in absentee
 4 ballot;~~;~~

5 5. If the outer envelope and the detachable flap are found to be in order, the
 6 members of the county board of elections, or the members of the
 7 central counting board if one has been appointed, shall verify the
 8 voter's name from the list of persons who were sent mail-in absentee
 9 ballots, but if a list has not been provided to the board, the name of the
 10 voter shall be read aloud;~~chairman shall read aloud the name of the~~
 11 ~~voter.~~

12 6. If the vote of the voter is not rejected on a challenge then made as
 13 provided in paragraph 7. of this subsection~~(4) of this section~~, the
 14 members of the county board of elections, or the members of the
 15 central counting board if one has been appointed,~~chairman~~ shall
 16 remove the detachable flap and place the inner envelope unopened in a
 17 ballot box which has been provided for the purpose;~~;~~

18 7.~~(4)~~ When the name of a voter who cast an absentee ballot by mail is
 19 reviewed~~read aloud~~ by the members of the county board of elections,
 20 or the members of the central counting board if one has been
 21 appointed~~chairman~~, the vote of the voter may be challenged by any
 22 board member or by the written challenge provided in subsection (1) of
 23 this section and the challenge may be determined and the vote accepted
 24 or rejected by the board as if the voter was present and voting in person;
 25 but if the outer envelope and the detachable flap are regular, and
 26 substantially comply with the provisions of this chapter, they shall be
 27 considered as showing that the voter is prima facie entitled to vote. If the

1 vote of a voter is rejected pursuant to the challenge, the inner envelope
 2 shall not be opened, but returned to the outer envelope upon which the
 3 *chair or member*~~[chairman]~~ shall write on the envelope the word
 4 "rejected[-]"; *and*

5 *8. The ballot box into which all accepted absentee ballots are placed*
 6 *shall be locked with three (3) locks and the keys to the box shall be*
 7 *retained by the three (3) members of the central counting board, if one*
 8 *has been appointed, or by the members of the county board of*
 9 *elections. The box shall remain locked until the ballots are counted.*

10 *(4) (a) Beginning at 8 a.m. on any primary, regular election, or special election*
 11 *day, the county board of elections, or a central counting board if one has*
 12 *been appointed, shall meet in the county clerk's office to:*

13 *1. Review any absentee ballots returned by mail that have not been*
 14 *reviewed using the procedures in subsection (3) of this section; and*

15 *2. Count, or oversee the count by the central counting board if one has*
 16 *been appointed, the accepted absentee ballots returned by mail and*
 17 *total and record the absentee votes cast on the voting machines in the*
 18 *county clerk's office or other place designated by the county board of*
 19 *elections and approved by the State Board of Elections; and*

20 *(b) During the review and counting of the absentee ballots and votes,*
 21 *candidates or their representatives shall be permitted to be present, and the*
 22 *county board of elections shall authorize representatives of the news media*
 23 *to observe.*

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

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

6 (7) The county board of elections, the county clerk, and all individuals permitted to be
7 present for the counting of absentee ballots pursuant to subsection ~~(4)~~⁽²⁾ of this
8 section shall not make public the absentee ballot results determined as provided in
9 this section until after 6 p.m. prevailing time.

10 ➔Section 7. Whereas the county boards of election face time-sensitive issues
11 relating to members, an emergency is declared to exist, and Section 1 of this Act shall
12 take effect upon its passage and approval by the Governor or upon its otherwise becoming
13 law.