

1 AN ACT relating to voting.

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

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

5 *(1) An election officer who cannot confirm a person's eligibility to vote in any state*
6 *or local primary or election, or on any public question submitted for*
7 *determination, on the day of any primary, regular election, or special election,*
8 *shall notify the person of the option of voting a provisional ballot in that precinct*
9 *if the person resides in that precinct.*

10 *(2) A provisional ballot may be issued if:*

11 *(a) The voter's name does not appear on the precinct roster and the voter's*
12 *registration status cannot be determined by the election officer;*

13 *(b) The voter's name does not appear on the precinct roster and the voter has*
14 *been verified as ineligible to vote;*

15 *(c) The voter does not have identification;*

16 *(d) The voter is voting as a result of a federal or state court order or any order*
17 *under state law in effect ten (10) days prior to election day which extends*
18 *polling hours; or*

19 *(e) The voter has been challenged by all four (4) precinct election officers.*

20 *(3) Any person who is qualified to cast a vote under Section 6 of this Act may be*
21 *provided the option of voting a provisional ballot in that precinct as opposed to*
22 *proceeding under Section 6 of this Act if the person qualifies to cast a provisional*
23 *ballot under Section 2 of this Act.*

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

26 *(1) Prior to receiving a provisional ballot, the provisional voter shall execute a*
27 *provisional voter's affirmation on a form prescribed and furnished by the State*

1 Board of Elections pursuant to administrative regulations promulgated under
2 KRS Chapter 13A, affirming:

3 (a) The voter is a citizen of the United States;

4 (b) The voter is qualified to vote in this precinct under KRS 116.025;

5 (c) The voter's name, and that the voter is generally known by that name or the
6 name is as stated on his or her voter registration card;

7 (d) The voter's date of birth to the best of the voter's knowledge and belief;

8 (e) The voter's current residential address, including the street address number
9 and, if different from the voter's current address, the voter's residential
10 address prior to the close of the registration books under KRS 116.045, and
11 the date the voter moved;

12 (f) The voter has not voted and will not vote in any other precinct; and

13 (g) The voter understands that making a false statement on the affirmation is
14 punishable under penalties of perjury.

15 (2) After the voter affirms the information required in subsection (1) of this section,
16 the voter shall sign the "Provisional Ballot Signature Roster" and shall then
17 proceed to a private area reserved for the voter to cast his or her provisional
18 ballot. The election officer shall record the circumstance for issuing the
19 provisional ballot on the "Provisional Ballot Signature Roster".

20 (3) After casting his or her provisional ballot, the provisional voter shall:

21 (a) Place the voted provisional ballot in a blank secrecy envelope and seal the
22 ballot inside the secrecy envelope to ensure anonymity;

23 (b) Place the sealed secrecy envelope within the outer envelope containing the
24 voter's executed affirmation and seal the outer envelope; and

25 (c) Deposit the sealed outer envelope, with the ballot contained therein, in the
26 locked ballot box provided to receive provisional ballots in the presence of a
27 precinct election officer.

- 1 (4) A provisional voter may spoil up to two (2) provisional ballots and shall not be
2 issued more than a total of three (3) provisional ballots.
- 3 (5) Upon receipt of the voted provisional ballot, the precinct election officer shall
4 give the provisional voter the provisional ballot information sheet prescribed and
5 furnished by the State Board of Elections in administrative regulations
6 promulgated under KRS Chapter 13A, which explains the provisional voter's
7 right to contact the voter's county clerk to learn if the provisional ballot was
8 counted, and if not counted, why it was not counted.
- 9 (6) Beginning at 8:00 a.m. prevailing time on the day following any primary or
10 election, the county board of elections shall meet and determine the eligibility to
11 vote of each provisional voter casting a provisional ballot under KRS Chapters
12 116 to 118; and
- 13 (a) If the county board of elections determines that the provisional voter is
14 eligible to vote in the precinct in the primary or election, the board shall
15 indicate on the provisional ballot outer envelope that the vote is to be
16 counted; or
- 17 (b) If the county board of elections determines that the provisional voter is
18 ineligible to vote in the precinct in the primary or election, the vote shall not
19 be counted and the board shall indicate on the provisional ballot outer
20 envelope that the vote is invalid.
- 21 (7) Upon completion of the determination of the eligibility to vote of each provisional
22 voter, the county board of elections shall:
- 23 (a) Remove the sealed secrecy envelope from the outer envelopes that have been
24 marked for the vote to be counted, and shall place all sealed inner envelopes
25 containing the provisional ballots cast by eligible voters in a ballot box;
- 26 (b) After all sealed secrecy envelopes containing the provisional ballots cast by
27 eligible voters have been placed in the ballot box, the box shall be

1 *thoroughly shaken to redistribute the ballots in the box; and*
 2 *(b) The county board of elections shall open the ballot box, remove the*
 3 *provisional ballots from the inner envelopes, and count the ballots.*

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

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

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

20 *(3) Each county clerk shall have printed a sufficient number of provisional ballots,*
 21 *which shall have the same form as the absentee ballots. A provisional ballot shall*
 22 *indicate that it is a provisional ballot and not an absentee ballot. The county*
 23 *board of elections shall keep a record, by identifying number, of all provisional*
 24 *ballots used for votes cast by provisional voters.*

25 ~~(4)~~~~(3)~~ No later than the Friday preceding a special or regular election, the county
 26 clerk shall equip the voting machines with the necessary supplies for the purpose of
 27 write-in votes. The county clerk shall also attach a pencil or pen to the voting

1 machine for write-in purposes.

2 ~~(5)~~~~(4)~~ If supplemental paper ballots have been approved as provided in KRS
3 118.215, the county clerk shall cause to be printed a sufficient number of paper
4 ballots for the registered voters of each precinct. The paper ballots shall have stubs
5 which are numbered consecutively. The quality of paper on which the supplemental
6 paper ballots are printed shall be determined by regulations promulgated by the
7 secretary of the Finance and Administration Cabinet.

8 ➔Section 4. KRS 117.175 is amended to read as follows:

9 The county clerk shall, with the county attorney, prepare a sufficient number of
10 instruction cards containing a diagram showing the front of the voting machine as it will
11 appear on the day of the election, instructions as to the proper method of voting by the use
12 of the machine, instructions for casting a provisional ballot, and instructions as to the
13 proper method of casting a write-in vote. If supplemental paper ballots have been
14 approved, as provided in KRS 118.215, the instruction cards shall indicate the offices,
15 candidates and questions which will appear on the paper ballots and the instructions for
16 marking and depositing the ballots. The cards shall be examined and approved by the
17 county board of elections at the time the machines are examined and approved. The cards
18 shall be delivered to each election clerk by the county clerk at the time that other election
19 supplies are delivered and the election clerk shall post the card at the polling place.

20 ➔Section 5. KRS 117.195 is amended to read as follows:

21 (1) At least one (1) hour prior to the opening of the polls, the county clerk shall deliver
22 each machine, with the operating device and mechanism and the device covering
23 the registering counters securely locked, to the clerk of the precinct in which it is to
24 be used, and shall take a receipt indicating the distinguishing number of the
25 machine. The clerk of the precinct shall cause the machine to be arranged in the
26 voting place so that the front of the machine, on which appear the ballot labels and
27 the operating devices, will not be visible, when being operated, to any person other

1 than the voter.

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

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

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

10 **(b)** **A sufficient number of provisional voter ballots and provisional ballot outer**
11 **envelopes containing the printed affirmation;**

12 **(c)** A sufficient number of voting booths for voting **provisional ballots, and**
13 **supplemental** paper ballots **if approved;**~~[,]~~

14 **(d)** **A sufficient amount of** string **and**~~[,]~~ rubber stamps for marking "Spoiled" and
15 "Unused" ballots; and

16 **(e)** A locked ballot box for **provisional ballots, and a separate locked ballot box**
17 **for supplemental paper ballots, if approved, for** each precinct.

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

21 ➔Section 6. KRS 117.245 is amended to read as follows:

22 (1) The fact that a person is registered constitutes only prima facie evidence of **that**
23 **person's**~~[his]~~ right to vote and does not prevent the officers of any election from
24 refusing to allow **the person**~~[him]~~ to vote for cause.

25 (2) When the officers of an election disagree as to the qualifications of a voter or if **the**
26 **voter's**~~[his]~~ right to vote is disputed by a challenger, **and the voter does not meet**
27 **the requirements to cast a provisional ballot under Section 1 of this Act,** the voter

1 shall sign a written oath as to his or her qualifications before the voter~~he~~ is
2 permitted to vote. The oath shall be in such form as prescribed by the State Board of
3 Elections in administrative regulations promulgated under KRS Chapter 13A, and
4 twenty (20) printed copies shall be included in the election supplies of each
5 precinct.

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

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

16 ➔Section 7. KRS 117.255 is amended to read as follows:

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

19 (2) Except for those voters who have been certified as requiring assistance on a
20 permanent basis, no voter shall be permitted to receive any assistance in voting at
21 the polls unless the voter~~he~~ makes and signs an oath that, because of blindness,
22 other physical disability, or an inability to read English, the voter~~he~~ is unable to
23 vote without assistance. The oath shall be upon a voter assistance form prescribed
24 and furnished by the State Board of Elections in administrative regulations
25 promulgated under KRS Chapter 13A. Any person assisting a voter shall complete
26 the voter assistance form.

27 (3) Upon making and filing the oath with the precinct clerk, the voter requiring

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

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

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

23 (6) "Voting booth" or "ballot completion area" means an area in which a voter casts his
24 or her vote or completes his or her ballot which is designed to ensure~~[insure]~~ the
25 secrecy of the vote. No voter shall be assisted under this subsection unless the
26 judges and the sheriff of election are satisfied of the truth of the facts stated in the
27 oath. The voter shall state in his or her oath the specific reason that requires the

- 1 voter~~[him]~~ to receive assistance.
- 2 (7) No voter shall be permitted to occupy the voting machine more than two (2)
- 3 minutes if other voters are waiting to use it, except that those voters who because of
- 4 a disability need extra time to cast a ballot shall be given a reasonable amount of
- 5 time to vote.
- 6 (8) In primaries~~[primary elections]~~, before a voter is permitted to use the voting
- 7 machine, a judge of the election shall adjust the machine so that the voter will only
- 8 be able to vote for the persons for whom the voter is qualified to vote.
- 9 (9) If the machine is so constructed as to require adjustment after one person has voted
- 10 before another person may vote, the judges of election shall adjust it after each
- 11 person has voted.
- 12 (10) The election officers shall constantly maintain a watch in order to prevent any
- 13 person from voting more than once.
- 14 (11) For voters voting a provisional ballot, or a~~[If]~~ supplemental paper ballot if~~[ballots~~
- 15 ~~have been]~~ approved~~[,]~~ as provided in KRS 118.215, the voter shall vote his or her
- 16 ballot in privacy in a booth provided for that purpose by the county clerk. If the
- 17 voter spoils his or her ballot, the voter~~[he]~~ shall return the spoiled~~[paper]~~ ballot to
- 18 an election official who shall stamp the ballot "Spoiled," initial and place the
- 19 spoiled ballot in an envelope provided for that purpose. The voter shall be issued a
- 20 second~~[supplemental paper]~~ ballot. Upon completion of voting a supplemental
- 21 paper ballot, the voter shall remove the numbered stub from the ballot, hand the
- 22 stub to an election official and deposit the voted supplemental paper ballot in the
- 23 designated locked ballot box in the presence of precinct election officials. Upon
- 24 completion of voting a provisional ballot, the voter shall proceed as provided in
- 25 subsection (3) of Section 2 of this Act.
- 26 (12) The election sheriff shall be responsible for reporting violations of this section.
- 27 ➔Section 8. KRS 117.265 is amended to read as follows:

- 1 (1) A voter may, at any regular or special election, cast a write-in vote for any person
2 qualified as provided in subsection (2) or (3) of this section, whose name does not
3 appear upon the ballot label for any office, by writing the name of his or her choice
4 upon the appropriate device for the office being voted on provided on the voting
5 machine as required by KRS 117.125. Any candidate for city, county, urban-county,
6 consolidated local government, charter county government, or unified local
7 government office who is defeated in a partisan or nonpartisan primary shall be
8 ineligible as a candidate for the same office in the regular election. Any voter
9 utilizing an absentee ballot or a provisional ballot for a regular or special election
10 may write in a vote for any eligible person whose name does not appear upon the
11 ballot, by writing the name of his or her choice under the office.
- 12 (2) Write-in votes shall be counted only for candidates for election to office who have
13 filed a declaration of intent to be a write-in candidate with the Secretary of State or
14 county clerk, depending on the office being sought, on or before the fourth Friday in
15 October preceding the date of the regular election and not later than the second
16 Friday before the date of a special election. In the case of a special election
17 administered under KRS 118.730, a declaration of intent to be a write-in candidate
18 shall be filed at least twenty-eight (28) days before the day of the election. The
19 declaration of intent shall be filed no earlier than the first Wednesday after the first
20 Monday in November of the year preceding the year the office will appear on the
21 ballot, and no later than 4 p.m. local time at the place of filing when filed on the last
22 date on which papers may be filed. The declaration of intent shall be on a form
23 prescribed by the Secretary of State.
- 24 (3) A person shall not be eligible as a write-in candidate:
25 (a) For more than one (1) office in a regular or special election; or
26 (b) If his or her name appears upon the ballot label for any office, except that the
27 candidate may file a notice of withdrawal prior to filing an intent to be a write-

1 in candidate for office when a vacancy in a different office occurs because of:

- 2 1. Death;
- 3 2. Disqualification to hold the office sought;
- 4 3. Severe disabling condition which arose after the nomination; or
- 5 4. The nomination of an unopposed candidate.

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

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

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

21 ➔Section 9. KRS 117.275 is amended to read as follows:

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

26 (2) As soon as the polls are closed, and the last voter has voted, the judges shall
27 immediately lock and seal the voting equipment so that the voting and counting

1 mechanism will be prevented from operation, and they shall sign a certificate
2 stating:

- 3 (a) That the voting equipment has been locked against voting and sealed;
- 4 (b) The number of voters, as shown on the public counters;
- 5 (c) The number registered on the protective or accumulative counter or device, if
6 any; and
- 7 (d) The number or other designation of the voting equipment, which certificate
8 shall be returned by the judges of election to the officials authorized by law to
9 receive it. The judges shall compare the number of voters, as shown by the
10 counter of the voting equipment, with the number of those who have voted as
11 shown by the protective or accumulative counter or device, if any.

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

- 15 (a) The judges, in the presence of the representatives mentioned in subsection (1)
16 of this section, if any, and of all other persons who may be lawfully within the
17 polling place, shall give full view of all the counter numbers;
- 18 (b) The judges shall enter, in ink, the total votes cast for each candidate, and slate
19 of candidates, and for and against each question on the return sheets; and
- 20 (c) Each precinct election officer shall sign the return sheets, and a copy of the
21 return sheets shall be posted on the precinct door.

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

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

1 return sheets.

- 2 (6) Each of the return sheets, if applicable, and the record of the voting equipment shall
3 be enclosed in an envelope. One (1) copy of the return sheets, if applicable, one (1)
4 copy of the record of the voting equipment, and the write-in roll, if any write-in
5 votes were cast in the precinct, shall be directed to the county board of elections of
6 the county in which the election is being held. One (1) copy of the return sheets or
7 record of the voting equipment shall be given to the county clerk of the county in
8 which the election is being held and to each of the local governing bodies of the two
9 (2) dominant political parties, but a local governing body of a dominant political
10 party may decline a copy of the precinct election return by filing a written
11 declination with the county board of elections prior to the election, and upon this
12 declination, a printed copy shall not be issued to the political party so declining. The
13 declination on file shall be effective for that election and any subsequent elections
14 until revoked by the local governing body of a dominant political party by filing a
15 written revocation with the county board of elections. The envelope shall have
16 endorsed thereon a certificate of the election officers, stating the number of the
17 machine, the precinct where it has been used, the number on the seal, and the
18 number on the protective or accumulative counter or device at the close of the polls.
- 19 (7) Following the tabulation of all votes cast in the election, including absentee votes
20 and write-in votes, the county board shall mail a copy of the precinct-by-precinct
21 summary of the tabulation sheets showing the results from each precinct to the State
22 Board of Elections and the county clerk shall mail or deliver the precinct signature
23 rosters from each precinct to the State Board of Elections during the period
24 established by KRS 117.355(3).
- 25 (8) As soon as possible after the completion of the count, the two (2) judges shall return
26 to the county board of elections the keys to the voting machine received and
27 receipted for by them, and the county clerk in which the precinct is located shall

- 1 have the voting machine properly boxed or securely covered and removed to a
2 proper and secure place of storage.
- 3 (9) In primaries, each candidate, slate of candidates, or group of candidates may
4 designate to the county board of elections a representative to witness and check the
5 vote count. In regular elections, the governing authority of each political party, each
6 candidate for member of board of education, nonpartisan candidate, independent
7 candidate, or independent ticket may designate a representative to the county board
8 of elections to witness and check the vote count. The county board of elections shall
9 authorize representatives of the news media to witness the vote count.
- 10 (10) **For all provisional ballots, and**~~[if]~~ supplemental paper ballots ~~if~~~~have been~~
11 approved~~[,]~~ as provided in KRS 118.215, after the polls are closed, the two (2)
12 judges shall return to the county clerk's office the locked **provisional ballot box and**
13 **the supplemental paper** ballot box, all ballot stubs, spoiled ballots, and unvoted
14 ballots at the same time as the tabulation of votes from the voting machine is
15 delivered. The county clerk shall issue a receipt for the number of ballot stubs,
16 unvoted ballots, spoiled ballots and the ballot ~~boxes~~~~[box]~~.
- 17 (11) The county board of elections, or its designee, shall count and tally the
18 **supplemental** paper ballots **and the provisional ballots** manually or with the use of
19 tabulating equipment which does not involve an additional voting system, **in**
20 **accordance with this chapter**. The results of the vote tally shall be certified by the
21 county board of elections to the county clerk and to the Secretary of State.
- 22 (12) The county board of elections shall authorize the candidates, slates of candidates, or
23 their representatives, and representatives of the news media to be present during the
24 counting of the **provisional ballots and the supplemental** paper ballots.
- 25 (13) Except as otherwise required in this chapter that certain records and papers relating
26 to specified elections be retained for twenty-two (22) months, the county clerk shall
27 retain the voted **provisional ballots, provisional ballot affirmations, and the**

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

5 ➔Section 10. KRS 117.305 is amended to read as follows:

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

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

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

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

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

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

26 (4) The State Board of Elections shall promulgate administrative regulations in
27 accordance with KRS Chapter 13A to establish the proper procedures for

1 conducting a canvass for each type of voting system approved by the State Board
2 of Elections and in use in Kentucky.

3 ➔Section 11. KRS 117.365 is amended to read as follows:

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

15 ➔Section 12. KRS 117.375 is amended to read as follows:

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

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

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

- 1 *vote is in question or is not determinable on the day of the primary or election;*
 2 *(14) "Provisional ballot secrecy envelope" means the envelope with the words*
 3 *"provisional ballot" printed on the front;*
 4 *(15) "Provisional ballot outer envelope" means the envelope required under*
 5 *subsection (3) of Section 2 of this Act;*
 6 *(16) "Provisional voter" means an individual who casts a provisional ballot; and*
 7 *(17) "Provisional Ballot Signature Roster" means the separate precinct signature*
 8 *roster signed by each provisional voter in a voting precinct.*

9 ➔ Section 13. KRS 117.383 is amended to read as follows:

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

13 ~~(1) Achieve~~ and maintain the maximum degree of correctness, impartiality, and
 14 efficiency of the procedures of voting, *and shall provide methods to:*~~;~~

15 ~~(1)(2)~~ Count, tabulate, and record votes;

16 ~~(2)(3)~~ *Place*~~Establish a method for placing~~ items on the electronic voting device,
 17 which shall, as closely as possible, follow the requirements pertaining to ballot
 18 labels;

19 ~~(3)(4)~~ Design the *ballots*~~ballot cards,~~ *to include a*~~including a numerical~~ system to
 20 insure an accurate record of all voting activities;

21 ~~(4)(5)~~ Instruct voters in the use of the voting device;

22 ~~(5)(6)~~ Provide for checking the accuracy of the equipment;

23 ~~(6)(7)~~ Provide necessary supplies, including those necessary for a write-in vote and
 24 secrecy envelopes~~for punch cards or data processing cards~~ to *ensure*~~insure~~ voter
 25 privacy;

26 ~~(7)(8)~~ As part of the official canvass, provide for a manual recount of randomly
 27 selected precincts representing three percent (3%) to five percent (5%) of the total

1 ballots cast in each election;

2 ~~(8)~~~~(9)~~ **Maintain**~~[Provide a method for maintaining]~~ sufficient documents, **including**
 3 **ballots**, and records so that votes can be recounted. Such documents and records
 4 shall include any material other than a ballot card which is imprinted with the
 5 names of candidates and issues voted upon. Records shall be maintained in such a
 6 manner that a specific piece of printed material listing issues and candidates can be
 7 matched with the specific ballot cards which were marked in reliance upon such
 8 printed material. Except as otherwise required in this chapter that certain records
 9 and papers relating to specified elections be retained for twenty-two (22) months,
 10 such documents and records shall be maintained for thirty (30) days following an
 11 election; **and**

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

14 ➔Section 14. KRS 117.995 is amended to read as follows:

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

19 (2) Any county clerk or member of the county board of elections who knowingly and
 20 willfully violates any of the provisions of this chapter, including furnishing
 21 applications for absentee ballots to persons other than those specified by the
 22 provisions of this chapter and failure to type the name of the voter on the
 23 application form as required by the provisions of this chapter, shall be guilty of a
 24 Class D felony.

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

- 1 misdemeanor.
- 2 (4) Any election officer who knowingly and willfully violates any of the provisions of
3 this chapter, including failure to enforce the prohibition against electioneering
4 established by KRS 117.235, shall be guilty of a Class A misdemeanor for the first
5 offense and a Class D felony for each subsequent offense.
- 6 (5) Any person who signs a name other than his or her own on an application for an
7 absentee ballot ~~or~~ on the verification form for the ballot ~~or~~ on an emergency
8 absentee ballot affidavit, **or on a provisional voter affirmation**, or any person who
9 votes an absentee ballot other than the one issued in his or her name, or any person
10 who applies for the ballot for the use of anyone other than himself or herself or the
11 person designated by the provisions of this chapter, or any person who makes a
12 false statement on an application for an absentee ballot ~~or~~ on an emergency
13 absentee ballot affidavit, **or on a provisional voter affirmation**, shall be guilty of a
14 Class D felony.
- 15 (6) Any person who violates any provision of KRS 117.235 or 117.236 related to
16 prohibited activities during absentee voting or on election day, after he or she has
17 been duly notified of the provisions by any precinct election officer, county clerk,
18 deputy county clerk, or other law enforcement official, shall, for each offense, be
19 guilty of a Class A misdemeanor.
- 20 (7) Any person who knowingly and willfully prepares or assists in the preparation of an
21 inaccurate or incomplete voter assistance form or fails to complete a voter
22 assistance form when required shall be guilty of a Class A misdemeanor for the first
23 offense and a Class D felony for each subsequent offense; however, if a voter has
24 been permanently certified as requiring voting assistance, there shall be no offense
25 for the failure of the voter to complete the form.
- 26 (8) The members of a county board of elections **who fail**~~that fails~~ to provide the
27 training to precinct election officers required by KRS 117.187(2) shall be subject to

1 removal by the State Board of Elections.

2 (9) Any local or state election official, including the Secretary of State, employees of
3 the Secretary, and members of the State Board of Elections and their staff, who
4 knowingly and willfully uses the voter registration roster in violation of KRS
5 117.025(3)(a) shall, for each offense, be guilty of a Class A misdemeanor.

6 ➔Section 15. KRS 118.015 is amended to read as follows:

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

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

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

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

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

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

24 (6) "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 and recording his votes in an election;

27 (7) The word "resident" used in reference to a candidate in a state, district, county, or

1 city election shall mean actual resident, without regard to the residence of the
2 spouse of the candidate;

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

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

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

10 (1) Except as provided in KRS 118.345, and subject to the provisions of subsections
11 (2), (3), and (4) of this section, the county clerk of each county shall cause to be
12 printed for the voting machines and on the absentee ballots and provisional ballots
13 for the regular election the names of the following persons:

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

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

23 (c) Candidates of a political party, as defined in KRS 118.015, who have been
24 nominated by the governing authority of the party to fill a vacancy in the
25 candidacy of a person nominated at the preceding primary~~[-election]~~, as
26 provided in KRS 118.105, and whose certificates of nomination have been
27 filed with the Secretary of State or the appropriate county clerk, by at least the

- 1 date provided by the election law generally for such filing;
- 2 (d) Candidates who have been nominated by a political organization as provided
3 in KRS 118.325 and whose certificates or petitions of nomination have been
4 filed with the Secretary of State or the appropriate county clerk within the
5 time prescribed in this chapter;
- 6 (e) Independent candidates who have been nominated by petition as provided in
7 KRS 118.315, and whose petitions of nomination have been filed with the
8 Secretary of State or the appropriate county clerk within the time prescribed in
9 this chapter;
- 10 (f) Successful nominees of all nonpartisan primaries which shall have been
11 conducted;
- 12 (g) Candidates who have filed a petition of candidacy as shall be required to fill a
13 vacancy which shall appear on the ballot;
- 14 (h) The county clerk shall determine whether the name of any replacement
15 candidate who has been nominated as provided in KRS 118.105(5) may be
16 placed on the machine ballot or ballot cards and whether the voting machine
17 may be reprogrammed to count the votes cast for that candidate or whether the
18 ballot or ballot cards must be reprinted to accommodate votes cast for any
19 replacement candidate and shall take the appropriate action to accommodate
20 the replacement of any candidate. If the county clerk determines that the name
21 of any replacement candidate cannot be accommodated on the existing ballot
22 or ballot cards and if there is insufficient time before the election to reprint the
23 entire ballot, or to reprint the provisional ballots, the county clerk shall
24 request approval to use supplemental paper ballots for voting for that office
25 only in the same manner as permitted for other situations as provided in KRS
26 118.215(5), and, if approved, shall have an adequate number of supplemental
27 paper ballots printed for voting for that office and only votes cast for that

1 office by means of the supplemental paper ballots shall be tabulated and
2 recorded by the precinct election officers and county board of elections for
3 that office. All actions by a county clerk, the State Board of Elections, and the
4 Secretary of State which are necessary to provide for voting at a regular
5 election for candidates nominated pursuant to KRS 118.105(5) shall be carried
6 out with all possible speed. When a candidate has been replaced as provided
7 in KRS 118.105(5) after absentee ballots have been printed and distributed for
8 the regular election, neither the precinct election officers nor the county board
9 of elections shall tabulate or record any absentee votes cast for the candidate
10 who was replaced. If ballots, including provisional ballots, are reprinted or
11 supplemental paper ballots are printed, or if voting machines must be
12 reprogrammed to count the votes cast for a replacement candidate, the costs
13 for the printing and reprogramming shall be paid by the political party who
14 has nominated a replacement candidate, or proportionately by each political
15 party if each party nominates a replacement candidate;

16 (i) Candidates for President and Vice President of the United States, of those
17 political parties and organizations who have nominated presidential electors as
18 provided in KRS 118.325, if the certificate of nomination of the electors has
19 been filed with the Secretary of State within the time prescribed in this
20 chapter;

21 (j) Candidates for soil and water district supervisors who have been nominated
22 by petition as provided in KRS 262.210; and

23 (k) Candidates for city office for which no nonpartisan primary has been
24 conducted in a city which requires nonpartisan city elections.

25 (2) Any candidate for city office who is defeated in a partisan or nonpartisan primary
26 shall be ineligible as a candidate for the same office in the regular election.

27 (3) Candidates for members of boards of education shall have their names printed on

1 ballot labels and absentee ballots for the regular election only after filing as
2 provided in KRS 160.220.

3 (4) Except as provided in KRS 118.105 and 118.115, no candidate's name shall be
4 printed upon the ballot labels, provisional ballots, and absentee ballots for any
5 regular election as the nominee of any political party, as defined in KRS 118.015, or
6 under the emblem of any political party, as so defined, except those candidates who
7 have been duly and regularly nominated as nominees of that party at a primary held
8 as provided in this chapter.

9 (5) No county clerk shall knowingly cause to be printed~~[,]~~ upon the ballot labels,
10 provisional ballots, or absentee ballots for any regular election, the name of any
11 candidate of a political party, as defined in KRS 118.015, who has not been
12 nominated in the manner provided in the~~[primary election]~~ laws governing
13 primaries, or the name of any candidate who is not in compliance with the
14 restrictions concerning party registration and candidacy provided in~~[of]~~ KRS
15 118.315(1).

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

18 (7) When a vacancy occurs in an elective office which is required by law to be filled
19 temporarily by appointment, the officer or body designated by law to make the
20 appointment, or in the case of an office to be filled by appointment from a list of
21 nominations, the officer or body designated by law to make the nominations, shall
22 immediately notify in writing both the county clerk and Secretary of State of the
23 vacancy.

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

1 ➔Section 17. KRS 118.405 is amended to read as follows:

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

7 ➔Section 18. KRS 118A.010 is amended to read as follows:

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

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

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

26 ➔Section 19. KRS 118A.100 is amended to read as follows:

- 27 (1) Candidates for an unexpired term of a judicial office to be filled at a regular election

1 shall be nominated at the primary next preceding the regular election in the manner
2 prescribed in KRS 118A.060 if the vacancy occurs not later than the second Friday
3 in December preceding the primary. If the vacancy occurs on or after that date, the
4 election to fill the unexpired term shall be held in accordance with the procedures
5 described in this section and Section 152 of the Constitution of Kentucky.

6 (2) If in a regular election for judicial office no candidates nominated as provided in
7 KRS 118A.060 are available due to death, incapacity, or withdrawal, and the
8 candidates have not been replaced as provided in KRS 118A.060, the election to fill
9 the regular term shall be conducted in the manner prescribed in subsections (3)
10 through (11) of this section.

11 (3) Each candidate shall file a petition for nomination with the Secretary of State not
12 earlier than the first Wednesday after the first Monday in November of the year
13 preceding the year in which the election for the unexpired term will be held and not
14 later than the first Tuesday after the first Monday in June preceding the day fixed by
15 law for holding the regular election for the unexpired term, if the vacancy occurs
16 prior to the first Tuesday following the first Monday in June. If the vacancy occurs
17 after the first Tuesday following the first Monday in June, each candidate shall file a
18 petition for nomination with the Secretary of State not later than the second Tuesday
19 in August preceding the day fixed by law for holding the regular election for the
20 unexpired term. The petition shall be sworn to by the candidate and by not less than
21 two (2) registered voters from the district or circuit from which he or she seeks
22 nomination, before an officer authorized to administer an oath. Signatures for
23 nomination papers shall not be affixed on the document to be filed prior to the first
24 Wednesday after the first Monday in November of the year preceding the year in
25 which the office will appear on the ballot. The petition shall be filed no later than 4
26 p.m. local time at the place of filing when filed on the last date on which the papers
27 are permitted to be filed.

- 1 (4) The petition for nomination shall be in the form prescribed by the State Board of
2 Elections. The petition shall include a declaration sworn to by the candidate, that he
3 or she possesses all the constitutional and statutory requirements of the office for
4 which the candidate has filed. Titles, ranks, or spurious phrases shall not be
5 accepted on the petition and shall not be printed on the ballots as part of the
6 candidate's name; however, nicknames, initials, and contractions of given names
7 may be acceptable as the candidate's name.
- 8 (5) The Secretary of State shall examine the petition of each candidate to determine
9 whether it is regular on its face. If there is an error, the Secretary of State shall
10 notify the candidate by certified mail within twenty-four (24) hours of filing.
- 11 (6) The order of names on the ballot for each district or circuit, and numbered division
12 if divisions exist, shall be determined by lot at a public drawing to be held in the
13 office of the Secretary of State at 2 p.m., standard time, on the Thursday following
14 the first Tuesday after the first Monday in June preceding the regular election for
15 those petitions for nomination required to be filed no later than the first Tuesday
16 following the first Monday in June. For those petitions for nomination required to
17 be filed no later than the second Tuesday in August, the order of names on the ballot
18 for each district and circuit, and numbered division if divisions exist, shall be
19 determined by lot at a public drawing to be held in the office of the Secretary of
20 State at 2 p.m., standard time, on the Thursday following the second Tuesday in
21 August preceding the regular election.
- 22 (7) Not later than the date set forth in KRS 118.215 and after the order of names on the
23 ballot has been determined as required in subsection (6) of this section, the
24 Secretary of State shall:
- 25 (a) Certify to the county clerks of the respective counties entitled to participate in
26 the election of the various candidates, the name and place of residence of each
27 candidate for each office, by district or circuit, and numbered division if

1 divisions exist, as specified in the petitions for nomination filed with the
2 Secretary of State; and

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

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

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

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

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

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

26 ➔Section 20. KRS 118A.130 is amended to read as follows:

27 No judicial candidate's name shall appear on any voting machine, provisional ballot, or

1 absentee ballot more than once.

2 →Section 21. KRS 119.005 is amended to read as follows:

3 **As used in this chapter:**

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

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

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

14 **and**

15 (4) "Voting machine" or "machine" shall include~~[lever machines and]~~, as far as
16 applicable, any electronic or electromechanical unit and supplies utilized or relied
17 upon by a voter in casting and recording his vote in an election.

18 →Section 22. KRS 120.005 is amended to read as follows:

19 **As used in this chapter:**

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

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

27 (3) "Ballot card" means a tabulating card on which votes may be recorded by a voter by

1 use of a voting punch device or by marking with a pen or special marking device;
2 and
3 (4) "Voting machine" or "machine" shall include ~~lever machines and~~, as far as
4 applicable, any electronic or electromechanical unit and supplies utilized or relied
5 upon by a voter in casting and recording his vote in an election.