

1 AN ACT relating to elections.

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) A county board of elections may petition the State Board of Elections to approve*
6 *the designation of voting locations in the county that may be used by any*
7 *registered voter in the county, provided:*

8 *(a) The voting location is equipped with optical scan or digital scan voting*
9 *machines capable of providing or accepting separate ballots without*
10 *endangering the integrity of the ballots or without violating any other*
11 *election law; and*

12 *(b) Separate precinct rosters for each precinct in the county are available at the*
13 *designated voting locations.*

14 *(2) A petition submitted under this section shall be on a form prescribed by the State*
15 *Board of Elections in administrative regulations promulgated under KRS*
16 *Chapter 13A and shall include:*

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

18 *(b) The type of voting machine or machines to be used at the voting location;*

19 *(c) The plan for determining and providing the number of voting machines to*
20 *be used at the voting location; and*

21 *(d) The plan for additional precinct officers at the voting location and the*
22 *manner in which they will be assigned.*

23 *(3) If a petition submitted under this section is approved by the State Board of*
24 *Elections, the election shall be conducted according to the following provisions:*

25 *(a) Separate precinct rosters shall be maintained for each precinct;*

26 *(b) Voters shall cast their votes only on those ballots certified for their precinct;*

27 *(c) Precinct election officers serving at the voting location shall meet the*

1 eligibility requirements of KRS 117.045, except that an election officer shall
 2 not be required to reside in any specific precinct, provided he or she is a
 3 qualified voter of the county; and

4 (d) A separate set of election forms and reports shall be maintained for each
 5 precinct.

6 ➔Section 2. KRS 116.045 is amended to read as follows:

7 (1) Any person may register as a voter during the period registration is open if he or she
 8 possesses, or will possess on the day of the next regular election, the qualifications
 9 set forth in KRS 116.025.

10 (2) The county clerk shall cause all registration to be closed the twenty-one (21)~~fourth~~
 11 ~~Tuesday preceding through the first Monday following any primary or general~~
 12 ~~election, and the twenty-eight (28)~~ days prior to and seven (7) days following any
 13 primary or regular or special election. If the last day of registration falls on a state
 14 or federal holiday, the period runs until the end of the next day which is not a
 15 Saturday or Sunday nor a state or federal holiday. During the period that registration
 16 is closed, the county clerk may accept and process registrations. Any voter who
 17 registers during the period that registration is closed, except for any registered voter
 18 who transfers his or her registration pursuant to KRS 116.085(2) or (3), shall not be
 19 permitted to vote in the upcoming primary or election.

20 (3) In all counties, the county clerk shall receive registrations, transfers, or changes of
 21 party affiliation at branch offices at any place in the county during those periods that
 22 the registration books are open except for those transfers pursuant to KRS
 23 116.085(2) or 116.085(3). However, notice in the manner provided by KRS Chapter
 24 424 shall be given at least three (3), but not more than fourteen (14), days in
 25 advance of the time and place of any branch registration, and ten (10) days' written
 26 notice shall be given to the county executive committee of each major political
 27 party in the county in which the branch registration is to be held.

- 1 (4) Any person may register to vote or may change his or her party affiliation in any of
2 the following ways:
- 3 (a) In person;
- 4 (b) By mail;
- 5 (c) By means of the federal post card application, if the person is a resident of
6 Kentucky and a member of the Armed Forces, or a dependent of members of
7 the Armed Forces, or overseas citizen;
- 8 (d) By mail-in application form prescribed by the Federal Election Commission
9 pursuant to the National Voter Registration Act of 1993; or
- 10 (e) By other methods of registration, or reregistration, approved by the State
11 Board of Elections, including the use of voluntary interested groups and
12 political parties, under the proper supervision and directions of the county
13 clerk, which may include door to door canvassing.
- 14 (5) Upon receipt of the form prescribed by the State Board of Elections or the Federal
15 Election Commission pursuant to the National Voter Registration Act of 1993, or
16 *the Election Assistance Commission pursuant to the Help America Vote Act of*
17 *2002*, properly filled out and signed by the applicant, the county clerk shall register
18 the applicant.
- 19 (6) Any individual or group shall have access to a reasonable number of voter
20 registration forms including the mail-in application form prescribed by the Federal
21 Election Commission pursuant to the National Voter Registration Act of 1993 in the
22 county clerk's office. The individual or group shall act under the proper supervision
23 and directions of the county clerk and shall return these completed forms to the
24 county clerk for official registration by the county clerk.
- 25 (7) No later than December 31, 1994, the Transportation Cabinet shall equip all driver's
26 license agencies to comply with the provisions of the National Voter Registration
27 Act of 1993. The Secretary of State shall provide assistance and interpretation to the

1 Transportation Cabinet in determining the requirements of the National Voter
2 Registration Act of 1993.

3 (8) The county clerk shall enter the specific party identification of the voter with a
4 political party, political organization, or political group as defined in KRS 118.015,
5 or independent status, as indicated by the voter on the voter registration form, into
6 the statewide voter registration system. The State Board of Elections shall
7 promulgate regulations under KRS Chapter 13A to provide for tracking of the
8 registration of voters identifying with political organizations and political groups as
9 defined in KRS 118.015, and voters of independent status.

10 ➔Section 3. KRS 116.055 is amended to read as follows:

11 (1) Before a person shall be qualified to vote in a primary, he or she:

12 (a) Shall possess all the qualifications required of voters in a regular election;

13 (b) Shall have been a registered member of the party in whose primary he or she
14 seeks to vote no less than twenty-one (21) days~~[on December 31]~~
15 immediately preceding the primary; and

16 (c) Shall have remained continuously registered as a member of that party in
17 whose primary he or she seeks to vote between twenty-one (21)
18 days~~[December 31]~~ immediately preceding the primary and the date set for the
19 primary.

20 (2) In the case of a new registration made no later than twenty-one (21) days~~[after~~
21 ~~December 31]~~ immediately preceding the primary, a voter shall have~~[registered~~
22 ~~and]~~ remained continuously registered as a member of the party in whose primary
23 he or she seeks to vote from the date of registration until the date set for the
24 primary.

25 (3) ~~[Any voter who withdraws his or her registration after December 31 immediately~~
26 ~~preceding the primary, and reregisters as a voter with a different party affiliation,~~
27 ~~during those periods that the registration books are open immediately preceding the~~

1 ~~primary, shall not be eligible to vote in the upcoming primary.~~

2 ~~(4)~~—]No person shall be allowed to vote for any party candidates or slates of candidates
3 other than that of the party of which he or she is a registered member.

4 ~~(4)~~~~(5)~~ The qualifications shall be determined as of the date of the primary, without
5 regard to the qualifications or disqualifications as they may exist at the succeeding
6 regular election, except that minors seventeen (17) years of age who will become
7 eighteen (18) years of age on or before the day of the regular election shall be
8 entitled to vote in the primary if otherwise qualified. However, any registered voter,
9 whether registered as a member of a party, political organization, political group, or
10 as an independent, shall be qualified to vote in a primary for candidates listed in all
11 nonpartisan races.

12 ➔Section 4. KRS 117.045 is amended to read as follows:

13 (1) (a) The county board of elections shall in the manner prescribed by this section,
14 not later than March 20 each year, except in a year in which no primary and
15 regular elections are scheduled, appoint for each precinct in the county two (2)
16 judges, one (1) clerk and one (1) sheriff of election. They shall serve in all
17 elections held in the county during the year, except for minors seventeen (17)
18 years of age who will become eighteen (18) years of age on or before the day
19 of the regular election who may only serve as election officers for the primary
20 and regular elections as provided in subsection (9) of this section.

21 (b) If a special election is ordered to be held in a year in which no elections are
22 scheduled, the county executive committee or county committee of each
23 political party in each county in the territory affected by the special election
24 shall, not later than twenty-eight (28) days preceding the date of the special
25 election, submit a written list of nominees for precinct election officers to
26 serve in the special election in a manner consistent with the provisions of
27 subsection (2) of this section. The county board of elections in each county in

1 the territory affected by the special election shall, not later than twenty-one
 2 (21) days preceding the date of the special election, appoint precinct election
 3 officers to serve in the special election in a manner consistent with the
 4 provisions of subsections (4), (5), and (6) of this section.

5 (c) The State Board of Elections shall promulgate an administrative regulation
 6 under KRS Chapter 13A establishing evaluation procedures which county
 7 boards of elections may use to qualify persons nominated to serve as precinct
 8 election officers.

9 (2) The county executive committees or county committees of the two (2) political
 10 parties having representation on the State Board of Elections may, on or before
 11 February~~March~~ 15 each year, designate in writing to the county board of elections
 12 a list of not less than four (4) names for each precinct; except that, in any precinct
 13 where there are not as many as four (4) persons possessing the qualifications of an
 14 election officer belonging to the political party filing the list, a lesser number may
 15 be designated. If there are two (2) or more contending executive committees or
 16 county committees of the same party in any county, the one recognized by the
 17 written certificate of the chair~~chairman~~ of the state central committee of the party
 18 shall be the one authorized to submit the lists. The lists shall contain the full name,
 19 address, phone number, and Social Security number, if available, of each person
 20 listed. The lists shall be accompanied by a signed statement from each person
 21 stating that the person~~he~~ is willing to serve, has not failed to serve without excuse
 22 in the past, and has not been convicted of an election law offense or any felony,
 23 unless the person's civil rights have been restored by the Governor. The State Board
 24 of Elections shall prescribe the form of the list by administrative regulation
 25 promulgated under KRS Chapter 13A~~[the form of the list]~~.

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

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

6 (b) If no lists are submitted by the county executive committees or county
 7 committees under subsection (2) of this section, the two (2) members of the
 8 county board of elections who are appointed by the State Board of Elections
 9 may submit lists; and the county board of elections shall select the sheriff and
 10 one (1) judge from one (1) list and the clerk and the other judge from the
 11 remaining list.

12 (c) If no lists are submitted by the county executive committees or county
 13 committees under subsection (2) of this section, or by the county board of
 14 elections under paragraph (b) of this subsection, the county clerk~~[board]~~
 15 shall select the sheriff and one (1) judge from the membership of one (1) party
 16 and the clerk and the other judge from the membership of the remaining party.
 17 If no members of one (1) of the two (2) political parties are available or
 18 willing to serve as a judge, the county clerk shall:

- 19 1. Select one (1) voter of independent status, or one (1) member of any
 20 political organization not constituting a political party within the
 21 meaning of KRS 118.015 but whose candidate received two percent
 22 (2%) of the vote of the state at the last preceding election for
 23 presidential electors, to serve as a judge at a voting place; and
- 24 2. Not select two (2) judges with the same political affiliation.

25 (d) The county board of elections shall, when possible, also appoint an adequate
 26 number of alternate precinct election officers from names on the lists which
 27 were submitted but which were not selected by the county board as precinct

1 election officers. If alternate precinct election officers are not appointed from
 2 the lists of nominees who were not selected as precinct election officers, the
 3 county board of elections shall submit its method of selecting alternate
 4 precinct election officers to the State Board of Elections for its approval. **If no**
 5 **lists are submitted to the county board of elections as provided in this**
 6 **section, the county clerk shall select an adequate number of alternate**
 7 **precinct election officers.**

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

11 **(f) Nothing in this subsection shall prevent the selection of voters of**
 12 **independent status, or members of any political organization not**
 13 **constituting a political party within the meaning of KRS 118.015 but whose**
 14 **candidate received two percent (2%) of the vote of the state at the last**
 15 **preceding election for presidential electors, to serve as a precinct election**
 16 **officer in a precinct in which the officer resides or as otherwise provided in**
 17 **this subsection.**

18 (5) If, after all reasonable efforts have been made, **neither** the county board of elections
 19 **nor the county clerk** is **able**~~unable~~ to find two (2) qualified officers for each
 20 precinct who are affiliated with the two (2) political parties having representation on
 21 the State Board of Elections **or voters of independent status or members of any**
 22 **political organization not constituting a political party within the meaning of**
 23 **KRS 118.015 but whose candidate received two percent (2%) of the vote of the**
 24 **state at the last preceding election for presidential electors**, the county board **of**
 25 **elections** shall submit a list of emergency election officer appointments to the State
 26 Board of Elections. The county board **of elections** shall also present, in writing, its
 27 efforts to recruit and appoint election officers as prescribed in subsection (4) of this

1 section. ~~The list of emergency appointments may include qualified voters not~~
2 ~~affiliated with the two (2) parties represented on the state board.~~ The **State Board**
3 **of Elections** ~~[state board]~~, after its review, may approve any or all of the emergency
4 appointments submitted by the county board **of elections** or may direct the county
5 board to take other action. Any emergency appointment shall be made for the next
6 ensuing election only.

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

13 (7) The county board of elections shall, not less than ten (10) days before the next
14 ensuing election, send to each election officer written notice of his **or her**
15 appointment. The **county** board **of elections** may direct the sheriff of the county to
16 serve the notice of appointment, if it deems the action is necessary.

17 (8) The State Board of Elections may require the county board of elections to submit its
18 list of precinct officers for review. The State Board of Elections may, after a
19 hearing, direct the removal of any election officer who the board finds would not
20 fairly administer the state election laws. The **State Board of Elections shall provide**
21 **for the method and manner of the hearing by administrative regulation**
22 **promulgated under KRS Chapter 13A, and** ~~[state board]~~ shall replace any officer so
23 removed. ~~The board shall provide for the method and manner of the hearing by~~
24 ~~administrative regulation.~~

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

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

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

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

14 **(e)** An election officer may be removed, for cause, at any time up to five (5) days
15 before an election. Vacancies shall be filled by the county board **of elections**
16 **or the county clerk** with alternate precinct election officers and **if the vacancy**
17 **occurs in the appointment of a judge,** the person appointed to fill the vacancy
18 shall be of the same political **affiliation**~~[party]~~ as the vacating officer, except
19 for emergency appointments made as provided in subsection (5) of this
20 section.

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

- 1 (11) Election officers may serve a minimum of six and one-half (6 1/2) hours per
 2 election day provided a successor election officer is available and meets all the
 3 requirements of this section. The successor election officer shall serve in the
 4 same capacity and be of the same political affiliation as the departing election
 5 officer. Immediately prior to the time of transfer of the duties of the election
 6 officer, both officers shall sign a certificate on a form prescribed by the State
 7 Board of Elections in administrative regulations promulgated under KRS
 8 Chapter 13A stating:
- 9 (a) The names of both the departing election officers and the successor election
 10 officers and their designation as clerk, judge, or sheriff;
- 11 (b) The number of voters up to the time of transfer, as shown on the public
 12 counters;
- 13 (c) The number or other designation of the voting equipment in use at the time
 14 of the transfer;
- 15 (d) Any irregularities observed by the departing election officer serving as
 16 sheriff;
- 17 (e) Any recommendations of the departing election officer for improving the
 18 election process;
- 19 (f) Any records transferred to the successor officer are true and accurate to the
 20 best of the departing officer's knowledge and belief;
- 21 (g) All keys to the voting equipment have been transferred to the successor
 22 judges; and
- 23 (h) Any other information required by the State Board of Elections as
 24 established in administrative regulations promulgated under KRS Chapter
 25 13A.
- 26 (12) Each election officer serving all hours the polls are open shall be paid a minimum
 27 of sixty dollars (\$60) per election day served. Each election officer serving for six

1 and one-half (6 1/2) hours shall be paid a minimum of thirty dollars (\$30) per
 2 election day. The, and such an additional amount as compensation as may be
 3 determined by the county board of elections, with the approval of the governing
 4 body which would be responsible for funding the election officers' pay, may pay an
 5 additional amount as compensation for each election in which the election officer
 6 serves, to be paid by the county. For delivering the election packets to the polls, the
 7 precinct election officers shall additionally receive~~[in addition]~~ the mileage
 8 reimbursement provided for state employees~~[,]~~ for each mile necessarily traveled in
 9 the delivery of the packets to the polls, or a flat fee if the fee equals or exceeds that
 10 amount. For delivering election returns, the precinct election judges shall
 11 additionally receive~~[in addition]~~ the mileage reimbursement provided for state
 12 employees for each mile necessarily traveled in the~~[from the place of voting to and~~
 13 ~~from the place of]~~ delivery of the election returns, or a flat fee if the fee equals or
 14 exceeds that amount. The fee paid to the precinct election judges for delivering
 15 election returns shall be paid by the county.

16 ➔Section 5. KRS 117.066 is amended to read as follows:

- 17 (1) ~~[In the case of a precinct comprised of a small number of registered voters,]~~The
 18 county board of elections may, pursuant to KRS 117.055, designate a single voting
 19 location for more than one (1) precinct if the voting location is equipped with
 20 voting machines capable of providing or accepting separate ballots without
 21 endangering the integrity of the ballots or without violating any other election
 22 law~~[utilize the facilities of another precinct as a voting location. Additionally, the~~
 23 ~~county board of elections may petition the State Board of Elections to allow the~~
 24 ~~precinct election officers of the larger precinct to serve as precinct election officers~~
 25 ~~for the precinct that is the subject of the petition. The petition shall designate both~~
 26 ~~the smaller precinct and the larger precinct with which it is to be included, the type~~
 27 ~~of voting machine or machines to be used, and whether supplemental paper ballots~~

1 ~~are to be used. The petition shall contain a full explanation of the reasons why~~
 2 ~~inclusion is desirable.~~

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

7 (a) One **(1)** voting machine may be **used**~~[utilized]~~ for **more than one (1) precinct**
 8 **if**~~[both precincts if the State Board of Elections certifies that]~~ separate ballots
 9 may be placed upon the voting machine to be used without endangering the
 10 integrity of the ballots or without violating any other election law, **and if**
 11 **ballots are tabulated for each separate precinct.** Otherwise, separate voting
 12 machines shall be used for each precinct. In the instance of a precinct which
 13 has a small number of voters such that the use of a separate voting machine
 14 would be cost-prohibitive, the county clerk may make application to the State
 15 Board of Elections to use supplemental paper ballots under KRS 118.215 to
 16 conduct the voting for the small precinct on **any primary or** election day. If
 17 the use of supplemental paper ballots is approved by the State Board of
 18 Elections, at the close of voting on **any primary or** election day, the locked
 19 ballot box shall be transported to the county board of elections and ballots
 20 shall be counted by the county board of elections as provided by KRS
 21 117.275(10) to (13);

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

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

27 **(3) The county board of elections may petition the State Board of Elections to allow**

1 the consolidation of precinct election officers at any voting location where voters
 2 of more than one (1) precinct vote. The petition shall be on a form prescribed by
 3 the State Board of Elections in administrative regulations promulgated under
 4 KRS Chapter 13A and shall include:

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

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

7 (c) The number and type of voting machine or machines to be used at the
 8 voting location;

9 (d) The number of registered voters in each precinct designated to vote the
 10 voting location; and

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

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

17 ➔Section 6. KRS 117.077 is amended to read as follows:

18 In case of a medical emergency within seven (7)~~fourteen (14)~~ days or less of an election,
 19 a registered voter, and the registered voter's spouse, children, and parents may apply for
 20 an absentee ballot. The application shall state that the emergency condition occurred
 21 within the seven (7)~~fourteen (14)~~ day period. The application shall be notarized. The
 22 application form may be requested by and delivered by the voter or the spouse, parents, or
 23 children of the voter. If the voter has no spouse, parents, or children, the application form
 24 may be requested by and delivered by the brother, sister, niece, nephew, or designee of
 25 the voter. The application form shall be restricted to the use of the voter. Upon receipt of
 26 the application and verification, the county clerk shall issue an absentee ballot.

27 ➔Section 7. KRS 117.085 is amended to read as follows:

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

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

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

1 employment location requires him or her to be absent from the county of
 2 his or her residence, or because his or her employment hours prevent
 3 the voter from voting at the polls on election day~~[all hours and all days~~
 4 ~~in-person absentee voting is conducted in the county clerk's office];~~

5 7. Prevented from voting in person at the polls on election day because
 6 he or she is employed as essential service personnel as defined in
 7 paragraph (i) of this subsection, and is scheduled to work in that
 8 employment during all hours the polls are open;

9 8. A participant in the Secretary of State's crime victim address
 10 confidentiality protection program as authorized by KRS 14.312; or

11 ~~9[8].~~ Not able to appear at the polls on election day on the account of age,
 12 disability,~~[or]~~ illness, bereavement, or serious injury or illness of a
 13 family member, and who has not been declared mentally disabled by a
 14 court of competent jurisdiction.

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

24 (c) In-person absentee voting shall be conducted in the county clerk's main office,
 25 satellite office, or other place designated by the county board of elections and
 26 approved by the State Board of Elections during normal business hours for at
 27 least the twelve (12) working days before the election. A county board of

1 elections may permit in-person absentee voting to be conducted on a voting
2 machine for a period longer than the twelve (12) working days before the
3 election.

4 (d) A qualified voter may, at any time during normal business hours on those days
5 in-person absentee voting is conducted in the county clerk's office, make
6 application in person to the county clerk to vote on a voting machine in the
7 county clerk's office or other place designated by the county board of elections
8 and approved by the State Board of Elections, if the voter:

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

- 1 7. *Is prevented from voting in person at the polls on election day because*
- 2 *the voter's employment hours prevent the voter from voting at the polls*
- 3 *on election day;*
- 4 8. *Is prevented from voting in person at the polls on election day because*
- 5 *the voter is employed as essential service personnel as defined in*
- 6 *paragraph (i) of this subsection, and is scheduled to work in that*
- 7 *employment during all hours the polls are open;*
- 8 9. Has not been declared mentally disabled by a court of competent
- 9 jurisdiction and, on account of age, disability,~~[or]~~ illness, *bereavement,*
- 10 *or serious injury or illness of a family member* is not able to appear at
- 11 the polls on election day; or
- 12 10~~[8]~~. Is not permitted to vote by a mail-in absentee ballot under
- 13 paragraph (a) of this subsection, but who will be absent from the county
- 14 of his or her residence on election day.
- 15 (e) Voters who change their place of residence to a different state while the
- 16 registration books are closed in the new state of residence before a presidential
- 17 election shall be permitted to cast an in-person absentee ballot for President
- 18 and Vice President only, by making application in person to the county clerk
- 19 to vote on a voting machine in the county clerk's office or other place
- 20 designated by the county board of elections and approved by the State Board
- 21 of Elections, up to the close of normal business hours on the day before the
- 22 election.
- 23 (f) Any member of the county board of elections, any precinct election officer
- 24 appointed to serve in a precinct other than that in which he or she is registered,
- 25 any alternate precinct election officer, any deputy county clerk, any staff for
- 26 the State Board of Elections, and any staff for the county board of elections
- 27 may vote on a voting machine in the county clerk's office or other place

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

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

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

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

6 **(i) For purposes of this subsection, "essential service personnel" means a**
 7 **person who is employed in one (1) of the following professions or**
 8 **occupations:**

9 **1. Firefighter, law enforcement officer, or other emergency responder;**

10 **2. Emergency medical services, including emergency medical technician,**
 11 **paramedic, and medical evacuation pilot;**

12 **3. Emergency management;**

13 **4. Hazardous materials handler or extrication and rescue, including**
 14 **water rescue;**

15 **5. Physician, physician assistant, nurse practitioner, or registered nurse;**

16 **6. Mental health practitioner; or**

17 **7. Public health practitioner.**

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

1 penalty provisions in KRS 117.995(2) and (5) shall be printed on the mail-in
2 absentee ballot application form.

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

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

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

26 (6) The outer envelope shall bear the words "Absentee Ballot" and the address and
27 official title of the county clerk and shall provide space for the voter's signature,

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

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

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

5 ➔Section 8. KRS 117.195 is amended to read as follows:

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

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

17 (3) If supplemental paper ballots have been approved as provided in KRS 118.215, the
18 county clerk shall, at least one hour prior to the opening of the polls, deliver a
19 sufficient number of ballots for the registered voters of each precinct, a sufficient
20 number of voting booths for voting paper ballots, string, rubber stamps for marking
21 "Spoiled" and "Unused" ballots and a locked ballot box for each precinct. The
22 county clerk shall take a receipt for the number of ballots issued and the ballot box
23 for each precinct. The county clerk shall retain the keys to all ballot boxes.

24 ➔Section 9. KRS 117.205 is amended to read as follows:

25 Before permitting any person to vote on the day of the election, the election officers
26 servicing before the polls open shall examine the machine to ascertain whether it has been
27 operated since the counters referred to in subsections (10) and (11) of KRS 117.125 were

1 set at zero, and to ascertain whether the ballot labels are arranged as specified on the
2 printed instruction cards. If the machine indicates that it has been operated or if the ballot
3 labels are not so arranged, the officers servicing before the polls open shall not unlock the
4 operating device or mechanism, but shall immediately secure the attendance of the county
5 clerk and one (1) member of the county board of elections other than the county clerk,
6 who shall reset the counters at zero and relock the device covering the counters, or
7 properly arrange the ballot labels, as the case may be, in the presence of the election
8 officers servicing before the polls open. If the attendance of members of the board of
9 elections cannot be obtained before the opening of the polls or within one (1) hour
10 thereafter, the election officers servicing before the polls open shall notify the county clerk
11 of the foregoing facts and obtain from the county clerk a reserve voting machine, and
12 proceed to conduct the election. Any reserve machine shall have been certified for use at
13 the election by the county board of elections and prepared for use at the election by the
14 election officers servicing before the polls open in the precinct in the same manner as the
15 original machine was prepared for the election. The machine found to have been so
16 operated shall be returned immediately to the custody of the county clerk, whose duty it
17 shall be to promptly repair same in order that it may be used as a reserve machine in the
18 election if needed.

19 ➔Section 10. KRS 117.275 is amended to read as follows:

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

24 (2) As soon as the polls are closed, and the last voter has voted, the election officers
25 servicing as judges at that time shall immediately lock and seal the voting equipment
26 so that the voting and counting mechanism will be prevented from operation, and
27 they shall sign a certificate stating:

- 1 (a) That the voting equipment has been locked against voting and sealed;
- 2 (b) The number of voters, as shown on the public counters;
- 3 (c) The number registered on the protective or accumulative counter or device, if
- 4 any; and
- 5 (d) The number or other designation of the voting equipment, which certificate,
- 6 with any additional certificate previously prepared under Section 4 of this
- 7 Act, shall be returned by the judges of election servicing when the polls are
- 8 closed to the officials authorized by law to receive it. The judges servicing
- 9 when the polls are closed shall compare the number of voters, as shown by
- 10 the counter of the voting equipment, with the number of those who have voted
- 11 as 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 servicing when the polls are closed, in the presence of the
- 16 representatives mentioned in subsection (1) of this section, if any, and of all
- 17 other persons who may be lawfully within the polling place, shall give full
- 18 view of all the counter numbers;
- 19 (b) The judges servicing when the polls are closed shall enter, in ink, the total
- 20 votes cast for each candidate, and slate of candidates, and for and against each
- 21 question on the return sheets; and
- 22 (c) Each precinct election officer servicing when the polls are closed shall sign the
- 23 return sheets, and a copy of the return sheets shall be posted on the precinct
- 24 door.
- 25 (4) Where voting equipment is used that prints the candidates' names along with the
- 26 total votes received on a return sheet or record for that equipment, the precinct
- 27 election officers servicing when the polls are closed shall sign the return sheets or

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

- 1 established by KRS 117.355(3).
- 2 (8) As soon as possible after the completion of the count, the two (2) judges servicing
3 when the polls are closed shall return to the county board of elections the keys to
4 the voting machine received and receipted for by them, and the county clerk in
5 which the precinct is located shall have the voting machine properly boxed or
6 securely covered and removed to a proper and secure place of storage.
- 7 (9) In primaries, each candidate, slate of candidates, or group of candidates may
8 designate to the county board of elections a representative to witness and check the
9 vote count. In regular elections, the governing authority of each political party, each
10 candidate for member of board of education, nonpartisan candidate, independent
11 candidate, or independent ticket may designate a representative to the county board
12 of elections to witness and check the vote count. The county board of elections shall
13 authorize representatives of the news media to witness the vote count.
- 14 (10) If supplemental paper ballots have been approved, as provided in KRS 118.215,
15 after the polls are closed, the two (2) judges servicing when the polls are closed shall
16 return to the county clerk's office the locked ballot box, all ballot stubs, spoiled
17 ballots, and unvoted ballots at the same time as the tabulation of votes from the
18 voting machine is delivered. The county clerk shall issue a receipt for the number of
19 ballot stubs, unvoted ballots, spoiled ballots and the ballot box.
- 20 (11) The county board of elections, or its designee, shall count and tally the paper ballots
21 manually or with the use of tabulating equipment which does not involve an
22 additional voting system. The results of the vote tally shall be certified by the
23 county board of elections to the county clerk and to the Secretary of State.
- 24 (12) The county board of elections shall authorize the candidates, slates of candidates, or
25 their representatives, and representatives of the news media to be present during the
26 counting of the paper ballots.
- 27 (13) Except as otherwise required in this chapter that certain records and papers relating

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

6 ➔Section 11. KRS 117.355 is amended to read as follows:

7 (1) Within three (3) days after any primary or general election, the precinct election
8 sheriff servicing when the polls are closed shall file a report with the
9 chair~~chairman~~ of the county board of elections and with the local grand jury. The
10 report shall include any irregularities observed by the sheriff servicing when the polls
11 were opened and any irregularities observed by the sheriff servicing when the polls
12 were closed in addition to~~and~~ any recommendations for improving the election
13 process made by either sheriff.

14 (2) Within ten (10) days after any primary or general election, the county board of
15 elections shall file a report with the State Board of Elections and the local grand
16 jury. The report shall include any irregularities of which the county board has
17 knowledge and any recommendations for improving the election process. The report
18 shall also include a breakdown by precinct of the number of voters requiring
19 assistance to vote and the reasons therefor; the number of special ballots cast by
20 category; and any other information required by the state board.

21 (3) Within thirty (30) days after any primary or general election, the county board of
22 elections shall transmit the information required by KRS 117.275(4) to (7).

23 (4) The State Board of Elections shall issue administrative regulations under KRS
24 Chapter 13A to prescribe the forms required by this section.

25 ➔Section 12. KRS 118.035 is amended to read as follows:

26 (1) The polls shall be opened on the day of a primary, special election, or regular
27 election at 6 a.m., prevailing time, and shall remain open until each voter who is

1 waiting in line at the polls at ~~7{6}~~ p.m., prevailing time, has voted. At ~~7{6}~~ p.m.,
2 prevailing time, if voters are waiting at the polls to vote, the precinct election sheriff
3 shall announce that a voter wishing to vote must immediately get in line. When all
4 voters waiting at the polls at that time are in line, the precinct election sheriff shall
5 then determine which voter is the last in line, and that voter shall be the last voter
6 permitted to vote. The precinct election sheriff shall wait in line with the last voter
7 who shall be permitted to vote until that voter has voted and shall inform a voter
8 who subsequently arrives at the polls that no one shall be permitted to vote after the
9 last voter in line at ~~7{6}~~ p.m., prevailing time. After the last voter waiting in line at
10 ~~7{6}~~ p.m., prevailing time, has voted, the polls shall then be closed.

11 (2) As provided in Section 148 of the Constitution of Kentucky, any person entitled to a
12 vote at any election in this state shall, if he has made application for leave prior to
13 the day he appears before the county clerk to request an application for or to execute
14 an absentee ballot, be entitled to absent himself from any services or employment in
15 which he is then engaged or employed for a reasonable time, but not less than four
16 (4) hours on the day he appears before the clerk to request an application for or to
17 execute an absentee ballot, during normal business hours of the office of the clerk
18 or to cast his ballot on the day of the election between the time of opening and
19 closing the polls. The employer may specify the hours during which an employee
20 may absent himself.

21 (3) No person shall be penalized for taking a reasonable time off to vote, unless, under
22 circumstances which did not prohibit him from voting, he fails to vote. Any
23 qualified voter who exercises his right to voting leave under this section but fails to
24 cast his vote, under circumstances which did not prohibit him from voting, may be
25 subject to disciplinary action.

26 (4) Any person selected to serve as an election officer shall be entitled to absent himself
27 from any services or employment in which he is then engaged or employed for a

1 period of an entire day to attend training or to serve as an election officer. The
2 person shall not, because of so absenting himself, be liable to any penalty. The
3 employer may specify the hours during which the employee may absent himself. No
4 person shall refuse an employee the privilege hereby conferred, or discharge or
5 threaten to discharge an employee or subject an employee to a penalty, because of
6 the exercise of the privilege.