

1 AN ACT relating to elections.

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

3 ➔Section 1. KRS 83A.045 is amended to read as follows:

4 (1) Except as provided in KRS 83A.047, partisan elections of city officers shall be  
5 governed by the following provisions, regardless of the form of government or  
6 classification of the city:

7 (a) A candidate for party nomination to city office shall file his or her nomination  
8 papers with the county clerk of the county not earlier than the first Wednesday  
9 after the first Monday in November of the year preceding the year in which the  
10 office will appear on the ballot and not later than the first Friday following the  
11 first Monday in January before the day fixed by KRS Chapter 118 for holding  
12 a primary for the office sought. Signatures for nomination papers shall not be  
13 affixed on the document to be filed prior to the first Wednesday after the first  
14 Monday in November of the year preceding the year in which the office will  
15 appear on the ballot. All nomination papers shall be filed no later than 4 p.m.  
16 local time when filed on the last day on which the papers are permitted to be  
17 filed;

18 (b) An independent candidate for nomination to city office shall not participate in  
19 a primary, but shall file his or her nomination papers with the county clerk of  
20 the county not earlier than the first Wednesday after the first Monday in  
21 November of the year preceding the year in which the office will appear on  
22 the ballot and not later than the first Tuesday after the first Monday in June  
23 before the day fixed by KRS Chapter 118 for holding a regular election for the  
24 office. Signatures for nomination papers shall not be affixed on the document  
25 to be filed prior to the first Wednesday after the first Monday in November of  
26 the year preceding the year in which the office will appear on the ballot. All  
27 nomination papers shall be filed no later than 4 p.m. local time when filed on

1 the last day on which the papers are permitted to be filed; and

2 (c) A candidate for city office who is defeated in a partisan primary shall be  
3 ineligible as a candidate for the same office in the regular election. However,  
4 if a vacancy occurs in the party nomination for which he or she was an  
5 unsuccessful candidate in the primary, his or her name may be placed on the  
6 ballot~~[voting machines]~~ for the regular election as a candidate of that party if  
7 he or she has been duly made the party nominee after the vacancy occurs, as  
8 provided in KRS 118.105.

9 (2) Except as provided in KRS 83A.047, nonpartisan elections of city officers shall be  
10 governed by KRS 83A.050, 83A.170, 83A.175, and the following provisions,  
11 regardless of the form of government or classification of the city:

12 (a) A candidate for city office shall file his or her nomination papers with the  
13 county clerk of the county not earlier than the first Wednesday after the first  
14 Monday in November of the year preceding the year in which the office will  
15 appear on the ballot and not later than the first Friday following the first  
16 Monday in January before the day fixed by KRS Chapter 118 for holding a  
17 primary for nominations for the office. Signatures for nomination papers shall  
18 not be affixed on the document to be filed prior to the first Wednesday after  
19 the first Monday in November of the year preceding the year in which the  
20 office will appear on the ballot. All nomination papers shall be filed no later  
21 than 4 p.m. local time when filed on the last day on which the papers are  
22 permitted to be filed;

23 (b) Any city of the home rule class may by ordinance provide that the nomination  
24 and election of candidates for city office in a nonpartisan election shall be  
25 conducted pursuant to the provisions of this subsection:

26 1. A city may forgo conducting a nonpartisan primary for the nomination  
27 of candidates to city office, regardless of the number of candidates

1 running for each office, and require all candidates to file their  
2 nomination papers with the county clerk of the county not earlier than  
3 the first Wednesday after the first Monday in November of the year  
4 preceding the year in which the office will appear on the ballot and not  
5 later than the first Tuesday after the first Monday in June before the day  
6 fixed by KRS Chapter 118 for holding a regular election for the office.  
7 Signatures for nomination papers shall not be affixed on the document to  
8 be filed prior to the first Wednesday after the first Monday in November  
9 of the year preceding the year in which the office will appear on the  
10 ballot;

- 11 2. All nomination papers shall be filed no later than 4 p.m. local time when  
12 filed on the last day on which the papers are permitted to be filed;
- 13 3. If a city does not conduct a primary pursuant to this subsection, the  
14 election of candidates to city office shall be governed by the provisions  
15 of this subsection, KRS 83A.175(2) to (6), and KRS Chapters 116 to  
16 121;
- 17 4. In the absence of a primary pursuant to this subsection, the number of  
18 candidates equal to the number of city offices to be filled who receive  
19 the highest number of votes cast in the regular election for each city  
20 office shall be elected;
- 21 5. Candidates shall be subject to all other applicable election laws pursuant  
22 to this chapter and KRS Chapters 116 to 121;
- 23 6. If a vacancy occurs in a candidacy for city office in any city which has  
24 not held a primary pursuant to this subsection after the expiration of  
25 time for filing nomination papers, or if there are fewer candidates than  
26 there are offices to be filled, the vacancy in candidacy shall be filled by  
27 write-in voting; and

1           7. At the regular election, the voters shall be instructed to vote for one (1)  
2           candidate, except when there is more than one (1) candidate for which  
3           voters may vote, the instruction "vote for up to .... candidates" shall be  
4           used on the ballot; and

5           (c) A candidate for city office who is defeated in a nonpartisan primary shall be  
6           ineligible as a candidate for the same office in the regular election.

7           ➔Section 2. KRS 116.046 is amended to read as follows:

8           (1) The county clerk shall provide voter registration forms to each principal or assistant  
9           principal of every public high school, each area vocational school, and upon  
10          request, private schools, who shall designate a person in each school who shall be  
11          responsible for informing students and school personnel of the availability of the  
12          registration forms and assist them in properly registering. The completed forms  
13          shall be returned to the county clerk, for official registration by the county clerk.

14          (2) Any person designated to assist in registration in subsection (1) of this section shall  
15          fulfill this responsibility in an impartial and fair manner and shall not recruit a  
16          registrant for any particular party.

17          (3) The State Board of Education shall implement programs of public education  
18          regarding elections, voting procedures, and election fraud, which shall include an  
19          audio-visual presentation for high school juniors and seniors. The State Board of  
20          Education, after consultation with the State Board of Elections, shall update the  
21          public education programs required by this section as relevant statutory changes  
22          occur, as different types of voting systems~~[machines]~~ are used, or as more effective  
23          methods of presentation shall be developed.

24          ➔Section 3. KRS 117.055 is amended to read as follows:

25          Subject to KRS 117.0551 to 117.0555:

26          (1) Each county shall be divided into election precincts by the county board of  
27          elections. Each election precinct shall be composed of contiguous and, as nearly as

1 practicable, compact areas having clearly definable boundaries and wholly  
2 contained within any larger district. The county board of elections shall establish  
3 precincts so that no boundary of a precinct crosses the boundary of:

- 4 (a) The Commonwealth;
- 5 (b) A county or urban-county;
- 6 (c) A congressional district;
- 7 (d) A state senatorial district;
- 8 (e) A state representative district;
- 9 (f) A justice of the peace or county commissioner's district established under  
10 KRS Chapter 67; or
- 11 (g) An aldermanic ward established under KRS 83.440.

12 (2) The county board of elections shall have the authority to draw precinct lines so as to  
13 enable more than one (1) precinct to vote at one (1) location. The county board of  
14 elections shall review election precinct boundaries as often as necessary. Without  
15 exception, they shall review the boundaries of all election precincts exceeding seven  
16 hundred (700) votes cast in the last regular election prior to each primary~~[election]~~,  
17 and the State Board of Elections may require a written report at least sixty (60) days  
18 prior to the candidate filing deadline set forth in KRS 118.165(1) and (2) on each  
19 election precinct exceeding seven hundred (700) votes cast in the last regular  
20 election. Consideration to the division of said election precincts should be based on  
21 the anticipated growth factor within the specified boundaries; however, the county  
22 board of elections shall not be prohibited from dividing election precincts in excess  
23 of seven hundred (700) votes cast in the last regular election or less than seven  
24 hundred (700) votes cast in the last regular election if they elect to do so. However,  
25 the State Board of Elections may, in its discretion, withhold from a county the  
26 expenses of an election under KRS 117.345 for any precinct containing more than  
27 one thousand five hundred (1,500) registered voters, excluding those precincts

1 utilizing optical scan voting equipment~~[machines]~~ and those periods of time in  
2 which the precinct boundaries have been frozen under KRS 117.056.

3 (3) No election precinct shall be created, divided, abolished, or consolidated or the  
4 boundaries therein changed prior to any primary election to comply with the  
5 provisions of KRS 117.055 to 117.0555 and KRS 117.0557 later than the last date  
6 prescribed by election law generally for filing notification and declaration forms  
7 with the county clerk or Secretary of State. No election precinct shall be created,  
8 divided, abolished, or consolidated or the boundaries therein changed prior to any  
9 general election to comply with the provisions of KRS 117.055 to 117.0555 and  
10 KRS 117.0557 later than the last date prescribed by election law generally for filing  
11 certificates or petitions of nomination with the county clerk or Secretary of State.

12 (4) The county board of elections shall designate the name or number and the  
13 boundaries of the election precincts. Each precinct shall contain, as nearly as  
14 practicable, an equal number of voters, based on the number of registered voters in  
15 the county.

16 (5) A map and listing of the exact election precinct boundaries shall be filed by the  
17 county board of elections with the State Board of Elections, and any changes in  
18 boundaries thereafter made shall also be filed with the State Board of Elections. A  
19 copy of this map indicating all precinct boundaries within the county shall be  
20 included in the election supplies of each precinct.

21 (6) If the county board of elections fails to perform any of the duties required by KRS  
22 117.055 to 117.0555 and KRS 117.0557:

23 (a) The State Board of Elections or any citizen and voter of the county may apply  
24 to the Circuit Court of the county for a summary mandatory order requiring  
25 the board to perform the duty. Appeals may be taken to the Court of Appeals  
26 by either party; and

27 (b) The State Board of Elections shall not submit claims for payments to the

1 county under KRS 117.343 and 117.345 until the State Board of Elections  
2 determines in writing that the duty has been performed.

3 (7) The county board of elections shall coordinate all precinct boundary changes with  
4 the affected school board, magisterial, and municipal boundaries.

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

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

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

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

1 voting for the small precinct on election day. If the use of supplemental paper  
2 ballots is approved by the State Board of Elections, at the close of voting on  
3 election day, the locked supplemental paper ballot box shall be transported to  
4 the county board of elections along with the federal provisional ballot  
5 receptacle, and ballots shall be counted by the county board of elections as  
6 provided by KRS 117.275(10) to (14);

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

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

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

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

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

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



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

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

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

10 (d) A qualified voter may, at any time during normal business hours on those days  
11 in-person absentee voting is conducted~~[in the county clerk's office]~~, make  
12 application in person to the county clerk to vote~~[on a voting machine in the~~  
13 ~~county clerk's office or other place designated by the county board of elections~~  
14 ~~and approved by the State Board of Elections]~~, if the voter provides proof of  
15 identification as defined in Section 29 of this Act~~[KRS 117.375]~~ or meets the  
16 requirements of KRS 117.228 and 117.229, and the voter:

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

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

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

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

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

7 (2) The county clerk shall type the name of the voter permitted to vote by mail-in  
8 absentee ballot on the mail-in absentee ballot application form for that person's use  
9 and no other. The mail-in absentee ballot application form shall be in the form  
10 prescribed by the State Board of Elections, which shall include the voter affirmation  
11 form as prescribed in KRS 117.228(1)(c), shall bear the seal of the county clerk, and  
12 shall contain the following information: name, residential address, precinct, party  
13 affiliation, statement of the reason the person cannot vote in person on election day,  
14 statement of where the voter shall be on election day, statement of compliance with  
15 residency requirements for voting in the precinct, an instructional statement  
16 prescribing the requirements for providing a copy of the voter's proof of  
17 identification or voter affirmation when applicable, and the voter's mailing address  
18 for a mail-in absentee ballot. The mail-in absentee ballot application form shall be  
19 verified and signed by the voter, and the voter shall provide a copy of his or her  
20 proof of identification, as defined in Section 29 of this Act~~[KRS 117.375]~~, or the  
21 executed voter affirmation as described in KRS 117.228(1)(c). A notice of the  
22 actual penalty provisions in KRS 117.995(2) and (5) shall be printed on the mail-in  
23 absentee ballot application form.

24 (3) (a) If the county clerk finds that the voter is properly registered as stated in his or  
25 her mail-in absentee ballot application~~[form]~~ and qualifies to receive a mail-  
26 in absentee ballot by mail, he or she shall mail to the voter a mail-in absentee  
27 ballot, two (2) official envelopes for returning the mail-in absentee ballot, and

1 instructions for voting.

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

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

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

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

1 notice of penalty provided in KRS 117.995(5). The county clerk shall type the  
2 voter's address and precinct number in the upper left hand corner of the outer  
3 envelope and of the detachable flap on the secrecy envelope immediately below the  
4 blank space for the voter's signature. The secrecy envelope shall be blank. The  
5 county clerk shall retain the voter's mail-in ballot application form, which shall  
6 include the photographed copy of the voter's proof of identification or the voter  
7 affirmation as prescribed by KRS 117.228(1)(c), and the postal form required by  
8 subsection (3) of this section for twenty-two (22) months after the primary or  
9 election.

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

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

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

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

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



1 Board of Elections, if requested or if otherwise required by law, of any information  
2 in an application for a mail-in absentee ballot.

3 ➔Section 6. KRS 117.086 is amended to read as follows:

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

7 (b) The voter shall sign the detachable flap and the outer envelope in order to  
8 validate the ballot. A person having power of attorney for the voter and who  
9 signs the detachable flap and outer envelope for the voter shall complete the  
10 voter assistance form as required by KRS 117.255. The signatures of two (2)  
11 witnesses are required if the voter signs the form with the use of a mark  
12 instead of the voter's signature. A resident of Kentucky who is a covered voter  
13 as defined in KRS 117A.010 who has received an absentee ballot transmitted  
14 by facsimile machine or by means of the electronic transmission system  
15 established under KRS 117A.030(4) shall transmit the voted ballot to the  
16 county clerk by mail only, conforming with ballot security requirements that  
17 may be promulgated by the State Board of Elections by administrative  
18 regulation under KRS Chapter 13A. In order to be counted, the ballots shall be  
19 received by the county clerk ***no later than***~~[by at least]~~ the time established by  
20 the election laws generally for the closing of the polls, which time shall not  
21 include the extra hour during which those voters may vote who were waiting  
22 in line to vote at the scheduled poll closing time.

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

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

- 6 (a) Any voter qualifying to vote in **in-person absentee** ~~the county clerk's office or~~  
7 ~~other place designated by the county board of elections, and approved by the~~  
8 ~~State Board of Elections,~~ who receives assistance to vote shall complete the  
9 voter assistance form required by KRS 117.255;
- 10 (b) Any voter qualifying to vote in **in-person absentee** ~~the county clerk's office or~~  
11 ~~other place designated by the county board of elections, and approved by the~~  
12 ~~State Board of Elections,~~ whose qualifications are challenged on grounds  
13 other than inability to provide proof of identification by any clerk or deputy  
14 shall complete an "Oath of Voter" affidavit; and
- 15 (c) Any voter qualifying to vote in **in-person absentee** ~~the county clerk's office or~~  
16 ~~other place designated by the county board of elections and approved by the~~  
17 ~~State Board of Elections,~~ who is unable to provide proof of identification as  
18 defined in **Section 29 of this Act** ~~KRS 117.375~~, may cast an in-person  
19 absentee ballot or federal provisional in-person absentee ballot in accordance  
20 with KRS 117.228 or 117.229.
- 21 (3) When the county clerk uses general voting equipment as provided for in subsection  
22 (2) of this section, each voter casting his **or her in-person absentee ballot** ~~vote at~~  
23 ~~the county clerk's office or other place designated by the county board of elections,~~  
24 ~~and approved by the State Board of Elections,~~ shall sign an "**In-Person** Absentee  
25 Ballot Signature Roster."
- 26 (4) The county clerk shall designate a location within **the clerk's** ~~his or her~~ office  
27 where the ballots shall be cast secretly. The county clerk, with the approval of the

1 State Board of Elections, may establish locations other than the clerk's~~[his or her]~~  
 2 main office in which the voters may execute their ballots. Public notice of the  
 3 locations shall be given pursuant to KRS Chapter 424, and similar notice by mail  
 4 shall be given to the county chairs of the two (2) political parties whose candidates  
 5 polled the largest number of votes in the county at the last regular election.

6 (5) The State Board of Elections shall promulgate administrative regulations under  
 7 KRS Chapter 13A to provide for casting ballots in accordance with subsection (2)  
 8 of this section.

9 (6) The county clerk shall deposit all of the mail-in absentee ballots in a locked ballot  
 10 box immediately upon receipt without opening the outer envelope. The ballot box  
 11 shall be locked with three (3) locks. The keys to the box shall be retained by at  
 12 least~~[the]~~ three (3) members of the central absentee ballot counting board, if one is  
 13 appointed, or by the members of the board of elections, and the box shall remain  
 14 locked until the ballots are counted. All voting equipment on which ballots are cast  
 15 as permitted in subsection (2) of this section shall also remain locked and the keys  
 16 shall be retained by at least~~[the]~~ three (3) members of the central absentee ballot  
 17 counting board, if one is appointed, or by the members of the board of elections,  
 18 and the equipment shall remain locked until the ballots are counted.

19 (7) The county clerk shall keep separate lists for each election of all persons who:

20 (a) Return their absentee ballots by mail;

21 (b) Cast their ballots in-person absentee~~[in the county clerk's office or other place~~  
 22 ~~designated by the county board of elections and approved by the State Board~~  
 23 ~~of Elections]~~; and

24 (c) Cast their federal provisional in-person absentee ballots under subsection  
 25 (2)(c) of this section.

26 The county clerk shall send a copy of each list to the State Board of Elections after  
 27 any primary or election day. Notwithstanding the provisions of the Kentucky Open

1 Records Act, KRS 61.870 to 61.884, each list of all persons who return their  
2 absentee ballots by mail or who cast their ballots *in-person absentee*~~[in the clerk's~~  
3 ~~office or other designated and approved place]~~ shall not be made public until after  
4 the close of business hours on the primary or election day for which the list applies.  
5 The county clerk and the Secretary of State shall keep a record of the number of  
6 votes cast by each method listed in paragraphs (a) to (c) of this subsection, which  
7 are cast in any primary or election as a part of the official returns of the primary or  
8 election.

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

15 ➔Section 7. KRS 117.0863 is amended to read as follows:

16 (1) Except for those voters who have been certified as requiring assistance in voting on  
17 a permanent or annual basis, any person voting by means of a mail-in absentee  
18 ballot or *in-person absentee ballot*~~[on the voting machine in the county clerk's~~  
19 ~~office or other place designated by the county board of elections, and approved by~~  
20 ~~the State Board of Elections, as provided in this chapter]~~ who receives assistance in  
21 voting shall be required to complete the voter assistance form required by KRS  
22 117.255.

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

1 (3) The detachable flap on all mail-in absentee ballot envelopes shall have printed upon  
2 it the voter assistance form required by KRS 117.255, ~~as well as a notice of~~ the  
3 penalty for failure to complete the voter assistance form, and the penalty  
4 prescribed in KRS 117.0865.

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

8 ➔Section 8. KRS 117.087 is amended to read as follows:

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

11 (2) The county board of elections shall count the absentee ballots returned by mail and  
12 the votes cast in-person absentee ~~on the voting machine in the county clerk's office~~  
13 ~~or other place designated by the county board of elections and approved by the State~~  
14 ~~Board of Elections~~. Federal provisional in-person absentee ballots shall be  
15 processed in accordance with KRS 117.229. The board may appoint a central ballot  
16 counting board of not less than three (3) members, who shall be qualified voters and  
17 no more than two-thirds (2/3) of whom shall be members of the same political  
18 party, to count the ballots at the direction of the county board of elections.

19 (3) Beginning at 8 a.m. on election day, the board shall meet at the county clerk's office  
20 to count the absentee ballots returned by mail and the in-person absentee ballots  
21 cast ~~on the voting machine in the county clerk's office or other place designated by~~  
22 ~~the county board of elections and approved by the State Board of Elections~~.  
23 Candidates or their representatives shall be permitted to be present. The county  
24 board of elections shall authorize representatives of the news media to observe the  
25 counting of the ballots. The board shall open the boxes containing absentee ballots  
26 returned by mail and remove the envelopes one (1) at a time. As each envelope is  
27 removed, it shall be examined to ascertain whether the outer envelope and the

1 detachable flap are in proper order and have been signed by the voter. A person  
2 having power of attorney for the voter and who signs the detachable flap and outer  
3 envelope for the voter shall complete the voter assistance form required by KRS  
4 117.255. The signatures of two (2) witnesses are required if the voter signs the form  
5 with the use of a mark instead of the voter's signature. All unsigned mail-in  
6 absentee ballots shall be rejected automatically. The chair of the county board of  
7 elections shall compare the signatures on the outer envelope, the detachable flap  
8 with the signature of the voter that appears on the registration card. If the outer  
9 envelope and the detachable flap are found to be in order, the chair shall read aloud  
10 the name of the voter. If the vote of the voter is not rejected on a challenge then  
11 made as provided in subsection (4) of this section, the chair shall remove the  
12 detachable flap and place the secrecy envelope unopened in a ballot box which has  
13 been provided for the purpose.

14 (4) When the name of a voter who cast a mail-in absentee ballot is read aloud by the  
15 chair, the vote of the voter may be challenged by any board member or by the  
16 written challenge provided in subsection (1) of this section and the challenge may  
17 be determined and the vote accepted or rejected by the board as if the voter was  
18 present and voting in person; but if the outer envelope and the detachable flap are  
19 regular, and each substantially comply with the provisions of this chapter, they shall  
20 be considered as showing that the voter is prima facie entitled to vote. If the vote of  
21 a voter is rejected pursuant to the challenge, the secrecy envelope shall not be  
22 opened, but returned to the outer envelope upon which the chair shall write on the  
23 envelope the word "rejected."

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

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

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

10 ➔Section 9. KRS 117.088 is amended to read as follows:

11 (1) For purposes of this section, "blind or visually impaired individual" means an  
12 individual who:

13 (a) Has a visual acuity of 20/200 or less in the better eye with correcting lenses or  
14 has a limited field of vision so that the widest diameter of the visual field  
15 subtends an angle no greater than twenty (20) degrees;

16 (b) Has a medically indicated expectation of visual deterioration;

17 (c) Has a medically diagnosed limitation in visual functioning that restricts the  
18 individual's ability to read and write standard print at levels expected of  
19 individuals of comparable ability;

20 (d) Has been certified as requiring permanent assistance to vote under KRS  
21 117.255(5) for reason of blindness; or

22 (e) Qualifies to receive assistance to vote under KRS 117.255(2) for reason of  
23 blindness.

24 (2) For purposes of this section, "pilot program" means a program in a county  
25 containing a consolidated local government or containing a city of the first class for  
26 unassisted voting by blind or visually impaired individuals.

27 (3) A county board of elections in a county containing a consolidated local government

1 or containing a city of the first class may establish a pilot program. As part of this  
2 pilot program, the State Board of Elections shall approve the use of voting  
3 equipment under KRS 117.379 that is designed to permit blind and visually  
4 impaired individuals to vote without assistance, for use beginning in the 2002  
5 general election. No county board of elections in a county containing a consolidated  
6 local government or containing a city of the first class shall be required to operate a  
7 pilot program.

8 (4) The State Board of Elections, if it approves the voting equipment under KRS  
9 117.379, may approve the use of voting equipment designed to permit blind and  
10 visually impaired individuals to vote without assistance in as many locations within  
11 a county containing a consolidated local government or containing a city of the first  
12 class as are designated by the county board of elections.

13 (5) A county board of elections in a county containing a consolidated local government  
14 or containing a city of the first class shall provide a report to the State Board of  
15 Elections after every primary or ~~regular~~<sup>general</sup> election regarding the number of  
16 blind or visually impaired individuals that have utilized the voting equipment  
17 during the pilot program.

18 (6) Notwithstanding the provisions of KRS 116.025, or any other statute to the  
19 contrary, a blind or visually impaired voter residing in a county containing a  
20 consolidated local government or containing a city of the first class that is operating  
21 a pilot program shall be permitted to vote at a location outside the precinct of his or  
22 her registration by voting at a location within the county of his or her registration  
23 on ~~a~~ voting ~~equipment~~<sup>machine</sup> designed to permit blind or visually impaired  
24 individuals to vote without assistance, which may include voting at the county  
25 clerk's office, or other place designated by the county board of elections, and  
26 approved by the State Board of Elections.

27 (7) Notwithstanding the provisions of KRS 117.085, 117.086, or 117.0863 or any other



1 statute to the contrary, a blind or visually impaired individual residing in a county  
2 containing a consolidated local government or containing a city of the first class that  
3 is operating a pilot program shall be permitted to vote in the location within the  
4 county of his or her registration as provided under subsection (6) of this section, on~~l~~  
5 ~~a~~ voting equipment~~machine~~ designed to permit blind or visually impaired  
6 individuals to vote without assistance, at any time during which absentee voting is  
7 conducted in the clerk's office or other place designated by the county board of  
8 elections during normal business hours on at least any of the twelve (12) working  
9 days before the election, and the county board of elections may permit the voting to  
10 be conducted~~on a voting machine~~ for a period longer than the twelve (12)  
11 working days before the election prescribed above. An application for those blind or  
12 visually impaired individuals wishing to vote on~~a~~ voting equipment~~machine~~  
13 approved for use by blind or visually impaired individuals shall be prescribed by the  
14 State Board of Elections and shall include the individual's sworn statement that the  
15 individual is blind or visually impaired.

16 (8) ~~Notwithstanding the requirements of KRS 117.381, or any other statute to the~~  
17 ~~contrary,~~ The State Board of Elections may certify, as a part of the pilot project of a  
18 county containing a consolidated local government or containing a city of the first  
19 class, voting equipment which utilizes audio recordings, voice-activated technology,  
20 or vocal recognition technology to record a vote, and may require such  
21 accommodations as would permit a blind or visually impaired voter to cast a vote in  
22 secret, **provided the voting equipment produces a voter verified paper audit trail.**

23 (9) Notwithstanding the provisions of KRS 117.255, a blind or visually impaired voter  
24 residing in a county containing a consolidated local government or containing a city  
25 of the first class that is operating a pilot project may cast his or her vote alone and  
26 without assistance on~~a~~ voting equipment~~machine~~ approved for use by blind or  
27 visually impaired individuals. However, the blind or visually impaired voter shall be

1 instructed by the officers of election, with the aid of the instruction cards and the  
2 model, in the use of the equipment~~[machine]~~, if the voter so requests.

3 (10) Nothing in this section shall impair the right of any qualified voter under KRS  
4 117.255 to receive assistance and vote according to the procedures specified in that  
5 section.

6 ➔Section 10. KRS 117.105 is amended to read as follows:

7 (1) The ~~{fiscal court of any county}~~ **legislative body of any county, urban-county,**  
8 **charter county, consolidated local, or unified local government** shall purchase or  
9 lease, from available funds or from the proceeds of bonds which may be issued for  
10 that purpose, voting systems~~[machines, including extra or reserve machines,]~~ for  
11 use in primaries, regular elections, and special~~[and primary]~~ elections.~~[The fiscal~~  
12 ~~court may, prior to any election, authorize the use of additional voting machines in~~  
13 ~~any particular precinct.]~~

14 (2) Any voting system purchased, leased, or otherwise acquired by the legislative  
15 **body of any county, urban-county, charter county, consolidated local, or unified**  
16 **local government on or after the effective date of this Act shall comply with the**  
17 **requirements of Section 12 of this Act.**

18 (3) Nothing in this section shall prohibit a county board of elections from  
19 **performing maintenance on voting equipment that has been previously certified**  
20 **by the State Board of Elections and is in use on the effective date of this Act.**

21 ➔Section 11. KRS 117.115 is amended to read as follows:

22 The legislative body~~[fiscal court]~~ of any county, urban-county, charter county,  
23 **consolidated local, or unified local government** may select, in its discretion, any type  
24 and make of voting system~~[machine]~~ that complies with the specifications and  
25 requirements of this chapter. The legislative body~~[fiscal court]~~ may employ engineers and  
26 other skilled persons to advise and aid in the selection of voting systems~~[the machines]~~  
27 and in determining compliance with the specifications and requirements of this

1 chapter~~[thereof]~~.

2 → Section 12. KRS 117.125 is amended to read as follows:

3 No~~[make of]~~ voting system~~[machine]~~ shall be approved for use on or after the effective  
 4 date of this Act by the State Board of Elections, either upon initial examination or  
 5 reexamination, unless the system has been certified under Section 31 of this Act and~~[it]~~  
 6 is so constructed that it shall:

- 7 (1) Ensure~~[It will insure]~~ secrecy to the voter in the act of voting so that no person can  
 8 see or know for whom any other voter has voted or is voting, except for those  
 9 voters requiring assistance under Section 23 of this Act;~~[.]~~
- 10 (2) ~~[It provides facilities that will ]~~Permit votes to be cast for any candidate entitled to  
 11 have his or her name printed upon the ballots at any primary, regular election, or  
 12 special~~[or primary]~~ election, and for or against any public question entitled to be  
 13 placed upon the ballots;~~[.]~~
- 14 (3) ~~[It will, ]~~Except at a primary~~[elections]~~, permit a voter to vote for all the candidates  
 15 of one (1) party or for one (1) or more candidates of every party having candidates  
 16 entitled to be voted for, or for one (1) or more independent, political organization,  
 17 or political group candidates;~~[.]~~
- 18 (4) ~~[It will ]~~Permit a voter to vote for as many persons for an office as the voter~~[he]~~ is  
 19 lawfully entitled to vote for, and no more;~~[.]~~
- 20 (5) ~~[It will ]~~Prevent a voter from voting for more persons for any office than the voter  
 21 is entitled to vote for, and from voting for the same person, or for or against the  
 22 same question, more than once;~~[.]~~
- 23 (6) ~~[It will ]~~Permit a voter to vote for or against any question the voter~~[he]~~ may have  
 24 the right to vote on, but no other;~~[.]~~
- 25 (7) Provide for a nonpartisan ballot;
- 26 (8)~~(7)~~ Be capable of being~~[It may be]~~ adjusted for use in a primary~~[elections]~~ so  
 27 that a voter may not vote for any person except those seeking nomination as

1 candidates of the voter's~~[his]~~ party, as candidates for a nonpartisan office, or as  
 2 candidates for an office of the Court of Justice;~~[-]~~

3 ~~(9)~~~~(8)~~ Permit each voter to vote for all the candidates for presidential electors of  
 4 any party by one (1) operation;

5 (10) Permit each voter to vote, in any regular or special election, for any person for  
 6 whom the voter desires to vote whose name does not appear upon the ballot by  
 7 providing a method of write-in voting;

8 (11) Be safe, efficient, and accurate in the conduct of elections, and~~[It will]~~ correctly  
 9 register and accurately count all votes cast for each person, and for or against each  
 10 public question;~~[-]~~

11 (12) Provide each voter an opportunity to verify votes recorded on the permanent  
 12 paper ballot, either visually or using assistive voting technology, by producing a  
 13 voter-verified paper audit trail; provide each voter an opportunity to change votes  
 14 or correct any error before the voter's ballot is cast and counted; and provide a  
 15 voter who spoils his or her ballot another ballot as provided under this chapter;

16 (13) Use an individual, discrete, permanent, paper ballot cast by the voter for  
 17 tabulating purposes;

18 (14) Preserve the paper ballot as an official record available for use in any audit or  
 19 recount;

20 (15) Be suitably designed for the purpose used, constructed of a durable material, and  
 21 safely transportable;

22 (16) ~~(9) It can~~ Be capable of determining~~[determined]~~ whether the voting  
 23 equipment~~[machine]~~ has been unlocked and operated or adjusted in any manner  
 24 after once being locked;~~[-]~~

25 (17)~~(10)~~ Have a public counter with a register which is visible from the outside of the  
 26 counter or device that~~[It]~~ will show at all times during an election how many  
 27 persons have voted; ~~[by a device hereinafter referred to as a public counter.]~~

1 ~~(18)~~<sup>(11)</sup> Have a protective cumulative~~[The]~~ counter indicating the number of votes  
 2 cast for each person, and the votes cast~~[and]~~ for or against each public question  
 3 which cannot be seen, reset, or tampered with without unlocking a covering device~~[~~  
 4 ~~that cannot be unlocked]~~ by a key or other security apparatus that cannot  
 5 unlock~~[unlocks]~~ any other part of the equipment, and which prevents changes to  
 6 the cumulative counter once the system has been put into operation on the day of  
 7 any election;~~[machine. When such counters are so exposed the machine can no~~  
 8 ~~longer be placed into condition for operation without the use of a special key, which~~  
 9 ~~key shall not have been in the possession of the election officers at the polling~~  
 10 ~~places; but if this requirement has the effect of eliminating from consideration any~~  
 11 ~~other make of machine such requirement shall not apply.]~~

12 (19) Provide for the tabulating of votes at the precinct as required under Section 25 of  
 13 this Act;

14 ~~(20)~~<sup>(12)</sup> Provide locks or other security apparatus by which the operation of the  
 15 voting equipment~~[The operating device and operating mechanism]~~ may be locked  
 16 before the time for opening the polls and after the time for closing the polls;~~[~~

17 ~~(21)~~<sup>(13)</sup> Permit a voter to readily learn the method of operating it, to expeditiously  
 18 cast a vote for all candidates and on all questions of the voter's choice, and when  
 19 operated properly, register and record correctly and accurately every vote cast;~~[It~~  
 20 ~~is accompanied by a mechanical model illustrating the manner of voting on the~~  
 21 ~~machine, suitable for the instruction of voters.~~

22 ~~(14) It will permit a voter to vote for all the candidates for presidential electors of any~~  
 23 ~~party by one (1) operation.~~

24 ~~(15) It will permit a voter to vote, in any regular or special election, for any person~~  
 25 ~~desired to be voted for whose name does not appear upon the voting machine.]~~

26 ~~(22)~~<sup>(16)</sup> Bear~~[It bears]~~ a number or other unique designation that will distinguish it  
 27 from any other voting equipment or voting system;

1 (23) Produce a real-time audit log record for the voting system, and produce a paper  
 2 record with a manual audit capacity which shall be available as an official record  
 3 for any recount conducted related to any primary or election in which the system  
 4 is used;

5 (24) Be accessible for individuals with impairments, including nonvisual accessibility  
 6 for the blind or visually impaired, in a manner that provides the same opportunity  
 7 for access and participation, including privacy and independence, as for other  
 8 voters;

9 (25) Meet or exceed the standards for a voting system established by the Federal  
 10 Election Commission, as amended from time to time, or the Election Assistance  
 11 Commission, as amended from time to time, under Section 31 of this Act; and

12 (26) Meet such other requirements as may be established by the State Board of  
 13 Elections in administrative regulations promulgated under KRS Chapter 13A to  
 14 reflect changes in technology to ensure the integrity and security of voting  
 15 systems~~[machine-~~

16 ~~(17) The frames in which ballot labels are placed shall be constructed with transparent~~  
 17 ~~protective devices, in order that the names thereon cannot be mutilated or altered].~~

18 ➔Section 13. KRS 117.145 is amended to read as follows:

19 (1) At least forty-five (45)~~[fifteen (15)]~~ days before any special election, and at least  
 20 fifty (50) days before any primary or regular election, the county clerk of each  
 21 county shall cause to be printed and ready for use ballots listing~~[ballot labels for]~~  
 22 each candidate who, and each question which, is entitled to be voted upon in such  
 23 primary or election. The ballots~~[ballot labels]~~ shall be printed on clear white paper  
 24 or other material, ~~[which shall be furnished by the printer. They shall be printed]~~ in  
 25 black ink, in plain, clear type clearly legible to a person with normal vision, and~~[~~  
 26 ~~shall be of a size to fit the ballot frames. The labels]~~ shall include the necessary  
 27 party designations. The quality of the paper and the size of the ballots shall be

1 *established by the State Board of Elections in administrative regulations*  
 2 *promulgated under Chapter 13A.*

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

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

19 *(4) Each county clerk shall have printed a sufficient number of paper ballots to be*  
 20 *used for voting for any primary or election. The methods of securing the integrity*  
 21 *of the ballots from the time of certification of each candidate and each question*  
 22 *to be voted upon in any primary or election until the conclusion of the primary or*  
 23 *election, and the method of tracking all voted, unvoted, or spoiled ballots shall be*  
 24 *established by the State Board of Elections in administrative regulations*  
 25 *promulgated under KRS Chapter 13A.*

26 ~~(5)~~~~[(4)]~~ No later than the Friday preceding a special or regular election, the county  
 27 clerk shall equip the voting *equipment*~~[machines]~~ with the necessary supplies for

1 the purpose of write-in votes. The county clerk shall also **provide**~~[attach]~~ a pencil,~~[~~  
 2 ~~or] pen, **or ballot marking device for**~~~~[to]~~ the voting **equipment**~~[machine]~~ for write-  
 3 in purposes.

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

11 ➔Section 14. KRS 117.155 is amended to read as follows:

12 ~~[Upon receiving the printed ballot labels, ]~~The county clerk shall place **all ballots**  
 13 **required to be placed upon voting equipment**~~[them in the ballot frames upon the~~  
 14 ~~machines,]~~ in such a manner as will most nearly conform to the plan of arrangement  
 15 prescribed by the Secretary of State **under**~~[in the manner prescribed in]~~ KRS 118.215.  
 16 **The county clerk**~~[He]~~ shall then see that the counters referred to in subsections **(17) and**  
 17 **(18) of Section 12 of this Act**~~[(10) and (11) of KRS 117.125]~~ are set at zero, and shall  
 18 lock the operating device and mechanism and the devices protecting the counters and  
 19 **ballots**~~[ballot labels]. **The county clerk**~~~~[He]~~ shall then enter in an appropriate book,  
 20 opposite the number of each precinct the distinguishing number of the **voting equipment**  
 21 **or the unique designation**~~[machine]~~ to be used in that precinct.

22 ➔Section 15. KRS 117.165 is amended to read as follows:

23 (1) Upon completing the preparation of the **voting systems, including any voting**  
 24 **equipment**~~[machines]~~ **in operation,** in accordance with~~[ the provisions of]~~ KRS  
 25 117.155, and not later than the Thursday preceding the day of the election, the  
 26 county clerk shall notify the members of the county board of elections that the  
 27 **voting equipment is**~~[machines are]~~ ready for use. The board shall thereupon



1 convene at the office of the county clerk, not later than the Friday preceding the day  
2 of the election, and examine the voting equipment~~[machines]~~ to determine whether  
3 the requirements of KRS 117.155 have been met. The county board of elections  
4 shall publish notice, in accordance with KRS 424.130(1)(d), at least twenty-four  
5 (24) hours in advance of the time when the voting equipment is~~[machines are]~~ to be  
6 examined by the board. If found in proper order, the members of the county board  
7 of elections shall endorse their approval in the book in which the county clerk has  
8 entered the numbers or the unique designation of the voting equipment~~[machines]~~  
9 opposite the numbers of the precincts. The clerk shall then deliver all of the keys to  
10 the voting equipment~~[machines]~~ to the county board of elections who shall give a  
11 receipt for the keys which shall contain identification of the keys. Not later than one  
12 (1) hour before the time set for the opening of the polls, the board shall deliver all  
13 election supplies including the precinct list, tabulation sheets, and the key to the  
14 device covering the registering counters and other keys necessary for the operation  
15 of the voting equipment~~[machine]~~ in registering votes, to the election officers of the  
16 precinct in which the voting equipment~~[machine]~~ is being used, who shall give the  
17 board a receipt containing identification of the keys. The master key and all other  
18 keys shall remain in the possession of the county board of elections.

19 (2) Not later than four (4) business days preceding the date set by the county board of  
20 elections to conduct absentee voting in accordance with KRS 117.085(1)(c), the  
21 county clerk shall notify the members of the county board of elections that the  
22 voting equipment~~[machines]~~ designated for use during absentee voting are ready  
23 for use. The board shall thereupon convene at the office of the county clerk, not  
24 later than three (3) business days preceding the date set by the county board of  
25 elections to conduct absentee voting, and examine the voting equipment~~[machines]~~  
26 to determine whether the requirements of KRS 117.155 have been met. The county  
27 board of elections shall publish notice, in accordance with KRS 424.130(1)(d), at

1 least twenty-four (24) hours in advance of the time when the absentee voting  
2 equipment is~~[machines are]~~ to be examined by the board. If found in proper order,  
3 the members of the county board of elections shall endorse their approval in the  
4 book in which the county clerk has entered the unique designation or the  
5 identification number of the voting equipment~~[machines]~~ designated for use during  
6 absentee voting.

7 (3) Any candidate, one (1) representative of each political party having candidates to be  
8 voted for at the election, and representatives of the news media may be present  
9 when the examination of the voting equipment~~[machines]~~ is made by the county  
10 board of elections.

11 ➔Section 16. KRS 117.175 is amended to read as follows:

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

27 ➔Section 17. KRS 117.187 is amended to read as follows:

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

- 1 (m) Assistance which may be provided by law enforcement officers;
- 2 (n) Election reports;
- 3 (o) Disability awareness;
- 4 (p) Provisional voting and provisional absentee voting;
- 5 (q) Election emergency contingency plan;
- 6 (r) Elections, voting equipment, and voting systems~~[equipment]~~ security plan;
- 7 and
- 8 (s) Proof of identification.

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

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

14 ➔Section 18. KRS 117.195 is amended to read as follows:

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

25 (2) In polling places in which voting equipment~~[machines]~~ for multiple precincts are  
26 located, the county clerk shall post a sign near the voting equipment~~[each machine]~~  
27 identifying the precinct for which the voting equipment~~[machine]~~ has been

1 designated.

- 2 (3) For federal provisional ballots, and supplemental paper ballots if approved as  
 3 provided in KRS 118.215, the county clerk shall, at least one (1) hour prior to the  
 4 opening of the polls, deliver **or confirm that there is available:**
- 5 (a) A sufficient number of ballots, and supplemental paper ballots if approved, for  
 6 the registered voters of each precinct;
  - 7 (b) A sufficient number of voting booths for voting federal provisional ballots,  
 8 and supplemental paper ballots if approved;
  - 9 (c) A sufficient amount of string and rubber stamps for marking "Spoiled" and  
 10 "Unused" ballots;
  - 11 (d) A locked ballot box or receptacle for federal provisional ballots, and a  
 12 separate locked ballot box for supplemental paper ballots if approved, for each  
 13 precinct; and
  - 14 (e) A sufficient number of federal provisional voter ballots, voter affirmations,  
 15 and election official affirmations.

16 The county clerk shall take a receipt for the number of federal provisional ballots,  
 17 and supplemental paper ballots if approved, issued and the ballot boxes or ballot  
 18 receptacles for each precinct. The county clerk shall retain the keys to all ballot  
 19 boxes and ballot receptacles.

20 ➔Section 19. KRS 117.205 is amended to read as follows:

21 Before permitting any person to vote on the day of the election, the election officers shall  
 22 examine the **voting equipment**~~[machine]~~ to ascertain whether it has been operated since  
 23 the counters referred to in subsections **(17) and (18) of Section 12 of this Act**~~[(10) and~~  
 24 ~~(11) of KRS 117.125]~~ were set at zero, and to ascertain whether the **ballots**~~[ballot labels]~~  
 25 are arranged as **previously** specified~~[on the printed instruction cards]~~. If the **voting**  
 26 **equipment**~~[machine]~~ indicates that it has been operated or if the **ballots**~~[ballot labels]~~ are  
 27 not **properly**~~[so]~~ arranged, the officers shall not unlock the operating device or

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

16 ➔Section 20. KRS 117.215 is amended to read as follows:

17 (1) If, during the conduct of an election,~~[a]~~ **voting equipment, or any part of a voting**  
 18 **system, no longer operates**~~[machine becomes in a state of disrepair so that it cannot~~  
 19 ~~be operated]~~ in a manner that will comply with the provisions of this chapter, the  
 20 election officers shall lock or seal the **voting equipment**~~[machine in such a manner~~  
 21 ~~as]~~ to prevent further voting thereon and record the numbers shown by the public  
 22 counter. Then the election officers shall secure from the county clerk~~[a]~~ reserve  
 23 voting **equipment**~~[machine]~~,~~[ which shall be]~~ prepared and made ready for use as  
 24 provided in KRS 117.205, and~~[ thereupon]~~ proceed to conduct the election. When  
 25 the polls are closed both the original and reserve voting **equipment**~~[machines]~~ shall  
 26 be examined and the votes thereon registered shall be counted as provided in KRS  
 27 117.275, and the aggregate number of votes cast on **all voting equipment**~~[both~~

1 ~~machines~~] for each candidate and on each question shall be certified as the result of  
2 the **primary or** election in that precinct.

3 (2) If an emergency should arise due to the malfunction of the voting  
4 **equipment**~~[machine]~~, the county clerk shall provide~~—a~~] backup voting  
5 **equipment**~~[machine]~~ or~~—supplemental~~] paper ballots for use at the precinct and a  
6 ballot box in which to deposit the voted ballots. The ballot box shall be locked with  
7 two (2) locks and the judges of the precinct shall each hold the key to one (1) lock.  
8 At the close of voting, the **paper** ballots shall be counted at the precinct or a central  
9 counting center and added to the votes cast **using voting equipment**~~[by machine]~~.  
10 The aggregate of these votes shall be certified as the result of the election in that  
11 precinct.

12 ➔Section 21. KRS 117.225 is amended to read as follows:

13 (1) Any person desiring to vote on election day shall give his or her name and address  
14 to the clerk of the election and shall provide proof of identification as defined in  
15 **Section 29 of this Act**~~[KRS 117.375]~~.

16 (2) A voter who votes in person at a precinct polling place that is located at a state-  
17 licensed care facility where the voter resides is not required to provide proof of  
18 identification, as defined in **Section 29 of this Act**~~[KRS 117.375]~~, before voting in a  
19 primary or an election.

20 (3) If the voter's name is listed on the precinct list furnished by the State Board of  
21 Elections as provided in KRS 117.025, the voter provides proof of identification,  
22 the voter is exempt pursuant to subsection (2) of this section, or the voter otherwise  
23 satisfies the requirements of KRS 117.228, and if no challenge is made, then he or  
24 she shall sign his or her name on the precinct list in the space opposite his or her  
25 printed name. The voter's signature shall constitute the voter's verification that the  
26 voter is a properly registered and qualified voter. The voter shall then retire alone to  
27 cast his or her vote on the **ballot provided**~~[voting machine]~~. The county board of

1 elections may provide to each precinct the original registration form of each voter  
2 entitled to vote in that precinct. These forms shall be used to compare signatures in  
3 those precincts to which the forms are provided.

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

11 ➔Section 22. KRS 117.235 is amended to read as follows:

12 (1) No person, other than the election officers, challengers, person assisting voters in  
13 accordance with KRS 117.255(3), and a minor child in the company of a voter, shall  
14 be permitted within the voting room while the vote is being polled, except as  
15 follows:

16 (a) For the purpose of voting;

17 (b) By authority of the election officers to keep order and enforce the law;

18 (c) With the express approval of the county board of elections to repair or replace  
19 voting equipment that is malfunctioning, and to provide additional voting  
20 equipment; or

21 (d) At the voter's discretion, a minor child in the company of a voter may  
22 accompany the voter into a voting booth or other private area provided for  
23 casting a vote.

24 (2) No officer of election shall do any electioneering on election day.

25 (3) (a) No person shall electioneer at the polling place on the day of any election, as  
26 established in KRS 118.025, or within a distance of one hundred (100) feet of  
27 any entrance to a building in which~~[—a]~~ voting~~[—machine]~~ is



1           ~~located~~ **conducted** if that entrance is unlocked and is used by voters on **any**  
2           **primary or** election day.

3           (b) No person shall electioneer within the interior of a building or affix any  
4           electioneering materials to the exterior or interior of a building where the  
5           county clerk's office is located, or any building designated by the county board  
6           of elections and approved by the State Board of Elections for absentee voting,  
7           during the hours absentee voting is being conducted in the building by the  
8           county clerk pursuant to KRS 117.085(1)(c).

9           (c) Electioneering shall include the displaying of signs, the distribution of  
10          campaign literature, cards, or handbills, the soliciting of signatures to any  
11          petition, or the solicitation of votes for or against any bona fide candidate or  
12          ballot question in a manner which expressly advocates the election or defeat  
13          of the candidate or expressly advocates the passage or defeat of the ballot  
14          question, but shall not include exit polling, bumper stickers affixed to a  
15          person's vehicle while parked within or passing through a distance of one  
16          hundred (100) feet of any entrance to a building in which ~~a~~ voting ~~machine~~  
17          is **conducted** ~~located~~, private property as provided in subsection (7) of this  
18          section, or other exceptions established by the State Board of Elections  
19          through the promulgation of administrative regulations **under KRS Chapter**  
20          **13A.**

21          (4) No voter shall be permitted to converse with others while in any room in which  
22          voting, including absentee voting, is conducted concerning their support or  
23          nonsupport of any candidate, party, or issue to be voted on, except as provided in  
24          KRS 117.255.

25          (5) Any precinct election officer, county clerk, deputy county clerk, or any law  
26          enforcement official may enforce the election laws and maintain law and order at  
27          the polls and within one hundred (100) feet of any entrance to the building in which

1        **voting is conducted**~~[the voting machine is located]~~ if that entrance is unlocked and  
 2        is used by voters. Assistance may be requested of any law enforcement officer.

3        (6) Notwithstanding the provisions of subsection (1) of this section, the State Board of  
 4        Elections may establish a program designed to instill in school children a respect for  
 5        the democratic principles of voting by conducting in any county a mock election for  
 6        school children in conjunction with any primary,~~[or]~~ regular, or special election.  
 7        The State Board of Elections shall promulgate administrative regulations **under**  
 8        **KRS Chapter 13A** regarding the mock elections to **ensure**~~[insure]~~ that the regular  
 9        voting process will not be impaired.

10       (7) Notwithstanding the provisions of subsection (3) of this section, nothing in this  
 11       section shall prohibit the displaying of political campaign signs on private property  
 12       or private establishments by a person having a leased or ownership interest in that  
 13       private property or private establishment within the campaign-free zone, regardless  
 14       of the distance from the polling place. In the case of a polling location being on  
 15       private property that is leased or otherwise under contract for the purpose of serving  
 16       as a polling location, the provisions of subsection (3) of this section shall be  
 17       applicable to that leased or contracted-for private property.

18       ➔Section 23. KRS 117.255 is amended to read as follows:

19       (1) The voter shall be instructed by the officers of election, with the aid of the  
 20       instruction cards and **any**~~[the]~~ model **if applicable**, in the use of the **voting**  
 21       **equipment**~~[machine]~~, if the voter so requests.

22       (2) **(a)** Except for those voters who have been certified as requiring assistance on a  
 23       permanent basis **under this section**, no voter shall be permitted to receive any  
 24       assistance in voting at the polls unless the voter makes and signs an oath that,  
 25       because of blindness, other physical disability, or an inability to read English,  
 26       the voter is unable to vote without assistance. **The voter shall indicate in the**  
 27       **oath the specific reason that requires the voter to receive assistance.** The

1 oath shall be upon a voter assistance form prescribed and furnished by the  
2 State Board of Elections pursuant to administrative regulations promulgated  
3 under KRS Chapter 13A. Any person assisting a voter shall complete the  
4 voter assistance form. No voter shall be assisted under this section unless the  
5 judges and the sheriff of election are satisfied as to the truth of the facts  
6 stated in the oath.

7 (b) The person assisting the voter shall be:

8 1. At least eighteen (18) years of age and not have been declared  
9 mentally disabled by a court of competent jurisdiction; and

10 2. An election official; or

11 a. The spouse, parent, or child of the voter; or

12 b. If no person listed in subdivision a. of this subparagraph exists  
13 or is available, the grandparent or grandchild of the voter; or

14 c. If no person listed in subdivision b. of this subparagraph exists  
15 or is available, the brother, sister, niece, or nephew of the voter;  
16 or

17 d. If no person listed in subdivision c. of this subparagraph exists  
18 or is available, an unrelated person who:

19 i. Has been specifically designated by the voter to assist the  
20 voter in the absentee voting process in a notarized  
21 document submitted with the completed voter assistance  
22 form; and

23 ii. Is not an individual, employee, or representative of an  
24 institution who is a medical provider of the voter, or an  
25 individual, employee, or representative of an institution  
26 who has been entrusted with or who has the responsibility  
27 for the care of the voter either voluntarily or by contract,

1 employment, or agreement.

2 (c) Nothing in this section shall prevent a voter who requires assistance by  
 3 reason of blindness, disability, or inability to read or write from being given  
 4 assistance by a person of the voter's choice, other than the voter's:

5 1. Employer or agent of that employer; or

6 2. Officer or agent of the voter's union.

7 (3) Upon making and filing the oath with the precinct clerk, the voter requiring  
 8 assistance shall retire to the voting ~~booth~~~~[machine]~~ or ballot completion area with  
 9 the precinct judges, and one (1) of the judges shall, in the presence of the other  
 10 judge and the voter,~~operate the machine or~~ complete the ballot as the voter  
 11 directs. A voter requiring assistance in voting may, if the voter prefers, be assisted  
 12 by a person of the voter's own choice who is not an election officer, except that the  
 13 voter's employer, an agent of the voter's employer, or an officer or agent of the  
 14 voter's union shall not assist a voter. Any person assisting a voter shall complete  
 15 the voter assistance form prescribed by the State Board of Elections in  
 16 administrative regulations promulgated under KRS Chapter 13A.

17 (4) The precinct election clerk shall swear a person assisting a voter in voting to~~operate the voting machine or~~  
 18 ~~operate the voting machine or~~ complete the ballot in accordance with the directions  
 19 of the voter, and the person sworn shall enter the voting booth or ballot completion  
 20 area and~~operate the machine or~~ complete the ballot for the voter as the voter  
 21 directs.

22 (5) A voter who requires voting assistance on a permanent basis because of blindness  
 23 or other physical disability may apply to the county board of elections for  
 24 certification. Application may be made when registering to vote or completing the  
 25 voter assistance form by indicating that the reason for obtaining assistance is  
 26 permanent. The county board of elections shall determine whether the applicant  
 27 requires assistance on a permanent basis. The county board of elections shall notify

1 the county clerk of persons certified as requiring permanent voting assistance and  
 2 the county clerk shall enter the certification on the voter's registration record. The  
 3 State Board of Elections shall indicate on the precinct roster of voters those voters  
 4 who are certified to receive assistance permanently without signing the voter  
 5 assistance form at the precinct.

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

12 ~~(7)~~—]No voter shall be permitted to occupy the voting **booth or ballot completion**  
 13 **area**~~[machine]~~ more than **four (4)**~~[two (2)]~~ minutes if other voters are waiting to  
 14 use it, except that those voters who because of a disability need extra time to cast a  
 15 ballot shall be given a reasonable amount of time to vote.

16 ~~(7)~~~~(8)~~ In primaries, before a voter is permitted to use the voting  
 17 **equipment**~~[machine]~~, a judge of the election shall adjust the **voting**  
 18 **equipment**~~[machine]~~ so that the voter will only be able to vote for the persons for  
 19 whom the voter is qualified to vote.

20 ~~(8)~~~~(9)~~ If the **voting equipment**~~[machine]~~ is so constructed as to require adjustment  
 21 after one (1) person has voted before another person may vote, the judges of  
 22 election shall adjust it after each person has voted.

23 ~~(9)~~~~(10)~~ The election officers shall constantly maintain a watch in order to prevent any  
 24 person from voting more than once.

25 ~~(10)~~~~(11)~~ For voters voting as federal provisional voters, or if supplemental paper  
 26 ballots have been approved as provided in KRS 118.215, the voter shall vote his or  
 27 her federal provisional or supplemental ballot in privacy in a voting booth provided

1 for that purpose by the county clerk. If the voter spoils his or her supplemental or  
 2 federal provisional ballot, the voter shall return the spoiled supplemental or federal  
 3 provisional~~paper~~ ballot to an election officer who shall stamp the ballot  
 4 "Spoiled," initial, and place the spoiled supplemental or federal provisional ballot  
 5 in an envelope provided for that purpose. The voter shall be issued a second federal  
 6 provisional or supplemental paper ballot. Upon completion of voting, the voter shall  
 7 remove the numbered stub from the supplemental or federal provisional ballot,  
 8 hand the stub to an election officer and deposit the voted supplemental or federal  
 9 provisional ballot in the appropriate locked ballot box or locked receptacle in the  
 10 presence of an election officer.

11 ~~(11)~~~~(12)~~ The election sheriff shall be responsible for reporting violations of this  
 12 section.

13 ➔Section 24. KRS 117.265 is amended to read as follows:

14 (1) A voter may, at any regular or special election, cast a write-in vote for any person  
 15 qualified as provided in subsection (2) or (3) of this section, whose name does not  
 16 appear upon the ballot~~label~~ for any office, by writing the name of his or her  
 17 choice upon the appropriate ballot~~device~~ for the office being voted on~~provided~~  
 18 ~~on the voting machine~~ as required by KRS 117.125. Any candidate for city, county,  
 19 urban-county, consolidated local government, charter county government, or unified  
 20 local government office who is defeated in a partisan or nonpartisan primary shall  
 21 be ineligible as a candidate for the same office in the regular election. Any voter  
 22 utilizing a federal provisional ballot, a federal provisional in-person absentee ballot,  
 23 or a mail-in absentee ballot for a regular or special election may write in a vote for  
 24 any eligible person whose name does not appear upon the ballot, by writing the  
 25 name of his or her choice under the office.

26 (2) Write-in votes shall be counted only for candidates for election to office who have  
 27 filed a declaration of intent to be a write-in candidate with the Secretary of State or

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

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

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

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

17 1. Death;

18 2. Disqualification to hold the office sought;

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

20 4. The nomination of an unopposed candidate.

21 (4) Persons who wish to run for President and Vice-President shall file a declaration of  
22 intent to be a write-in candidate, along with a list of presidential electors pledged to  
23 those candidates, with the Secretary of State on or before the fourth Friday in  
24 October preceding the date of the regular election for those offices. The declaration  
25 of intent shall be filed no earlier than the first Wednesday after the first Monday in  
26 November of the year preceding the year the office will appear on the ballot, and no  
27 later than 4 p.m. local time at the place of filing when filed on the last date on which

1 papers may be filed. Write-in votes cast for the candidates whose names appear on  
 2 the ballot shall apply to the slate of pledged presidential electors, whose names shall  
 3 not appear on the ballot.

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

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

9 ➔Section 25. KRS 117.275 is amended to read as follows:

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

14 (2) As soon as the polls are closed, and the last voter has voted, the judges shall  
 15 immediately lock and seal the voting equipment so that the voting and counting  
 16 mechanisms~~mechanism~~ will be prevented from operating~~operation~~, and they  
 17 shall sign a certificate stating:

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

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

20 (c) The number registered on the protective or cumulative~~accumulative~~ counter  
 21 or device~~, if any~~; and

22 (d) The number or other designation of the voting equipment, which certificate  
 23 shall be returned by the judges of election to the officials authorized by law to  
 24 receive it. The judges shall compare the number of voters, as shown by the  
 25 counter of the voting equipment, with the number of those who have voted as  
 26 shown by the protective or cumulative~~accumulative~~ counter or device~~, if~~  
 27 ~~any~~.



- 1 (3) Where voting equipment is used which does not print the candidates' names along  
2 with the total votes received on a general return sheet or record for that equipment,  
3 the procedure to be followed shall be as follows:
- 4 (a) The judges, in the presence of the representatives mentioned in subsection (1)  
5 of this section, if any, and of all other persons who may be lawfully within the  
6 polling place, shall give full view of all the counter numbers;
- 7 (b) The judges shall enter, in ink, the total votes cast for each candidate, and slate  
8 of candidates, and for and against each question on the return sheets; and
- 9 (c) Each precinct election officer shall sign the return sheets, and a copy of the  
10 return sheets shall be posted on the precinct door.
- 11 (4) Where voting equipment is used that prints the candidates' names along with the  
12 total votes received on a return sheet or record for that equipment, the precinct  
13 election officers shall sign the return sheets or record for the voting equipment,  
14 which shall be posted on the door of the precinct.
- 15 (5) If any officer shall decline to sign the return sheets, he or she shall state the reason  
16 in writing, and a copy thereof, signed by the officer, shall be enclosed with the  
17 return sheets.
- 18 (6) Each of the return sheets, if applicable, and the record of the voting equipment shall  
19 be enclosed in an envelope. One (1) copy of the return sheets, if applicable, one (1)  
20 copy of the record of the voting equipment, and the write-in roll, if any write-in  
21 votes were cast in the precinct, shall be directed to the county board of elections of  
22 the county in which the election is being held. One (1) copy of the return sheets or  
23 record of the voting equipment shall be given to the county clerk of the county in  
24 which the election is being held and to each of the local governing bodies of the two  
25 (2) dominant political parties, but a local governing body of a dominant political  
26 party may decline a copy of the precinct election return by filing a written  
27 declination with the county board of elections prior to the election, and upon this

1 declination, a printed copy shall not be issued to the political party so declining. The  
2 declination on file shall be effective for that election and any subsequent elections  
3 until revoked by the local governing body of a dominant political party by filing a  
4 written revocation with the county board of elections. The envelope shall have  
5 endorsed thereon a certificate of the election officers, stating the number ***or the***  
6 ***unique designation*** of the ***voting equipment***~~[machine]~~, the precinct where it has  
7 been used, the number on the seal, and the number on the protective or  
8 ***cumulative***~~[accumulative]~~ counter or device at the close of the polls.

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

15 (8) As soon as possible after the completion of the count, the two (2) judges shall return  
16 to the county board of elections the keys to the voting ***equipment***~~[machine]~~ received  
17 and receipted for by them, and the county clerk in which the precinct is located shall  
18 have the voting ***equipment***~~[machine]~~ properly boxed or securely covered and  
19 removed to a proper and secure place of storage.

20 (9) In primaries, each candidate or group of candidates may designate to the county  
21 board of elections a representative to witness and check the vote count. In regular  
22 elections, the governing authority of each political party, each candidate for member  
23 of board of education, nonpartisan candidate, ***political group candidate, political***  
24 ***organization candidate,*** independent candidate, or independent ticket may  
25 designate a representative to the county board of elections to witness and check the  
26 vote count. The county board of elections shall authorize representatives of the  
27 news media to witness the vote count.

- 1 (10) For all federal provisional ballots, if applicable, and supplemental paper ballots if  
2 approved as provided in KRS 118.215, after the polls are closed, the two (2) judges  
3 shall return to the county clerk's office the locked federal provisional ballot  
4 receptacle and the supplemental paper ballot box, all ballot stubs, spoiled ballots,  
5 and unvoted ballots at the same time as the tabulation of votes from the voting  
6 equipment~~[machine]~~ is delivered. The county clerk shall issue a receipt for the  
7 number of ballot stubs, unvoted ballots, spoiled ballots, and the ballot boxes or  
8 ballot receptacle.
- 9 (11) The county board of elections, or its designee, shall count and tally the  
10 supplemental paper ballots that have not been tabulated by automatic tabulating  
11 equipment at the precinct either manually or with the use of tabulating equipment  
12 which has been certified by the State Board of Elections for use for that purpose  
13 in the county clerk's office~~[does not involve an additional voting system]~~. The  
14 results of the vote tally shall be certified by the county board of elections to the  
15 county clerk and to the Secretary of State.
- 16 (12) The county board of elections shall tabulate the valid federal provisional ballots.  
17 The results of the vote tally shall be certified by the county board of elections to the  
18 county clerk and to the Secretary of State. The county board shall mail a copy of the  
19 precinct-by-precinct summary of the valid federal provisional ballot tabulation  
20 sheets showing the results from each precinct to the State Board of Elections.
- 21 (13) The county board of elections shall authorize the candidates, slates of candidates, or  
22 their representatives, and representatives of the news media to be present during the  
23 counting of the supplemental and federal provisional paper ballots.
- 24 (14) Except as otherwise required in this chapter that certain records and papers relating  
25 to specified elections be retained for twenty-two (22) months, the county clerk shall  
26 retain the voted federal provisional ballots, voter affirmations, election official  
27 affirmations, and the supplemental paper ballots for twenty-two (22) months and the

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

6 ➔Section 26. KRS 117.295 is amended to read as follows:

7 (1) For a period of ten (10) days following any primary~~[election]~~, and for a period of  
8 thirty (30) days following any regular~~[general]~~ or special election, the voting  
9 equipment~~[machine]~~ shall remain locked against voting and the ballot boxes  
10 containing all paper ballots shall remain locked, except that the voting  
11 equipment~~[machines]~~ and the ballot boxes may be opened and all the data and  
12 figures therein examined, upon the order of any court of competent jurisdiction, or  
13 judge thereof, or by direction of any legislative committee authorized and  
14 empowered to investigate and report upon contested elections, and all the data and  
15 figures shall be examined by the court, judge, or committee in the presence of the  
16 officer having the custody of the voting equipment, ballots,~~[machine]~~ and ballot  
17 boxes. In the event of a contest of election, the court in which the contest is pending  
18 or the committee before which the contest is being heard may, upon motion of any  
19 party to the contest, issue an order requiring that the voting equipment,  
20 ballots,~~[machines]~~ and ballot boxes shall remain continuously locked for further  
21 time as may be reasonable or necessary, with due regard for the preparation of the  
22 voting equipment~~[machines]~~ for a succeeding primary, regular election, or special  
23 election, but in no event shall the order compel that the voting  
24 equipment~~[machines]~~ remain locked to a time within thirty (30) days next  
25 preceding any approaching primary, regular election, or special election.

26 (2) During the period when the voting equipment~~[machine]~~ and the ballot boxes are  
27 required to be kept locked, the keys thereto shall remain in the possession of the

1 county board of elections. After that period, it shall be the duty of the county board  
2 of elections to return the keys to the custody of the county clerk.

3 ➔Section 27. KRS 117.305 is amended to read as follows:

4 (1) The canvass and returns provided for in KRS 117.275 shall constitute the official  
5 returns of the precinct, unless before 4 p.m. on the Tuesday following a primary or  
6 regular election, or before 4 p.m. on the day following a special election held for the  
7 purpose of filling a vacancy, the county clerk or county board of elections takes  
8 notice of a discrepancy in the tally of votes cast in any precinct or number of  
9 precincts, or a candidate makes a written request to the county board of elections in  
10 the case of a candidate who has filed with the county clerk, or the Secretary of State  
11 in the case of a candidate who has filed with the Secretary of State, to check and  
12 recanvass the voting equipment~~[machines]~~, valid federal provisional ballots, valid  
13 federal provisional absentee ballots, and absentee ballots of any precinct or any  
14 number of precincts involving the candidate's~~[his or her]~~ race.

15 **(2) The county board of elections shall, immediately upon notice of any discrepancy**  
16 **as described in subsection (1) of this section, or upon receipt of a request for a**  
17 **recanvass, notify each candidate for the office of the time and place of the**  
18 **recanvass. At the recanvass, each political party represented on the board may**  
19 **appoint a representative there to be its governing body, and also each candidate**  
20 **to be voted for may be present, either in person or by a representative or both. The**  
21 **county board of elections shall authorize representatives of the news media to**  
22 **observe the recanvass of the voting equipment in each precinct.**

23 **(3) After ~~the~~[this] time period has elapsed and notice is taken as provided under**  
24 **subsections (1) and (2) of this section,** the county board of elections shall assemble  
25 at 9 a.m. on the Thursday following the filing deadline to request a recanvass under  
26 **this section,** and not sooner, and recheck and recanvass the voting equipment~~[each~~  
27 ~~machine]~~ and make a proper return thereof to the county clerk, and the canvass and

1 return shall become the official returns for the **primary or** election. In making the  
 2 recanvass, the board shall make a record of the number of the seal **or the unique**  
 3 **designation** upon the voting **equipment**~~[machine]~~ and, without unlocking the  
 4 **voting equipment**~~[machine]~~ against voting, recanvass the vote cast~~[thereon]~~.

5 **(4)** If, after a recanvass, it is found that the original canvass of the returns has been  
 6 correctly made from the **voting equipment**~~[machine]~~, and that there still remains a  
 7 discrepancy unaccounted for, this discrepancy shall be noted. If, upon recanvass, it  
 8 appears that the original canvass of the returns by the election officers was  
 9 incorrect, the returns and all papers being prepared by the board shall be corrected  
 10 accordingly.~~[The county board of elections shall, immediately upon receipt of a~~  
 11 ~~request for a recanvass, notify each candidate for the office of the time and place of~~  
 12 ~~the recanvass. At the recanvass, each political party represented on the board may~~  
 13 ~~appoint a representative there to be its governing body, and also each candidate to~~  
 14 ~~be voted for may be present, either in person or by a representative or both. The~~  
 15 ~~county board of elections shall authorize representatives of the news media to~~  
 16 ~~observe the recanvass of the votes cast on the voting machine in each precinct.]~~  
 17 Nothing in this section shall prohibit an individual from requesting, in addition to a  
 18 recanvass, a recount as authorized by KRS Chapter 120.

19 **(5)**~~(2)~~ The State Board of Elections shall prescribe and furnish **the** forms to be used  
 20 by county boards of election to report all recanvassed votes. The form, **promulgated**  
 21 **through administrative regulations under KRS Chapter 13A,** shall include the  
 22 following information:

- 23 (a) The name of the county in which the recanvass was conducted;
- 24 (b) The date of the report;
- 25 (c) The date of the **primary or** election;
- 26 (d) The office for which the recanvass was conducted;
- 27 (e) The names of each candidate for the office being recanvassed; and

1 (f) The ~~machine~~ votes **cast at the polls**, absentee votes, valid federal provisional  
2 votes, valid federal provisional absentee votes, and vote totals for each  
3 candidate, as well as write-in votes cast in a regular or special election for  
4 candidates whose names did not appear on the ballot.

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

6 ~~(6)(3)~~ The county board of elections shall file its recanvass report as prescribed in  
7 administrative regulations promulgated by the State Board of Elections in  
8 conformity with KRS Chapter 13A.

9 ~~(7)(4)~~ The State Board of Elections shall promulgate administrative regulations in  
10 accordance with KRS Chapter 13A to establish the proper procedures for  
11 conducting a recanvass for each type of voting system approved by the State Board  
12 of Elections and in use in Kentucky.

13 ➔Section 28. KRS 117.345 is amended to read as follows:

14 (1) The cost of all elections held in any county shall be allowed by the fiscal court or  
15 **legislative body of any urban-county, charter county, consolidated local, or**  
16 **unified local government** and paid by the county treasurer, except as otherwise  
17 provided by law.

18 (2) When the cost of any election has been allowed by the fiscal court or legislative  
19 **body of any urban-county, charter county, consolidated local, or unified local**  
20 **government** and paid by the county treasurer, ~~and~~ within sixty (60) days following  
21 the date of the election, the county treasurer shall certify a statement of the number  
22 of precincts in the county, the date, and kind of election to the State Board of  
23 Elections, including an election that was delayed or postponed in accordance with  
24 KRS 39A.100. The certification shall be filed within ninety (90) days after the  
25 election. Upon receipt of the certification and upon being satisfied as to the  
26 correctness thereof, the State Board of Elections shall issue its warrant upon the  
27 State Treasurer in favor of the county treasurer for the amount of two hundred fifty-

1 five dollars (\$255) for each precinct in the county.

2 (3) Payments to any county under the provisions of subsection (2) of this section shall  
 3 be terminated if and whenever it fails to renew a lease, contract, or lease and option  
 4 with the State Property and Buildings Commission executed in connection with the  
 5 acquisition of voting ~~systems~~~~[machines]~~ by the commission for the use of the  
 6 county; and payments to any county shall be terminated whenever the county fails to  
 7 pay any part of the rentals required for any effective period of the lease or if a  
 8 county board of elections fails to provide training to precinct election officers  
 9 required by KRS 117.187(2). As used in this subsection, "county" includes  
 10 urban-county, charter county, consolidated local, and unified local government.

11 ➔Section 29. KRS 117.375 is repealed, reenacted, amended, and renumbered as  
 12 KRS 117.001 to read as follows:

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

14 (1) "Audit log" means a detailed record of all actions and events that have occurred  
 15 on the voting system including:  
 16 (a) Log-in attempts with username and time stamp;  
 17 (b) Election definition and setup;  
 18 (c) Ballot preparation and results processing;  
 19 (d) Diagnostics of any type;  
 20 (e) Error and warning messages and operator response; and  
 21 (f) All records from any electronic pollbook or voter check-in system used to  
 22 verify voter registration and sign-in;

23 [~~"Electronic or electromechanical voting system" means a system of casting votes by use~~  
 24 ~~of marking devices and tabulating ballots employing automatic tabulating~~  
 25 ~~equipment or data processing equipment.]~~

26 (2) "Automatic tabulating equipment" means apparatus necessary to automatically  
 27 examine and count votes as designated on ballots and data processing machines



1 which can be used for counting ballots and tabulating results;[.]

2 (3) [~~"Voting device" means either an apparatus in which paper ballots or ballot cards~~  
3 ~~are used in connection with an implement by which a voter registers his or her votes~~  
4 ~~with ink or other substance or by punching, or an apparatus by which such votes are~~  
5 ~~registered electronically, so that in either case the votes so registered may be~~  
6 ~~computed and tabulated by means of automatic tabulating equipment.~~

7 (4) [~~"Ballot card" means a tabulating card on which votes may be recorded by a voter by~~  
8 ~~use of a voting punch device or by marking with a pen or special marking device.~~

9 (5) [~~"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 (6) [~~] "Ballot" or "official ballot" means the official presentation of offices and~~  
13 ~~candidates to be voted for, including write-in candidates, and all public questions~~  
14 ~~submitted for determination, and shall include a voting machine ballot[ label,~~  
15 ~~ballot cards], a paper ballot[ballots], an absentee ballot, a federal provisional ballot,~~  
16 ~~a federal provisional absentee ballot, or a supplemental paper ballot which has been~~  
17 ~~authorized for the use of voters in any primary, ~~or~~ regular, or special election by~~  
18 ~~the Secretary of State or the county clerk;[.]~~

19 (7) [~~"Voting punch device" means an apparatus in which ballots or ballot cards are~~  
20 ~~inserted for the piercing of ballots by the voter. The hole may be in the form of a~~  
21 ~~round dot, rectangle, square, or any other shape that will clearly indicate the intent~~  
22 ~~of the voter.]~~

23 (4) **"Ballot box" means any box, bag, or other container that can be locked, sealed,**  
24 **or otherwise rendered tamper-resistant, for receiving ballots;**

25 (5) [(8)] **"Ballot**[Vote] **marking device"** means any approved device for marking a[  
26 ~~paper] ballot[ with ink or other substance] which will enable the ballot to be  
27 tabulated **manually or** by means of automatic tabulating equipment;[.]~~

- 1 (6) "Election" or "elections" means any primary, regular election, or special  
 2 election;
- 3 (7) "Federal provisional voter" means a person:  
 4 (a) Who registered to vote;  
 5 (b) Whose name appears on the precinct roster;  
 6 (c) Who has not provided proof of identification to the precinct election officer  
 7 before voting in a federal election; and  
 8 (d) Who elects to proceed with voting a federal provisional ballot under Section  
 9 59 of this Act;
- 10 (8) "Federal provisional ballot" or "federal provisional absentee ballot" means  
 11 ballots which have been authorized by the Secretary of State or the county clerk  
 12 to be used by federal provisional voters in any federal primary or election;
- 13 (9) "Inner envelope" or "secrecy"~~["Secrecy]~~ envelope" means a plain~~[the]~~ envelope  
 14 provided~~[handed]~~ to the voter with a~~[his or her]~~ ballot into which the voter shall  
 15 place his or her voted ballot;~~[cards.]~~
- 16 (10) "Political group" has the same meaning as in subsection (10) of Section 35 of  
 17 this Act;
- 18 (11) "Political organization" has the same meaning as in subsection (9) of Section 35  
 19 of this Act;
- 20 (12)~~[(10)]~~ "Precinct ballot counter" means an automatic tabulating device used at the  
 21 precinct to tabulate and process ballots;~~[.]~~
- 22 (13) "Proof of identification" means a document that was issued by:  
 23 (a) The United States or the Commonwealth of Kentucky, and the document  
 24 contains:  
 25 1. The name of the individual to whom the document was issued; and  
 26 2. A photograph of the individual to whom the document was issued;  
 27 (b) The United States Department of Defense, a branch of the uniformed

1 services, the Merchant Marine, or the Kentucky National Guard, and the  
 2 document contains:

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

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

5 (c) A public or private college, university, or postgraduate technical or  
 6 professional school located within the United States, and the document  
 7 contains:

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

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

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

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

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

15 (14) "Risk-limiting audit" means an audit protocol that makes use of statistical  
 16 principles and methods and is designed to limit to acceptable levels the risk of  
 17 certifying a preliminary election outcome that constitutes an incorrect outcome;

18 (15) "Voting booth" or "ballot completion area" means an area in which a voter casts  
 19 his or her vote or completes his or her ballot which is designed to ensure the  
 20 secrecy of the vote;

21 (16) "Voting equipment" means any physical component of a voting system and  
 22 includes voting machines where voting machines are in operation;

23 (17) ~~{(11)}~~ "Voting machine" or "machine" means a part of a voting system that  
 24 consists of:

25 (a) A direct recording electronic voting machine that:

26 1. Records votes by means of a ballot display provided with mechanical  
 27 or electro-operated components that may be actuated by the voter;

- 1            2. Processes the data by means of a computer program;
- 2            3. Records voting data and ballot images in internal and external
- 3            memory components; and
- 4            4. Produces a tabulation of the voting data stored in a removable
- 5            memory component and on a printed copy; or

6            (b) One (1) or more electronic devices that operate independently or as a  
7            combination of a ballot marking device and an electronic or automatic vote  
8            tabulation device;

9            (18) "Voting system" means:

10           (a) The total combination of physical, mechanical, electromechanical, or  
11           electronic equipment, including the software, hardware, firmware, and  
12           documentation required to program, control, and support that equipment,  
13           that is used to:

- 14           1. Define ballots;
- 15           2. Cast and count votes;
- 16           3. Report or display election results; and
- 17           4. Maintain and produce any audit trail information;

18           (b) Any electronic pollbook or voter check-in system used to verify voter  
19           registration and sign-in; and

20           (c) The practices and associated documentation used to:

- 21           1. Identify system components and versions of those components;
- 22           2. Test the system during its development and maintenance;
- 23           3. Maintain records of system errors and defects;
- 24           4. Determine specific system changes to be made to a system after the  
25           initial qualification of the system; and
- 26           5. Make available any materials to the voter, such as notices,  
27           instructions, forms, or paper ballots;

1 **(19) "Voter-verified paper audit trail" means a contemporaneous paper record of a**  
 2 **ballot printed for the voter to confirm his or her votes before the voter casts his or**  
 3 **her ballot that:**

4 **(a) Allows the voter to verify the voter's ballot choices before the casting of the**  
 5 **voter's ballot;**

6 **(b) Is not retained by the voter;**

7 **(c) Does not contain individual voter information;**

8 **(d) Is produced on paper that is sturdy, clean, and resistant to degradation; and**

9 **(e) Is readable in a manner that makes the voter's ballot choices obvious to the**  
 10 **voter or any person without the use of computer or electronic code** ~~shall~~

11 ~~include lever machines and, as far as applicable, any electronic or~~  
 12 ~~electromechanical unit and supplies utilized or relied upon by a voter in~~  
 13 ~~casting and recording his votes in an election.~~

14 ~~(12) "Proof of identification" means a document that was issued by:~~

15 ~~(a) The United States or the Commonwealth of Kentucky, and the document~~  
 16 ~~contains:~~

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

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

19 ~~(b) The United States Department of Defense, a branch of the uniformed services,~~  
 20 ~~the Merchant Marines, or the Kentucky National Guard, and if the document~~  
 21 ~~contains:~~

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

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

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

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

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

1       ~~(d) Any city government, county government, urban-county government, charter~~  
 2           ~~county government, consolidated local government, or unified local~~  
 3           ~~government, which is located within this state, and the document contains:~~

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

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

6       ~~(13) "Federal provisional voter" means a person:~~

7           ~~(a) Who is registered to vote;~~

8           ~~(b) Whose name appears on the precinct roster;~~

9           ~~(c) Who has not provided proof of identification to the precinct election officer~~  
 10           ~~before voting in a federal election; and~~

11          ~~(d) Who elects to proceed with voting a federal provisional ballot under KRS~~  
 12           ~~117.229.~~

13       ~~(14) "Federal provisional ballot" or "federal provisional absentee ballot" means ballots~~  
 14           ~~which have been authorized by the Secretary of State or the county clerk to be used~~  
 15           ~~by federal provisional voters in any federal primary or election].~~

16       ➔ Section 30. KRS 117.377 is amended to read as follows:

17       (1) The ***legislative body***~~[fiscal court]~~ of any county,~~[or any]~~ urban-county, ***charter***  
 18           ***county, consolidated local, or unified local*** government, may acquire by purchase  
 19           or lease or lease-purchase agreement, or ***may*** abandon, any ***voting equipment or***  
 20           voting system covered by this chapter, if the ***voting*** equipment ***or voting system*** has  
 21           been approved by the State Board of Elections. The ***legislative body***~~[fiscal court]~~  
 22           shall notify the State Board of Elections that ***new voting equipment or*** a new voting  
 23           system is being installed in the county.

24       (2) The county clerk of any county may petition the State Board of Elections to allow  
 25           ***new voting equipment or*** a new voting system in the county if an emergency exists.  
 26           The petition must state the reasons why the present ***voting*** equipment ***or voting***  
 27           ***system*** is inadequate. Within sixty (60) days of the receipt of the petition the State

1 Board of Elections shall notify the county clerk whether the permission to obtain  
 2 **new voting equipment or** a new voting system is granted or denied. The letter of  
 3 approval shall be presented to the **legislative body**~~[fiscal court]~~ for its approval  
 4 before any new **voting equipment or** voting system is acquired.

5 ➔Section 31. KRS 117.379 is amended to read as follows:

- 6 (1) Any person or corporation owning, manufacturing, or selling any~~[electronic]~~ voting  
 7 system, may request the State Board of Elections to examine the **voting** system.  
 8 Before requesting an examination or reexamination, any person, persons, or  
 9 corporation shall pay to the State Treasurer an examination fee of five hundred  
 10 dollars (\$500) and submit a test report from an independent testing authority  
 11 approved by the State Board of Elections. The report shall demonstrate that the  
 12 **voting** system meets all Federal Election Commission **and Election Assistance**  
 13 **Commission** voting system standards. **Notwithstanding any other provision of law**  
 14 **to the contrary, if these voting system standards have been amended less than**  
 15 **thirty-six (36) months prior to the request for examination under this subsection,**  
 16 **the State Board of Elections may approve a voting system that meets the prior**  
 17 **standards after determining:**

18 **(a) The effect that such approval would have on the integrity and security of**  
 19 **elections; and**

20 **(b) The procedure and cost involved to bring the voting system into compliance**  
 21 **with the amended standards.**

22 The State Board of Elections may, at any time, reexamine any **voting** system already  
 23 approved. The State Board of Elections shall approve or disapprove any voting  
 24 system within sixty (60) days after the date of its initial submission.

- 25 (2) Upon receipt of a request for examination or reexamination of **a**~~[an electronic]~~  
 26 voting system, the State Board of Elections shall require that such **voting** system be  
 27 examined or reexamined by three (3) examiners. The State Board of Elections shall

1 appoint one (1) examiner who is an expert in computer science or ~~electronic~~  
 2 voting systems; ~~and~~ one (1) person who is knowledgeable in election procedures,  
 3 **election security**, and **election** law in Kentucky; ~~and~~ and one (1) person who is a  
 4 present or former county clerk. The three (3) examiners shall submit one (1) written  
 5 report on each **voting** system examined or reexamined to the State Board of  
 6 Elections. The members of the State Board of Elections shall also examine or  
 7 reexamine the **voting** system. A **voting** system shall be approved if the examiners'  
 8 report states that the **voting** system meets all the requirements of **Section 12 of this**  
 9 **Act and applicable federal law**, ~~[KRS 117.381]~~ and the State Board of Elections  
 10 finds that the **voting** system meets all of the requirements of **Section 12 of this Act**  
 11 **and applicable federal law** ~~[KRS 117.381]~~. The report and a letter of approval shall  
 12 be filed in the office of the State Board of Elections.

13 (3) Any ~~electronic~~ voting system not approved by the State Board of Elections shall  
 14 not be used at any **primary or** election.

15 (4) When ~~a~~ ~~an~~ ~~electronic~~ voting system has been approved, any improvement or  
 16 changes in the **voting** system shall render necessary the examination or approval of  
 17 such **voting** system or improvement.

18 (5) Neither the members of the State Board of Elections, nor any examiner appointed  
 19 by the State Board of Elections, nor any member of a county board of elections shall  
 20 have any pecuniary interest in any ~~electronic~~ voting system.

21 (6) Each examiner appointed by the State Board of Elections shall receive fair  
 22 compensation to be established by the State Board of Elections.

23 ➔ Section 32. KRS 117.383 is amended to read as follows:

24 The State Board of Elections shall ~~prescribe rules and~~ promulgate administrative  
 25 regulations under KRS Chapter 13A which shall ~~include but not be limited to the~~  
 26 ~~following:~~

27 ~~(1) Achieve and~~ maintain the maximum degree of correctness, impartiality, and



- 1 efficiency of the procedures of voting *and shall provide methods to:*~~;~~
- 2 ~~(1)~~~~(2)~~ Count, tabulate, and record votes;
- 3 ~~(2)~~~~(3)~~ *Place*~~[Establish a method for placing]~~ items on *any ballot*~~[the electronic~~  
4 ~~voting device,]~~ which shall, as closely as possible, follow the requirements  
5 pertaining to *ballots*~~[ballot labels];~~
- 6 ~~(3)~~~~(4)~~ Design the *ballots to include a*~~[ballot cards and federal provisional ballot~~  
7 ~~cards, including a numerical]~~ system to ensure an accurate record of all voting  
8 activities;
- 9 ~~(4)~~~~(5)~~ Instruct voters in the use of the voting *system, including any ballot marking*  
10 device;
- 11 ~~(5)~~~~(6)~~ Provide for checking the accuracy of the *voting system*~~[equipment];~~
- 12 ~~(6)~~~~(7)~~ Provide necessary supplies, including those necessary for a write-in vote, *to*  
13 *ensure*~~[and secrecy envelopes for punch cards or data processing cards to insure]~~  
14 voter privacy;
- 15 ~~(7)~~~~(8)~~ As part of the official canvass, provide for a manual recount of randomly  
16 selected precincts representing three percent (3%) to five percent (5%) of the total  
17 ballots cast in each election;
- 18 ~~(8)~~~~(9)~~ *Provide for the conducting and review of an audit of any component of a*  
19 *voting system or any voting equipment, and a review of any audit log;*
- 20 ~~(9)~~ *Provide for the conducting and review of an election audit, including a risk-*  
21 *limiting audit;*
- 22 ~~(10)~~ Provide a method for maintaining sufficient documents, *including ballots* and  
23 records, so that votes can be recounted;~~[. Such documents and records shall include~~  
24 ~~any material other than a ballot card which is imprinted with the names of~~  
25 ~~candidates and issues voted upon. Records shall be maintained in such a manner~~  
26 ~~that a specific piece of printed material listing issues and candidates can be matched~~  
27 ~~with the specific ballot cards which were marked in reliance upon such printed~~

1 material.]

2 **(11)** Except as otherwise required in this chapter that certain records and papers relating  
 3 to specified elections be retained for twenty-two (22) months, **provide that all**  
 4 **other**[such] documents and records shall be maintained for **a minimum of** thirty  
 5 (30) days following an election; and

6 **(12)**[~~(10)~~] Unless contrary to the Help America Vote Act of 2002, ensure that all federal  
 7 provisional voting shall be conducted in a manner as prescribed by KRS Chapters  
 8 116 to 120.

9 ➔Section 33. KRS 117.385 is amended to read as follows:

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

17 ~~[(2) (a) After marking the ballot card, the voter shall place it inside the secrecy~~  
 18 ~~envelope and return it to an election officer, who shall deposit the ballot in the~~  
 19 ~~appropriate ballot box.~~

20 ~~(b) When precinct ballot counters are used, the voter, unless voting a federal~~  
 21 ~~provisional ballot, may either:~~

22 1. ~~Insert his or her ballot contained in the secrecy envelope provided and~~  
 23 ~~deposit the emptied ballot container envelope with the election officer~~  
 24 ~~presiding over the ballot counter; or~~

25 2. ~~Deposit the ballot in the ballot box;~~

26 ~~— for processing by a precinct election officer after the polls close.]~~

27 ➔Section 34. KRS 117.995 is amended to read as follows:

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

- 1 (6) Any person who violates any provision of KRS 117.235 or 117.236 related to  
2 prohibited activities during absentee voting or on election day, after he or she has  
3 been duly notified of the provisions by any precinct election officer, county clerk,  
4 deputy county clerk, or other law enforcement official, shall, for each offense, be  
5 guilty of a Class A misdemeanor.
- 6 (7) Any person who knowingly and willfully prepares or assists in the preparation of an  
7 inaccurate or incomplete voter assistance form or fails to complete a voter  
8 assistance form when required shall be guilty of a Class A misdemeanor for the first  
9 offense and a Class D felony for each subsequent offense; however, if a voter has  
10 been permanently certified as requiring voting assistance, there shall be no offense  
11 for the failure of the voter to complete the form.
- 12 (8) The members of a county board of elections who fail to provide the training to  
13 precinct election officers required by KRS 117.187(2) shall be subject to removal  
14 by the State Board of Elections.
- 15 (9) Any local or state election official, including the Secretary of State, employees of  
16 the Secretary, and members of the State Board of Elections and their staff, who  
17 knowingly and willfully uses the voter registration roster in violation of KRS  
18 117.025(3)(a) shall, for each offense, be guilty of a Class A misdemeanor.

19 ➔Section 35. KRS 118.015 is amended to read as follows:

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

- 21 (1) A "political party" is an affiliation or organization of electors representing a  
22 political policy and having a constituted authority for its government and regulation,  
23 and whose candidate received at least twenty percent (20%) of the total vote cast at  
24 the last preceding election at which presidential electors were voted for;
- 25 (2) The word "election" used in reference to a state, district, county, or city election,  
26 includes the decisions of questions submitted to the qualified voters as well as the  
27 choice of officers by them;

- 1 (3) A "ballot" or "official ballot" means the official presentation of offices and  
 2 candidates to be voted for, including write-in candidates, and all public questions  
 3 submitted for determination, and shall include a voting machine ballot~~[label,~~  
 4 ballot cards], a paper ballot~~[ballots]~~, an absentee ballot, a federal provisional ballot,  
 5 a federal provisional absentee ballot, or a supplemental paper ballot which has been  
 6 authorized for the use of the voters in any primary,~~[or]~~ regular, or special election  
 7 by the Secretary of State or the county clerk;
- 8 (4) "Ballot box" means any box, bag, or other container that can be locked, sealed,  
 9 or otherwise rendered tamper-resistant, for receiving ballots;
- 10 (5) "Voting equipment" means any physical component of a voting system and  
 11 includes voting machines where voting machines are in operation~~["Ballot label"~~  
 12 ~~means the cards, papers, booklet, pages, or other material on which appear the~~  
 13 ~~names of candidates and the questions to be voted on by means of ballot cards or~~  
 14 ~~voting machines;~~
- 15 (5) ~~"Ballot card" means a tabulating card on which votes may be recorded by a voter by~~  
 16 ~~use of a voting punch device or by marking with a pen or special marking device];~~
- 17 (6) "Voting machine" or "machine" means a part of a voting system that consists of:  
 18 (a) A direct recording electronic voting machine that:  
 19 1. Records votes by means of a ballot display provided with mechanical  
 20 or electro-operated components that may be actuated by the voter;  
 21 2. Processes the data by means of a computer program;  
 22 3. Records voting data and ballot images in internal and external  
 23 memory components; and  
 24 4. Produces a tabulation of the voting data stored in a removable  
 25 memory component and on a printed copy; or  
 26 (b) One (1) or more electronic devices that operate independently or as a  
 27 combination of a ballot marking device and an electronic or automatic vote

1            tabulating device ~~[shall include lever machines and, as far as applicable, any~~  
 2            ~~electronic or electromechanical unit and supplies utilized or relied upon by a~~  
 3            ~~voter in casting and recording his or her votes in an election];~~

4        (7) "Voting system" means:

5            (a) The total combination of physical, mechanical, electromechanical, or  
 6            electronic equipment, including the software, hardware, firmware, and  
 7            documentation required to program, control, and support that equipment,  
 8            that is used to:

9            1. Define ballots;

10          2. Cast and count votes;

11          3. Report or display election results; and

12          4. Maintain and produce any audit trail information;

13          (b) Any electronic pollbook or voter check-in system used to verify voter  
 14          registration and sign-in; and

15          (c) The practices and associated documentation used to:

16          1. Identify system components and versions of those components;

17          2. Test the system during its development and maintenance;

18          3. Maintain records of system errors and defects;

19          4. Determine specific system changes to be made to a system after the  
 20          initial qualification of the system; and

21          5. Make available any materials to the voter, such as notices,  
 22          instructions, forms, or paper ballots;

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

26        (9)~~[(8)]~~ "Political organization" means a political group not constituting a political  
 27        party within the meaning of subsection (1) of this section but whose candidate

1 received two percent (2%) or more of the vote of the state at the last preceding  
2 election for presidential electors; and

3 ~~(10)~~~~(9)~~ "Political group" means a political group not constituting a political party or a  
4 political organization within the meaning of subsections (1) and ~~(9)~~~~(8)~~ of this  
5 section.

6 ➔Section 36. KRS 118.025 is amended to read as follows:

7 (1) Except as otherwise provided by law, voting in all primaries and elections shall be  
8 by secret paper ballot ~~on voting machines~~. **However, voting on voting equipment**  
9 **that has been certified by the State Board of Elections and is in use on or before**  
10 **the effective date of this Act shall be permitted until a replacement voting system**  
11 **as required under Section 12 of this Act has been certified and placed in**  
12 **operation.**

13 (2) The general laws applying to primaries, regular, and special elections shall apply to  
14 primaries, regular, and special elections conducted with the use of voting  
15 equipment~~machines~~, and all provisions of the general laws applying to the  
16 custody of ballot boxes shall apply, as far as applicable, to the custody of the voting  
17 system or voting equipment~~machine~~.

18 (3) A primary~~Primaries~~ for the nomination of candidates to be voted for at the next  
19 regular election shall be held on the first Tuesday after the third Monday in May of  
20 each year.

21 (4) The election of all officers of all governmental units shall be held on the first  
22 Tuesday after the first Monday in November.

23 (5) If the law authorizes the calling of a special election on a day other than the day of  
24 the regular election in November, the election shall be held on a Tuesday.

25 (6) If the law requires that a special election be held within a period of time during  
26 which the voting equipment~~machines~~ must be locked as required by KRS  
27 117.295, the special election shall be held on the fourth Tuesday following the

1 expiration of the period during which the voting equipment is~~[machines are]~~  
2 locked.

3 ➔Section 37. KRS 118.305 is amended to read as follows:

- 4 (1) Except as provided in KRS 118.345, and subject to the provisions of subsections  
5 (2), (3), and (4) of this section, the county clerk of each county shall cause to be  
6 printed on all ballots, including~~[for the voting machines and on]~~ the absentee  
7 ballots, for the regular election the names of the following persons:
- 8 (a) Candidates of a political party, as defined in KRS 118.015, who have received  
9 certificates of nomination at the preceding primary, or certificates of  
10 nomination under KRS 118.185, and whose certificates of nomination have  
11 been filed with the Secretary of State or the appropriate county clerk;
  - 12 (b) Candidates of a political party, as defined in KRS 118.015, who have been  
13 nominated for an unexpired term in a manner determined by the governing  
14 authority of the party, as provided in KRS 118.115, and whose evidences of  
15 nomination have been filed with the Secretary of State or the appropriate  
16 county clerk within the time prescribed in this chapter;
  - 17 (c) Candidates of a political party, as defined in KRS 118.015, who have been  
18 nominated by the governing authority of the party to fill a vacancy in the  
19 candidacy of a person nominated at the preceding primary, as provided in  
20 KRS 118.105, and whose certificates of nomination have been filed with the  
21 Secretary of State or the appropriate county clerk, by at least the date provided  
22 by the election law generally for such filing;
  - 23 (d) Candidates who have been nominated by a political organization as provided  
24 in KRS 118.325 and whose certificates or petitions of nomination have been  
25 filed with the Secretary of State or the appropriate county clerk within the  
26 time prescribed in this chapter;
  - 27 (e) Independent candidates who have been nominated by petition as provided in



- 1 KRS 118.315, and whose petitions of nomination have been filed with the  
2 Secretary of State or the appropriate county clerk within the time prescribed in  
3 this chapter;
- 4 (f) Successful nominees of all nonpartisan primaries which shall have been  
5 conducted;
- 6 (g) Candidates who have filed a petition of candidacy as shall be required to fill a  
7 vacancy which shall appear on the ballot;
- 8 (h) The county clerk shall determine whether the name of any replacement  
9 candidate who has been nominated as provided in KRS 118.105(5) may be  
10 placed on the ~~the machine~~ ballot ~~or ballot cards~~ and whether any ~~the~~ voting  
11 equipment ~~machine~~ may be reprogrammed to count the votes cast for that  
12 candidate, or whether the ballot ~~or ballot cards~~ must be reprinted to  
13 accommodate votes cast for any replacement candidate, and shall take the  
14 appropriate action to accommodate the replacement of any candidate. If the  
15 county clerk determines that the name of any replacement candidate cannot be  
16 accommodated on the existing ballot ~~or ballot cards~~ and if there is  
17 insufficient time before the election to reprint the entire ballot, the county  
18 clerk shall request approval to use supplemental paper ballots for voting for  
19 that office only in the same manner as permitted for other situations ~~as~~  
20 ~~provided~~ in KRS 118.215(5), and, if approved, shall have an adequate  
21 number of supplemental paper ballots printed for voting for that office and  
22 only votes cast for that office by means of the supplemental paper ballots shall  
23 be tabulated and recorded by the precinct election officers and county board of  
24 elections. All actions by a county clerk, the State Board of Elections, and the  
25 Secretary of State which are necessary to provide for voting at a regular  
26 election for candidates nominated pursuant to KRS 118.105(5) shall be carried  
27 out with all possible speed. When a candidate has been replaced as provided

1 in KRS 118.105(5) after absentee and federal provisional absentee ballots  
2 have been printed and distributed for the regular election, neither the precinct  
3 election officers nor the county board of elections shall tabulate or record any  
4 absentee or federal provisional absentee votes cast for the candidate who was  
5 replaced. If ballots are reprinted or supplemental paper ballots are printed, or  
6 if voting equipment~~[machines]~~ must be reprogrammed to count the votes cast  
7 for a replacement candidate, the costs for the printing and reprogramming  
8 shall be paid by the political party who has nominated a replacement  
9 candidate, or proportionately by each political party if each party nominates a  
10 replacement candidate;

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

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

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

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

22 (3) Candidates for members of boards of education shall have their names printed on  
23 ballots, including~~[ballot labels and]~~ absentee ballots, for the regular election only  
24 after filing as provided in KRS 160.220.

25 (4) Except as provided in KRS 118.105 and 118.115, no candidate's name shall be  
26 printed upon any ballots, including~~[the ballot labels,]~~ federal provisional ballots,  
27 federal provisional absentee ballots, and absentee ballots for any regular election as

1 the nominee of any political party, as defined in KRS 118.015, or under the emblem  
2 of any political party, as so defined, except those candidates who have been duly  
3 and regularly nominated as nominees of that party at a primary held as provided in  
4 this chapter.

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

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

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

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

24 ➔Section 38. KRS 118.325 is amended to read as follows:

25 (1) Any political organization not constituting a political party within the meaning of  
26 KRS 118.015 but whose candidate received two percent (2%) of the vote of the  
27 state at the last preceding election for presidential electors may nominate, by a

1 convention or primary held by the party in accordance with its constitution and  
2 bylaws, candidates for any offices to be voted for at any regular election, except the  
3 office of member of a board of education, for which nominations shall be made as  
4 provided in KRS 160.220. Any political party, as defined in KRS 118.015, and any  
5 political organization not constituting such a political party but whose candidate  
6 received two percent (2%) of the vote of the state at the last preceding election for  
7 presidential electors, may nominate, by a convention or primary held by the party or  
8 organization in accordance with its constitution and bylaws, as many electors of  
9 President and Vice President of the United States as this state is entitled to elect.

10 (2) The certificate of nomination by such a convention or primary shall be in writing,  
11 shall contain the name of each person nominated, his or her residence, and the  
12 office to which he or she is nominated, and shall designate a title for the party or  
13 principle that such convention or primary represents, together with any simple  
14 figure or device by which its list of candidates may be designated on the  
15 ballots~~[voting machines]~~. The certificate shall be signed by the presiding officer and  
16 secretary of the convention, or by the chair and secretary of the county, city, or  
17 district committee, who shall add to their signatures their respective places of  
18 residence, and acknowledge the same before an officer duly authorized to  
19 administer oaths. A certificate of the acknowledgment shall be appended to the  
20 certificate of nomination. In the case of electors of President and Vice President of  
21 the United States the certificate of nomination shall state the names of the  
22 candidates of the party for President and Vice President.

23 (3) Any person desiring to become a candidate for an office, the nomination to which is  
24 to be made by a convention pursuant to subsections (1) and (2) of this section,  
25 except for the office of elector of President and Vice President of the United States,  
26 shall file a statement with the official designated in KRS 118.165 with whom  
27 notification and declaration forms are filed for the office. The form of the statement

1 shall be prescribed by the State Board of Elections. Such statement shall be filed as  
2 prescribed by KRS 118.365.

3 (4) If the certificate of nomination of any state convention requests that the figure or  
4 device selected by such convention be used to designate the candidates of such party  
5 on the ballots~~[voting machines]~~ for all elections throughout the state, that figure or  
6 device shall be used until changed by request of a subsequent state convention of  
7 the same party. The device may be any appropriate symbol other than the coat of  
8 arms or seal of this state or of the United States, the national flag, or any other  
9 emblem common to the people at large.

10 (5) In case of death, resignation, or removal of any such candidate subsequent to  
11 nomination and before the certification of candidates for the regular election made  
12 under KRS 118.215, the chair of the state, county, or city district committee shall  
13 fill the vacancy, unless a supplemental certificate or petition of nomination is filed.  
14 In the case of electors of President and Vice President of the United States, a  
15 vacancy may be filled by the chair of the state committee at any time before the  
16 meeting of the electors, whether the vacancy occurs before or after the election.

17 (6) If any political party entitled to nominate by convention fails to do so, the names of  
18 all nominees by petition for any office who are designated in their petition as  
19 members and candidates of that party shall be printed under the device and title on  
20 the ballots~~[voting machines]~~ as if nominated by a convention. If two (2) or more  
21 persons who have filed certificates of nomination under this section claim to be the  
22 nominee of the same political party, the governing authority of that party shall  
23 designate to the Secretary of State and county clerk, in writing, which of the  
24 candidates is entitled to the party emblem. If there are two (2) or more contending  
25 executive committees of the same party in the county or district, the county or  
26 district executive committee that is recognized by the state governing authority of  
27 the party, by the written certificate of its chair, shall be recognized by the Secretary

1 of State and county clerk.

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

6 ➔Section 39. KRS 118.345 is amended to read as follows:

7 (1) No candidate who has been defeated for the nomination for any office in a primary~~[~~  
8 ~~election]~~ shall have his ***or her*** name placed on ***ballots***~~[voting machines]~~ in the  
9 succeeding regular election as a candidate for the same office for the nomination to  
10 which he ***or she*** was a candidate in the primary~~[election]~~, except that if a vacancy  
11 occurs in the party nomination for which he ***or she*** was a candidate in the primary~~[~~  
12 ~~election]~~ his ***or her*** name may be placed on ***the ballots***~~[voting machines]~~ for the  
13 regular election as a candidate of that party if he ***or she*** has been duly made such  
14 party nominee after the vacancy occurs as provided in KRS 118.105.

15 (2) No person who was a candidate for nomination for any office in a primary~~[election]~~  
16 and who, before the succeeding regular election, is declared by the judgment of any  
17 court of competent jurisdiction to have violated, in the primary~~[election]~~, any  
18 provision of KRS Chapter 121, or to be responsible for such violation by others,  
19 shall have his ***or her*** name placed on ***ballots***~~[voting machines]~~ for any office to be  
20 voted for in the succeeding regular election.

21 (3) This section does not apply to presidential preference primary candidates.

22 ➔Section 40. KRS 118.405 is amended to read as follows:

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

1 the regular election day.

2 ➔Section 41. KRS 118.415 is amended to read as follows:

- 3 (1) The General Assembly may state the substance of the amendment proposed to the  
4 Constitution of Kentucky in the form of a question in a manner calculated to inform  
5 the electorate of the substance of the amendment. When an amendment to the  
6 Constitution has been proposed by the General Assembly, the Secretary of State  
7 shall cause the question calculated to inform the electorate of the substance of the  
8 amendment which is prepared by the General Assembly or the Attorney General to  
9 be published at least one (1) time in a newspaper of general circulation published in  
10 this state, and shall also cause to be published at the same time and in the same  
11 manner the fact that the amendment will be submitted to the voters for their  
12 acceptance or rejection at the next regular election at which members of the General  
13 Assembly are to be voted for. The publication shall be made not later than the first  
14 Tuesday in August preceding the election at which the amendment is to be voted on.
- 15 (2) The Attorney General shall, if the General Assembly has not already done so, state  
16 the substance of an amendment to the Constitution of Kentucky which has been  
17 proposed by the General Assembly in the form of a question in a manner calculated  
18 to inform the electorate of the substance of the amendment, and, not later than  
19 fourteen (14) days preceding the first Tuesday in August preceding the next regular  
20 election at which members of the General Assembly are to be chosen, shall certify  
21 the question to the Secretary of State to be placed on the ballots~~[voting machine]~~.
- 22 (3) The Secretary of State, not later than the second Monday after the second Tuesday  
23 in August preceding the next regular election at which members of the General  
24 Assembly are to be chosen in a year in which there is not an election for President  
25 and Vice President of the United States, or not later than the Thursday after the first  
26 Tuesday in September preceding a regular election in a year in which there is an  
27 election for President and Vice President of the United States, shall certify the

1 substance of the amendment, as stated and certified by the General Assembly or by  
 2 the Attorney General, to the county clerk of each county, and the county clerk shall  
 3 have the substance of the amendment, as so certified, indicated on the  
 4 ballots~~[voting machines]~~.

5 (4) The votes cast for and against the amendment shall be counted, canvassed, and  
 6 certified to the Secretary of State in the same manner as the votes cast for any  
 7 officer elective by the votes of the whole state. If a majority of the votes cast on the  
 8 question are for the amendment, it shall become a part of the Constitution.

9 (5) The expenses of the publications provided for in this section shall be paid as are the  
 10 expenses of other publications that the Secretary of State is required to make in  
 11 connection with elections.

12 ➔Section 42. KRS 118A.010 is amended to read as follows:

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

14 (1) "Ballot" or "official ballot" means the official presentation of offices and  
 15 candidates to be voted for, including write-in candidates, and all public questions  
 16 submitted for determination, and shall include a voting machine ballot~~[label,~~  
 17 ~~ballot cards]~~, a paper ballot~~[ballots]~~, an absentee ballot, a special ballot, or a  
 18 supplemental paper ballot which has been authorized for the use of the voters in any  
 19 primary, regular election~~[general]~~, or special election by the Secretary of State or  
 20 the county clerk;

21 ~~(2) ["Ballot card" means a tabulating card on which votes may be recorded by a voter~~  
 22 ~~by use of a voting device or by marking with a pen or special marking device;~~

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

26 ~~(4) "Election" refers only to elections for offices of the Court of Justice;~~

27 (3) "Voting equipment" means any physical component of a voting system and



1 includes voting machines where voting machines are in operation; ~~and~~

2 ~~(4)~~~~(5)~~ "Voting machine" or "machine" means a part of a voting system that consists  
3 of:

4 (a) A direct recording electronic voting machine that:

5 1. Records votes by means of a ballot display provided with mechanical  
6 or electro-operated components that may be actuated by the voter;

7 2. Processes the data by means of a computer program;

8 3. Records voting data and ballot images in internal and external  
9 memory components; and

10 4. Produces a tabulation of the voting data stored in a removable  
11 memory component and on a printed copy; or

12 (b) One (1) or more electronic devices that operate independently or as a  
13 combination of a ballot marking device and an electronic or automatic vote  
14 tabulating device; and

15 (5) "Voting system" means:

16 (a) The total combination of physical, mechanical, electromechanical, or  
17 electronic equipment, including the software, hardware, firmware, and  
18 documentation required to program, control, and support that equipment,  
19 that is used to:

20 1. Define ballots;

21 2. Cast and count votes;

22 3. Report or display election results; and

23 4. Maintain and produce any audit trail information;

24 (b) Any electronic pollbook or voter check-in system used to verify voter  
25 registration and sign-in; and

26 (c) The practices and associated documentation used to:

27 1. Identify system components and versions of those components;

1           **2. Test the system during its development and maintenance;**

2           **3. Maintain records of system errors and defects;**

3           **4. Determine specific system changes to be made to a system after the**  
 4           **initial qualification of the system; and**

5           **5. Make available any materials to the voter, such as notices,**  
 6           **instructions, forms, or paper ballots**~~[ shall include lever machines and,~~  
 7           ~~as far as applicable, any electronic or electromechanical unit and~~  
 8           ~~supplies utilized or relied upon by a voter in casting his vote in an~~  
 9           ~~election].~~

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

13       ➔Section 43. KRS 118A.060 is amended to read as follows:

14       (1) Except as provided in KRS 118A.100, no person's name shall appear on a ballot,  
 15       **including an**~~[ label or]~~ absentee ballot,  
 16       for an office of the Court of Justice without  
 first having been nominated as provided in this section.

17       (2) Each candidate for nomination shall file a petition for nomination with the Secretary  
 18       of State not earlier than the first Wednesday after the first Monday in November of  
 19       the year preceding the year in which the office will appear on the ballot and not later  
 20       than the first Friday following the first Monday in January preceding the day fixed  
 21       by law for holding the primary for the office. The petition shall be sworn to before  
 22       an officer authorized to administer an oath by the candidate and by not less than two  
 23       (2) registered voters from the district or circuit from which he or she seeks  
 24       nomination. Signatures for nomination papers shall not be affixed on the document  
 25       to be filed prior to the first Wednesday after the first Monday in November of the  
 26       year preceding the year in which the office will appear on the ballot. The petition  
 27       shall be filed no later than 4 p.m. local time at the place of filing when filed on the

1 last date on which the papers are permitted to be filed.

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

9 (4) The Secretary of State shall examine the petition of each candidate to determine  
10 whether it is regular on its face. If there is an error, the Secretary of State shall  
11 notify the candidate by certified mail within twenty-four (24) hours of filing. The  
12 order of names on the ballot for each district or circuit, and numbered division if  
13 divisions exist, shall be determined by lot at a public drawing to be held in the  
14 office of the Secretary of State at 2 p.m., standard time, on the Thursday following  
15 the filing deadline for the primary as established in this section and in KRS  
16 83A.045 and 118.165.

17 (5) Not later than the date set forth in KRS 118.215(1)(a) preceding the primary, and  
18 after the order of names on the ballot has been determined as required in subsection  
19 (4) of this section, the Secretary of State shall:

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

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

- 1 (6) The ballot position of a candidate shall not be changed after the ballot position has  
2 been designated by the Secretary of State.
- 3 (7) The county clerks of each county shall cause to be printed on the ~~ballot labels for~~  
4 ~~the voting machines and on the special~~ ballots for the primary the names of the  
5 candidates for offices in the Court of Justice.
- 6 (8) The names of the candidates shall be placed on the ballots~~[voting machine]~~ in a  
7 separate column or columns or in a separate line or lines and identified by the words  
8 "Judicial Ballot." The words "Vote for one," or "Vote for one in each division,"  
9 shall be printed on the ballot in an appropriate location. The office, numbered  
10 division if divisions exist, and the candidates shall be clearly labeled. No party  
11 designation or emblem of any kind, nor any sign indicating any candidate's political  
12 belief or party affiliation, shall be used on the~~[voting machines or special]~~ ballots.
- 13 (9) The two (2) candidates receiving the highest number of votes for nomination for  
14 justice or judge of a district or circuit, or numbered division if divisions exist, shall  
15 be nominated. Certificates of nomination shall be issued as provided in KRS  
16 118A.190.
- 17 (10) If it appears after expiration of the time for filing petitions for nomination that there  
18 are not more than two (2) candidates who have filed the necessary petitions for a  
19 place on the ballot in the regular election, no drawing for ballot position shall be  
20 held and the Secretary of State shall immediately issue and file in the Secretary's  
21 office certificates of nomination, and send copies to the candidates.
- 22 ➔Section 44. KRS 118A.090 is amended to read as follows:
- 23 (1) For the regular election, the order of names on the ballot for each district or circuit,  
24 and numbered division if divisions exist, shall be determined by lot at a public  
25 drawing to be held in the office of the Secretary of State at 2 p.m., standard time, on  
26 the Thursday following the first Tuesday after the first Monday in June preceding  
27 the regular election, except as provided in KRS 118A.100(6).

- 1 (2) Not later than the date set forth in KRS 118.215(1)(b) after the filing deadline for  
2 the regular election in a year in which there is no election for President and Vice  
3 President of the United States, or not later than the date set forth in KRS  
4 118.215(1)(c) preceding a regular election in a year in which there is an election for  
5 President and Vice President of the United States, and after the order of names on  
6 the ballot has been determined as required in subsection (1) of this section, the  
7 Secretary of State shall:
- 8 (a) Certify to the county clerks of the respective counties entitled to participate in  
9 the election of the various candidates, the name and place of residence of each  
10 candidate for each office, by district or circuit, and numbered division if  
11 divisions exist, as certified under KRS 118A.060; and
- 12 (b) Designate for the county clerks the office of the Court of Justice with which  
13 the names of candidates shall be printed and the order in which they are to  
14 appear on the ballot.
- 15 (3) The ballot position of a candidate shall not be changed after the ballot position has  
16 been designated by the Secretary of State. The county clerks of each county shall  
17 cause to be printed on the ~~ballot labels for the voting machines and on the special~~  
18 ballots for the regular elections the names of the candidates for offices of the Court  
19 of Justice.
- 20 (4) The names of the candidates shall be placed on the ballots ~~[voting machine]~~ in a  
21 separate column or columns or in a separate line or lines and identified by the words  
22 "Judicial Ballot," and in such a manner that the casting of a vote for all of the  
23 candidates of a political party will not operate to cast a vote for judicial candidates.  
24 The words "Vote for one" or "Vote for one in each division," shall be printed on the  
25 ballot in an appropriate location. The office, numbered division thereof if divisions  
26 exist, and the candidates therefor shall be clearly labeled. No party designation or  
27 emblem of any kind, nor any sign indicating any candidate's political belief or party

1 affiliation, shall be used on any ballot~~[voting machines or special ballots]~~.

2 (5) The candidate receiving the highest number of votes cast at the regular election for a  
3 district or circuit, or for a numbered division thereof if divisions exist, shall be  
4 elected.

5 ➔Section 45. KRS 118A.100 is amended to read as follows:

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

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

17 (3) Each candidate shall file a petition for nomination with the Secretary of State not  
18 earlier than the first Wednesday after the first Monday in November of the year  
19 preceding the year in which the election for the unexpired term will be held and not  
20 later than the first Tuesday after the first Monday in June preceding the day fixed by  
21 law for holding the regular election for the unexpired term, if the vacancy occurs  
22 prior to the first Tuesday following the first Monday in June. If the vacancy occurs  
23 after the first Tuesday following the first Monday in June, each candidate shall file a  
24 petition for nomination with the Secretary of State not later than the second Tuesday  
25 in August preceding the day fixed by law for holding the regular election for the  
26 unexpired term. The petition shall be sworn to by the candidate and by not less than  
27 two (2) registered voters from the district or circuit from which he or she seeks

1 nomination, before an officer authorized to administer an oath. Signatures for  
2 nomination papers shall not be affixed on the document to be filed prior to the first  
3 Wednesday after the first Monday in November of the year preceding the year in  
4 which the office will appear on the ballot. The petition shall be filed no later than 4  
5 p.m. local time at the place of filing when filed on the last date on which the papers  
6 are permitted to be filed.

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

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

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

- 1 (7) Not later than the date set forth in KRS 118.215 and after the order of names on the  
2 ballot has been determined as required in subsection (6) of this section, the  
3 Secretary of State shall:
- 4 (a) Certify to the county clerks of the respective counties entitled to participate in  
5 the election of the various candidates, the name and place of residence of each  
6 candidate for each office, by district or circuit, and numbered division if  
7 divisions exist, as specified in the petitions for nomination filed with the  
8 Secretary of State; and
- 9 (b) Designate for the county clerks the office of the Court of Justice with which  
10 the names of candidates shall be printed and the order in which they are to  
11 appear on the ballot.
- 12 (8) The ballot position of a candidate shall not be changed after the ballot position has  
13 been designated by the county clerk.
- 14 (9) The county clerks of each county shall cause to be printed on the **ballots**,  
15 **including**~~ballot labels for the voting machines and on the~~ absentee ballots, for the  
16 regular election the names of the candidates for offices of the Court of Justice.
- 17 (10) The names of the candidates shall be placed on the **ballots**~~[voting machine]~~ in a  
18 separate column or columns or in a separate line or lines and identified by the words  
19 "Judicial Ballot," and in a manner so that the casting of a vote for all of the  
20 candidates of a political party will not operate to cast a vote for judicial candidates.  
21 The words "Vote for one" or "Vote for one in each division," shall be printed on the  
22 appropriate location. The office, numbered division if divisions exist, and the  
23 candidates therefor shall be clearly labeled. No party designation or emblem of any  
24 kind, nor any sign indicating any candidate's political belief or party affiliation, shall  
25 be used on **any ballot**~~[voting machines or special ballots]~~.
- 26 (11) The candidate receiving the highest number of votes cast at the regular election for a  
27 district or circuit, or for a numbered division if divisions exist, shall be elected.



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

5 ➔Section 46. KRS 118A.150 is amended to read as follows:

6 (1) In certification of candidates for judicial office, no reference shall be made to  
7 political affiliation.

8 (2) The Secretary of State shall not knowingly certify to the county clerk of any county  
9 the name of any candidate who has not filed the required nomination or candidacy  
10 papers, nor knowingly fail to certify the name of any candidate who has filed the  
11 required nomination or candidacy papers.

12 (3) No county clerk shall knowingly cause to be printed on any ballots~~[the ballot~~  
13 ~~labels]~~ or absentee ballots for any election, the name of a candidate for an office of  
14 the Court of Justice who has not been certified in the manner specified in this  
15 chapter.

16 (4) If, before the time of certification of candidates who will appear on the ballot  
17 provided for in this chapter, any candidate whose petition or certificate of  
18 nomination or petition for candidacy has been filed, dies or notifies the Secretary of  
19 State in writing, signed and properly notarized, that he will not accept the  
20 nomination or election, the Secretary of State shall not certify his name.

21 (5) If, after the certification of candidates who will appear on the ballot, any candidate  
22 whose petition or certificate of nomination or petition for candidacy has been filed,  
23 dies or notifies the Secretary of State in the manner described in subsection (4) of  
24 this section, that he will not accept the nomination or election, the Secretary of State  
25 shall immediately notify the appropriate county clerk, and the clerk shall ensure that  
26 notice is provided to the appropriate precincts as provided in subsection (7) of this  
27 section.

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

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

22 ➔Section 47. KRS 118A.130 is amended to read as follows:

23 No judicial candidate's name shall appear on any~~[voting machine or absentee]~~ ballot  
24 more than once.

25 ➔Section 48. KRS 119.005 is amended to read as follows:

26 (1) A "ballot" or "official ballot" means the **official presentation of offices and**  
27 **candidates to be voter for, including write-in candidates, and all public questions**

1 submitted for determination, and shall include a voting machine ballot ~~label,~~  
 2 ~~ballot cards~~, a paper ballot~~ballots~~, an absentee ballot, a special ballot, a federal  
 3 provisional ballot, a federal provisional absentee ballot, or a supplemental paper  
 4 ballot which has been authorized for the use of the voters in any primary or regular  
 5 or special election by the Secretary of State or the county clerk;

6 (2) "Ballot box" means any box, bag, or other container that can be locked, sealed,  
 7 or otherwise rendered tamper-resistant, for receiving ballots;

8 (3) "Voting equipment" means any physical component of a voting system and  
 9 includes voting machines where voting machines are in operation~~["Ballot label"~~  
 10 ~~means the cards, papers, booklet, pages or other material on which appear the~~  
 11 ~~names of candidates and the questions to be voted on by means of ballot cards or~~  
 12 ~~voting machines;~~

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

15 (4) "Voting machine" or "machine" means a part of a voting system that consists of:

16 (a) A direct recording electronic voting machine that:

17 1. Records votes by means of a ballot display provided with mechanical  
 18 or electro-operated components that may be actuated by the voter;

19 2. Processes the data by means of a computer program;

20 3. Records voting data and ballot images in internal and external  
 21 memory components; and

22 4. Produces a tabulation of the voting data stored in a removable  
 23 memory component and on a printed copy; or

24 (b) One (1) or more electronic devices that operate independently or as a  
 25 combination of a ballot-marking device and an electronic or automatic vote-  
 26 tabulating device; and

27 (5) "Voting system" means:

1 (a) The total combination of physical, mechanical, electromechanical, or  
 2 electronic equipment, including the software, hardware, firmware, and  
 3 documentation required to program, control, and support that equipment,  
 4 that is used to:

5 1. Define ballots;

6 2. Cast and count votes;

7 3. Report or display election results; and

8 4. Maintain and produce any audit trail information;

9 (b) Any electronic pollbook or voter check-in system used to verify voter  
 10 registration and sign-in; and

11 (c) The practices and associated documentation used to:

12 1. Identify system components and versions of those components;

13 2. Test the system during its development and maintenance;

14 3. Maintain records of system errors and defects;

15 4. Determine specific system changes to be made to a system after the  
 16 initial qualification of the system; and

17 5. Make available any materials to the voter, such as notices,  
 18 instructions, forms, or paper ballots~~[shall include lever machines and,~~  
 19 ~~as far as applicable, any electronic or electromechanical unit and~~  
 20 ~~supplies utilized or relied upon by a voter in casting and recording his or~~  
 21 ~~her vote in an election].~~

22 ➔Section 49. KRS 119.115 is amended to read as follows:

23 (1) Any unauthorized person found in possession of any key to a voting machine,  
 24 voting equipment, or voting system to be used or being used in any primary,  
 25 regular election~~[general]~~, or special election shall be guilty of a Class A  
 26 misdemeanor.

27 (2) Any person who, during or before any primary, regular election~~[general]~~, or special

1 election, willfully tampers with or attempts to tamper with, disarrange, deface, or  
 2 impair in any manner whatsoever, injures, or destroys any ballot~~[label]~~, or destroys  
 3 any~~[such]~~ voting machine, **voting equipment, or voting system** while in use at an  
 4 election or at any other time, or who shall, after such **voting** machine, **voting**  
 5 **equipment, or voting system** is locked and sealed in order to preserve the record of  
 6 the vote, tamper with or attempt to tamper with the record of the vote, or who aids  
 7 or abets with intent to destroy or change the record of the vote shall be guilty of a  
 8 Class D felony.

9 (3) Any election official, or other person entrusted with the custody or control of any  
 10 voting machine, **voting equipment, or voting system** who, with intent to cause or  
 11 permit any voting machine, **voting equipment, or voting system** to fail to correctly  
 12 register **or count** votes cast~~[thereon]~~, tampers with or disarranges such **voting**  
 13 machine, **voting equipment, or voting system** in any way, unlawfully opens such  
 14 voting machine, **voting equipment, or voting system**, prevents or attempts to  
 15 prevent the correct operation of such voting machine, **voting equipment, or voting**  
 16 **system**, or causes such voting machine, **voting equipment, or voting system** to be  
 17 used or consents to its being used for any election with knowledge of the fact that  
 18 the **voting** machine, **voting equipment, or voting system** is not in order, or not  
 19 perfectly set and adjusted to correctly register all votes cast~~[thereon]~~, or removes,  
 20 changes, or mutilates any ballot~~[label on a voting machine]~~ shall be guilty of a  
 21 Class D felony.

22 ➔Section 50. KRS 120.005 is amended to read as follows:

23 (1) A "ballot" or "official ballot" means the **official presentation of offices and**  
 24 **candidates to be voted for, including write-in candidates, and all public questions**  
 25 **submitted for determination and shall include a** voting machine ballot~~[label,~~  
 26 ~~ballot cards,]~~ **a** paper **ballot**~~[ballots]~~, an absentee ballot, a special ballot, a federal  
 27 provisional ballot, a federal provisional absentee ballot, or a supplemental paper

1 ballot which has been authorized for the use of the voters in any primary or regular  
2 or special election by the Secretary of State or the county clerk;

3 (2) **"Ballot box" means any box, bag, or other container that can be locked, sealed,**  
4 **or otherwise rendered tamper-resistant, for receiving ballots;**

5 (3) **"Voting equipment" means any physical component of a voting system and**  
6 **includes voting machines where voting machines are in operation**["Ballot label"  
7 means the cards, papers, booklet, pages or other material on which appear the  
8 names of candidates and the questions to be voted on by means of ballot cards or  
9 voting machines;

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

12 (4) "Voting machine" or "machine" **means a part of a voting system that is either:**

13 (a) **A direct recording electronic voting machine that:**

14 **1. Records votes by means of a ballot display provided with mechanical**  
15 **or electro-operated components that may be actuated by the voter;**

16 **2. Processes the data by means of a computer program;**

17 **3. Records voting data and ballot images in internal and external**  
18 **memory components; and**

19 **4. Produces a tabulation of the voting data stored in a removable**  
20 **memory component and on a printed copy; or**

21 (b) **One (1) or more electronic devices that operate independently or as a**  
22 **combination of a ballot-marking device and an electronic or automatic vote**  
23 **tabulating device; and**

24 (5) **"Voting system" means:**

25 (a) **The total combination of physical, mechanical, electromechanical, or**  
26 **electronic equipment, including the software, hardware, firmware, and**  
27 **documentation required to program, control, and support that equipment,**

1 that is used to:

2 1. Define ballots;

3 2. Cast and count votes;

4 3. Report or display election results; and

5 4. Maintain and produce any audit trail information;

6 (b) Any electronic pollbook or voter check-in system used to verify voter  
 7 registration and sign-in; and

8 (c) The practices and associated documentation used to:

9 1. Identify system components and versions of those components;

10 2. Test the system during its development and maintenance;

11 3. Maintain record records of system errors and defects;

12 4. Determine specific system changes to be made to a system after the  
 13 initial qualification of the system; and

14 5. Make available any materials to the voter, such as notices,  
 15 instructions, forms, or paper ballots~~[shall include lever machines and,~~  
 16 ~~as far as applicable, any electronic or electromechanical unit and~~  
 17 ~~supplies utilized or relied upon by a voter in casting and recording his~~  
 18 ~~vote in an election].~~

19 ➔Section 51. KRS 120.017 is amended to read as follows:

20 (1) It shall be the duty of precinct election officers at all primaries~~[primary]~~, regular  
 21 elections, or special elections to immediately report to the county clerk any  
 22 administrative or clerical error discovered in the process of conducting the polling  
 23 or tabulation of votes at any such election.

24 (2) Upon receipt by the county clerk of notice of error in conducting the polling or  
 25 tabulation of votes pursuant to subsection (1) of this section, the county clerk shall  
 26 file an action in the Circuit Court~~[,]~~ within fifteen (15) days of the election,  
 27 requesting a recount of ballots for the precinct reporting the administrative or

1 clerical error. Simultaneously with the filing of such action, the county clerk shall  
2 make written notice by regular mail to all candidates appearing on the ballot of the  
3 precinct at issue that such action is being filed. In the case of an election for  
4 candidates for offices for the state at large or an election on a statewide public  
5 question, the action shall be filed in the Franklin Circuit Court; in the case of other  
6 elections, the action shall be filed in the Circuit Court of the county in which the  
7 precinct reporting the error is located.

8 (3) An action filed in the Circuit Court of proper jurisdiction pursuant to this section  
9 shall be heard summarily and without delay. Upon filing of the action, the circuit  
10 clerk shall immediately notify the Circuit Judge, and the judge shall at once enter an  
11 order directing custody of the voting machine, voting equipment, or voting system,  
12 the ballots, ballot boxes, and all papers pertaining to the election from that precinct  
13 claiming error, to be transferred to the Circuit Court, and fix a day for the recount  
14 proceeding to begin.

15 (4) Candidates notified pursuant to subsection (3) of this section shall, upon proper  
16 motion, be made parties to the action.

17 (5) On the day fixed for the recount, the court shall proceed to recount the ballots if  
18 their integrity is satisfactorily shown and shall complete the recount as soon as  
19 practicable, and shall file and enter of record the results thereof.

20 (6) Any person made party to the action pursuant to subsection (4) of this section may  
21 appeal from the judgment to the Court of Appeals, in the same manner as provided  
22 in KRS 120.075.

23 (7) The county clerk shall certify the final recount results entered of record in any  
24 action filed pursuant to this section to the county board of elections and to the local  
25 governing body of each of two (2) dominant political parties. Final certification of  
26 election results shall then proceed according to KRS Chapters 117, 118, and 118A.

27 ➔Section 52. KRS 120.095 is amended to read as follows:



- 1 (1) Any candidate voted for at a primary held under KRS 118.015 to 118.035 and  
2 118.105 to 118.255 may request a recount of the ballots by filing a petition with the  
3 same court that contest petitions are required to be filed with, within ten (10) days  
4 after the day of the primary, or, if the candidate is qualified to bring a contest  
5 proceeding under KRS 120.055, by including a request for a recount in his or her  
6 petition instituting the contest proceedings. Any candidate who is a contestee in a  
7 contest proceeding under KRS 120.055 may request a recount in his or her answer  
8 filed in the contest proceeding, but in that case the answer shall be filed within five  
9 (5) days after the service of process on the petition. When a request for a recount is  
10 made, the State Board of Elections or the county board of elections, whichever  
11 would issue the certificate of nomination, shall be made a party defendant. The  
12 party requesting the recount shall execute a bond with approved surety for the costs  
13 of the recount, in an amount to be fixed by the Circuit Judge. Upon the bond being  
14 filed, the clerk shall immediately notify the Circuit Judge of the request and the  
15 filing of the bond, and the judge shall at once enter an order directing custody of the  
16 voting machines, voting equipment, or voting system, the ballots, boxes, and all  
17 papers pertaining to the election to be transferred to the Circuit Court, and fix a day  
18 for the recount proceedings to begin. A copy of the order shall be served upon the  
19 parties or their counsel in the same manner as notices are required to be served,  
20 which shall be deemed sufficient notice of the proceeding. On the day fixed, the  
21 court shall proceed to recount the ballots if their integrity is satisfactorily shown and  
22 shall complete the recount as soon as practicable, and file and enter of record the  
23 results thereof, and direct the state board or county board, whichever would issue  
24 the certificate of nomination, to issue a certificate to the party entitled thereto as  
25 shown by the recount.
- 26 (2) Any party may appeal from the judgment to the Court of Appeals, in the same  
27 manner as provided in KRS 120.075, all of the provisions of which statute shall be

1 applicable.

2 (3) If a proceeding for recount is asked and prosecuted in a contest proceeding, it shall  
3 not await the preparation or trial of the contest in the Circuit Court or in the Court  
4 of Appeals. The action of the courts shall be final, concluding the parties as to the  
5 question of a recount of the ballots, and certificates shall then be issued to the  
6 parties entitled thereto.

7 ➔Section 53. KRS 120.165 is amended to read as follows:

8 (1) A contest instituted under KRS 120.155 shall proceed as equity actions. Upon  
9 return of the summons properly executed to the office of the circuit clerk, he shall  
10 immediately docket the case and notify the presiding judge of the court that the  
11 contest has been filed. The judge shall proceed to a trial of the cause without delay.  
12 In courts having more than one (1) judge, the judge who shall try the case shall be  
13 determined by lot. The court shall complete the case as soon as practicable. The  
14 action shall have precedence over all other cases.

15 (2) The evidence in chief for the contestant shall be completed within thirty (30) days  
16 after service of summons; the evidence for the contestee shall be completed within  
17 twenty-five (25) days after filing of answer, and evidence for contestant in rebuttal  
18 shall be completed within seven (7) days after the contestee has concluded;  
19 provided that for cause the court may grant a reasonable extension of time to either  
20 party.

21 (3) All voting machines, voting equipment, or voting systems, ballots, stub books, and  
22 other papers concerning which there is any ground for contest may be removed to  
23 the court in which the action is pending.

24 (4) If it appears from an inspection of the whole record that there has been such fraud,  
25 intimidation, bribery, or violence in the conduct of the election that neither  
26 contestant nor contestee can be judged to have been fairly elected, the Circuit Court,  
27 or an appellate court, on appeal, may adjudge that there has been no election. In that

1 event the office shall be deemed vacant, with the same legal effect as if the person  
2 elected had refused to qualify. If one of the parties is adjudged by the court to be  
3 elected to the office, he or she shall, on production of a copy of the final judgment,  
4 be permitted to qualify or be commissioned.

5 ➔Section 54. KRS 120.185 is amended to read as follows:

- 6 (1) Any candidate who was voted for at a regular election for any of the offices to  
7 which KRS 120.155 applies may request a recount of the ballots by filing a petition  
8 ~~[so requesting,]~~ with the same court that petitions of contest are required to be filed  
9 with, within ten (10) days after the day of the election, or, if the candidate is  
10 qualified to institute a contest proceeding under KRS 120.155, by including a  
11 request for a recount in his or her petition instituting the contest proceedings, but in  
12 the latter case the petition shall be filed within ten (10) days after the day of the  
13 election. Any candidate who is a contestee in a contest proceeding under KRS  
14 120.155 may request a recount in his or her answer filed in the contest proceeding,  
15 but only if the answer is filed within ten (10) days after the day of election. If a  
16 request for a recount is made, the State Board of Elections or the county board of  
17 elections, whichever would issue the certificate of election shall be made a party  
18 defendant. The party requesting the recount shall execute bond with approved surety  
19 for the costs of the recount, in an amount to be fixed by the Circuit Judge. Upon the  
20 bond being filed, the clerk shall immediately notify the Circuit Judge of the request  
21 and the filing of the bond, and the judge shall at once enter an order directing the  
22 voting machines, voting equipment, or voting systems, ballots, boxes, and all  
23 papers pertaining to the election to be transferred to the Circuit Court, and fix a day  
24 for the recount proceedings to begin. A copy of the order shall be served upon the  
25 parties or their counsel in the same manner as notices are required to be served,  
26 which shall be deemed sufficient notice of the proceeding. On the day fixed, the  
27 court shall proceed to recount the ballots if their integrity is satisfactorily shown and

1 shall complete the recount as soon as practicable, and file and enter of record the  
2 results thereof, and direct the state board or county board, whichever would issue  
3 the certificate of election to issue the same to the party entitled thereto as shown by  
4 the recount.

5 (2) Any party may appeal from the judgment to the Court of Appeals, in the same  
6 manner as provided in KRS 120.075, all of the provisions of which statute shall be  
7 applicable.

8 (3) If a proceeding for recount is asked and prosecuted in a contest proceeding, it shall  
9 not await the preparation or trial of the contest in the Circuit Court or in the Court  
10 of Appeals. The action of the courts shall be final, concluding the parties as to the  
11 question of a recount of the ballots, and certificates shall then be issued to the  
12 parties entitled thereto.

13 ➔Section 55. KRS 242.120 is amended to read as follows:

14 (1) Any qualified voter may demand a recount of the votes or contest the election in the  
15 same manner as is provided for the recount of votes or contest of regular~~[general]~~  
16 elections of county officers by KRS 120.155 to 120.185. The members of the  
17 county board of election commissioners shall be named as contestees and summons  
18 shall be served upon them. Any qualified voter may intervene as contestee by filing  
19 a petition to be made a party in the action.

20 (2) (a) The canvass and returns provided for in KRS 242.110 shall constitute the  
21 official returns for the local option election, unless before 4 p.m. on the  
22 seventh day following the local option election, the county clerk or county  
23 board of elections takes notice of a discrepancy in the tally of votes cast in any  
24 precinct or number of precincts within the territory voting in the local option  
25 election, or a committee favoring or opposing the proposition makes a written  
26 request to the county board of elections to check and recanvass the ballots  
27 cast, including~~[voting machines and]~~ absentee ballots, of any precinct or any

1 number of precincts involving the local option election. After this time period  
2 has elapsed and notice is taken, the county board of elections shall assemble at  
3 9 a.m. on the second day following the filing deadline to request a canvass,  
4 and not sooner, and recheck and canvass all voting equipment~~each~~  
5 ~~machine~~ and make a proper return thereof to the county clerk, and the  
6 canvass and return shall become the official returns for the election.

7 (b) In making the canvass, the county board of elections shall make a record of  
8 the unique identification or number of the seal upon the voting  
9 equipment~~machine~~ and, without unlocking the voting equipment~~machine~~  
10 against voting, canvass the votes~~vote~~ cast~~thereon~~. If, after a canvass, it  
11 is found that the original canvass of the returns has been correctly made from  
12 the voting equipment~~machine~~ and that there still remains a discrepancy  
13 unaccounted for, this discrepancy shall be noted. If, upon canvass, it appears  
14 that the original canvass of the returns by the election officers was incorrect,  
15 the returns and all papers being prepared by the county board of elections shall  
16 be corrected accordingly.

17 (c) The county board of elections shall, immediately upon receipt of a request for  
18 a canvass, notify the committees favoring or opposing the proposition of the  
19 time and place of the canvass. At the canvass, the committees favoring or  
20 opposing the proposition may be present. The county board of elections shall  
21 authorize representatives of the news media to observe the canvass of the  
22 votes cast at the polls~~on the voting machine~~ in each precinct. Nothing in this  
23 section shall prohibit an individual from requesting, in addition to a canvass,  
24 a recount as authorized by KRS Chapter 120.

25 (3) The State Board of Elections shall prescribe through administrative regulations  
26 promulgated under KRS Chapter 13A a form~~forms~~ to be used by county boards  
27 of election to report all canvassed votes. The form shall include the following

1 information:

- 2 (a) The name of the county in which the canvass was conducted;
- 3 (b) The date of the report;
- 4 (c) The date of the local option election;
- 5 (d) The proposition for which the canvass was conducted;
- 6 (e) The names of the leaders of the committees favoring or opposing the
- 7 proposition being canvassed; and
- 8 (f) The ~~machine~~ votes **cast at the polls**, absentee votes, and vote totals for each
- 9 "yes" or "no" vote.

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

11 (4) The county board of elections shall file its canvass report as prescribed in

12 administrative regulations promulgated by the State Board of Elections in

13 accordance with KRS Chapter 13A.

14 (5) The State Board of Elections shall promulgate administrative regulations in

15 accordance with KRS Chapter 13A to establish the proper procedures for

16 conducting a local option election canvass for each type of voting system

17 approved by the State Board of Elections and in use in Kentucky.

18 ➔Section 56. KRS 424.290 is amended to read as follows:

19 (1) Not less than three (3) days before any primary or regular election the county clerk

20 shall cause to be published in a newspaper a copy of the **ballots** ~~{face of the voting~~

21 ~~machines, or where an electronic or electromechanical voting system is used, a copy~~

22 ~~of the ballot cards}~~ or supplementary material on which appear the names of

23 candidates or issues to be voted upon. Where the lists of candidates or issues to be

24 voted upon differ for various precincts within the county, the county clerk shall

25 cause to be published only one (1) set of data with appropriate notations showing

26 the differences in the various precincts. If supplemental paper ballots have been

27 approved as provided in KRS 118.215, the **supplemental** paper ballot shall be

1 published at the same time as other material required to be published by this  
2 subsection. The cost of publication shall be paid by the county, except that the cost  
3 of publishing any voting data required to be published by this subsection that is  
4 limited to a city election or a district election other than a school district election  
5 shall be paid by the city or the district as the case may be.

6 (2) "Copy," as used in subsection (1) of this section, means a summary of candidates  
7 and issues to be voted upon showing all the pertinent information that will appear,  
8 upon which the voters will cast their votes at a particular polling place.

9 ➔Section 57. KRS 117.227 is amended to read as follows:

10 Except as otherwise provided, election officers shall confirm the identity of each voter by  
11 proof of identification as defined in Section 29 of this Act~~[KRS 117.375]~~. The election  
12 officer confirming the identity shall sign the precinct voter roster and list the method of  
13 proof of identification.

14 ➔Section 58. KRS 117.228 is amended to read as follows:

15 (1) Except as provided in subsection (4) of this section, on the day of a primary, an  
16 election, or during in-person absentee voting, if a voter is unable to provide proof of  
17 identification as required under KRS 117.225, and as defined under Section 29 of  
18 this Act~~[KRS 117.375]~~, a voter may cast a ballot if the individual:

- 19 (a) Is eligible to vote under KRS 116.025;
- 20 (b) Is entitled to vote in that precinct; and
- 21 (c) In the presence of the election officer, executes a voter's affirmation, on a  
22 form prescribed and furnished by the State Board of Elections pursuant to  
23 administrative regulations promulgated under KRS Chapter 13A, affirming:
- 24 1. The voter is a citizen of the United States;
  - 25 2. The voter's date of birth to the best of the voter's knowledge and belief;
  - 26 3. The voter is qualified to vote in this precinct under KRS 116.025;
  - 27 4. The voter's name, and that the voter is generally known by that name, or

- 1 the name is as stated on his or her voter registration card;
- 2 5. The voter has not voted and will not vote in any other precinct;
- 3 6. The voter's current residential address, including the street address
- 4 number and, if different from the voter's current address, the voter's
- 5 residential address prior to the close of the registration books under KRS
- 6 116.045, and the date the voter moved;
- 7 7. The voter understands that making a false statement on the affirmation is
- 8 punishable under penalties of perjury; and
- 9 8. The voter has one (1) of the following impediments to procure proof of
- 10 identification as defined in Section 29 of this Act~~[KRS 117.375]~~:
- 11 a. Lack of transportation;
- 12 b. Inability to obtain his or her birth certificate or other documents
- 13 needed to show proof of identification;
- 14 c. Work schedule;
- 15 d. Lost or stolen identification;
- 16 e. Disability or illness;
- 17 f. Family responsibilities;
- 18 g. The proof of identification has been applied for, but not yet
- 19 received; or
- 20 h. The voter has a religious objection to being photographed.
- 21 (2) In addition to the requirements of subsection (1) of this section, to cast a ballot, the
- 22 voter who is unable to provide proof of identification shall provide to an election
- 23 officer:
- 24 (a) The voter's Social Security Card;
- 25 (b) Any identification card issued by a county in this state which has the name of
- 26 the voter stated and has been approved in writing by the State Board of
- 27 Elections pursuant to administrative regulations promulgated under KRS



1 Chapter 13A;

2 (c) Any identification card with the voter's photograph and the name of the voter  
3 stated;

4 (d) Any food stamp identification card, electronic benefit transfer card, or  
5 supplemental nutrition assistance card, that is issued by this state and has the  
6 name of the voter stated; or

7 (e) A credit or debit card with the name of the voter stated.

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

12 (4) If the voter is personally known to the election officer, the election officer may  
13 execute an election officer affirmation, on a form prescribed and furnished by the  
14 State Board of Elections pursuant to administrative regulations promulgated under  
15 KRS Chapter 13A, affirming the voter's identification as being personally known to  
16 him or her. Once the affirmation is executed by the election officer, the voter shall  
17 sign the precinct signature roster and shall proceed to cast his or her vote in a ballot  
18 completion area. For purposes of this subsection, "personally known" means that  
19 the election officer knows the voter's name and that the voter is a resident of the  
20 community.

21 (5) The voter affirmation and the election officer affirmations executed under this  
22 section shall be processed in the same manner as an oath of voter affidavit as  
23 prescribed by KRS 117.245(3) and (4).

24 ➔Section 59. KRS 117.229 is amended to read as follows:

25 On the day of a primary, an election, or during in-person absentee voting when a federal  
26 elective office is on the ballot, if a voter is unable to provide proof of identification, as  
27 required under KRS 117.225 and as defined under **Section 29 of this Act**~~[KRS 117.375]~~,

1 or the voter fails to meet the requirements of KRS 117.228, the voter may cast a  
2 provisional ballot for the federal elective office of President, Vice President, United  
3 States Senator, and United States House of Representative if the individual conforms to  
4 the provisional voting requirements in accordance with the Help America Vote Act of  
5 2002.

6 ➔Section 60. KRS 117.245 is amended to read as follows:

- 7 (1) The fact that a person is registered constitutes only prima facie evidence of his or  
8 her right to vote and does not prevent the officers of any election from refusing to  
9 allow him or her to vote for cause.
- 10 (2) When the officers of an election disagree as to the qualifications of a voter or if his  
11 or her right to vote is disputed by a challenger, other than for failure to provide  
12 proof of identification as defined in Section 29 of this Act~~[KRS 117.375]~~, the voter  
13 shall sign a written oath as to his or her qualifications before he or she is permitted  
14 to vote. The oath shall be in such form prescribed and furnished by the State Board  
15 of Elections pursuant to administrative regulations promulgated under KRS Chapter  
16 13A. Twenty (20) printed copies of these oaths shall be included in the election  
17 supplies of each precinct.
- 18 (3) The subscribed oaths shall be returned to the county clerk who shall deliver them to  
19 the Commonwealth's attorney.
- 20 (4) The Commonwealth's attorney and county attorney shall investigate each of the  
21 oaths and cause to be summoned before the grand jury the witnesses they or either  
22 of them, deem proper, and the grand jury shall make a thorough investigation of all  
23 votes so cast, and return indictments against all persons illegally voting. The  
24 foreman of the grand jury shall return to the county clerk all of the oaths upon  
25 which no indictments are found. The county clerk shall safely keep them as a part of  
26 the records of his or her office, and shall produce any or all of them, when required,  
27 to any subsequent grand jury.

1           ➔Section 61. KRS 117.135 is amended to read as follows:

2       When voting equipment is~~[machines are]~~ acquired by any county, the voting  
3 equipment~~[they]~~ shall be immediately placed in the custody of the county clerk, and shall  
4 remain in his custody at all times except when in use at an election or when in the custody  
5 of a court or court officer during contest proceedings. The clerk shall see that the voting  
6 equipment is~~[machines are]~~ properly protected and preserved from damage or  
7 unnecessary deterioration, and shall not permit any unauthorized person to tamper with  
8 the voting equipment~~[machines]~~.

9           ➔Section 62. KRS 118.215 is amended to read as follows:

10       (1) After the order of the names has been determined as provided in KRS 118.225, the  
11 Secretary of State shall certify, to the county clerks of the respective counties  
12 entitled to participate in the nomination or election of the respective candidates, the  
13 name, place of residence, and party of each candidate or slate of candidates for each  
14 office, as specified in the nomination papers or certificates and petitions of  
15 nomination filed with him or her, and shall designate the device with which the  
16 candidate groups, slates of candidates, or lists of candidates of each party shall be  
17 printed, in the order in which they are to appear on the ballot, with precedence to be  
18 given to the party that polled the highest number of votes at the preceding election  
19 for presidential electors, followed by the political party which received the second  
20 highest number of votes, with the order of any other political parties and  
21 independents to be determined by lot. Candidates for county offices and local state  
22 offices shall be listed in the following order: Commonwealth's attorney, circuit  
23 clerk, property valuation administrator, county judge/executive, county attorney,  
24 county clerk, sheriff, jailer, county commissioner, coroner, justice of the peace, and  
25 constable. The names of candidates for President and Vice President shall be  
26 certified in lieu of certifying the names of the candidates for presidential electors.  
27       The names shall be certified as follows:

- 1 (a) Not later than the second Monday after the filing deadline for the primary as  
2 established in KRS 83A.045, 118.165, and 118A.060;
- 3 (b) Not later than the second Monday following the filing deadline for the regular  
4 election, except as provided in paragraph (c) of this subsection; and
- 5 (c) Not later than the Monday after the Friday following the first Tuesday in  
6 September preceding a regular election, for those years in which there is an  
7 election for President and Vice President of the United States.
- 8 (2) Except as otherwise provided in subsection (3) of this section, all independent  
9 candidates or slates of candidates whose nominating petitions are filed with the  
10 county clerk or the Secretary of State shall be listed under the title and device  
11 designated by them as provided in KRS 118.315, or if none is designated, under the  
12 word "independent," and shall be placed on the ballot in a separate column or  
13 columns or in a separate line or lines according to the office which they seek. The  
14 order in which independent candidates or slates of candidates shall appear on the  
15 ballot shall be determined by lot by the county clerk. If the same device is selected  
16 by two (2) groups of petitioners, it shall be given to the first selecting it and the  
17 county clerk shall permit the other group to select a suitable device. This section  
18 shall not apply to candidates for municipal offices which come under subsection (3)  
19 of this section.
- 20 (3) The ballots used at any election in which city officers are to be elected as provided  
21 in subsection (2) of this section shall contain the names of candidates for the city  
22 offices grouped according to the offices they seek, and the candidates shall be  
23 immediately arranged with and designated by the title of office they seek. The order  
24 in which the names of the candidates for each office are to be printed on the ballot  
25 shall be determined by lot. Each group of candidates for each separate office for  
26 which the candidates are to be elected shall be clearly separated from other groups  
27 on the ballot and spaced to avoid confusion on the part of the voter.

- 1 (4) The Secretary of State shall not knowingly certify to the county clerk of any county  
2 the name of any candidate or slate of candidates who has not filed the required  
3 nomination papers, nor knowingly fail to certify the name of any candidate or slate  
4 of candidates who has filed the required nomination papers.
- 5 (5) If the county clerk determines that the number of certified candidates or slates of  
6 candidates cannot be placed on a ballot which can be accommodated by the voting  
7 equipment~~[machines]~~ currently in use by the county, he or she shall so notify the  
8 State Board of Elections not later than the last Tuesday in February preceding the  
9 primary or the last Tuesday in August preceding the regular election. The State  
10 Board of Elections shall meet within five (5) days of the notice, review the ballot  
11 conditions, and determine whether supplemental paper ballots are necessary for the  
12 election. Upon approval of the State Board of Elections, supplemental paper ballots  
13 may be used for nonpartisan candidates or slates of candidates for an office or  
14 offices and public questions submitted for a yes or no vote. All candidates or slates  
15 of candidates for any particular office shall be placed either on the~~[machine]~~ ballot  
16 or on the supplemental paper ballot. Supplemental paper ballots may also be used  
17 to conduct the voting, in the instance of a small precinct as provided in KRS  
18 117.066.
- 19 (6) The ballot position of a candidate or slate of candidates shall not be changed after  
20 the ballot position has been designated by the county clerk.
- 21 ➔Section 63. KRS 118.225 is amended to read as follows:
- 22 (1) For the purpose of determining the order in which the names of candidates or slates  
23 of candidates to be voted for by the electors of the entire state shall be certified and  
24 printed on the ballots with the designation of the respective offices, the Secretary of  
25 State shall prepare lists of the counties of each congressional district of the state.  
26 The Secretary of State shall arrange the surnames of all candidates or slates of  
27 candidates for each office in alphabetical order for the First Congressional District,

1 and the names shall be certified in this order to the county clerks of all the counties  
2 comprising that district. For each succeeding congressional district, taken in  
3 numerical order, the name appearing first for each office in the last preceding  
4 district shall be placed last, and the name appearing second in the last preceding  
5 district shall be placed first, and each other name shall be moved up one (1) place.  
6 The lists shall be certified accordingly.

7 (2) For all other offices for which nomination papers and petitions are filed with the  
8 Secretary of State, the order of names of candidates for each office shall be  
9 determined by lot at a public drawing to be held in the office of the Secretary of  
10 State at 2 p.m., standard time, on the Thursday following the filing deadline for the  
11 primary as established in KRS 83A.045, 118.165, and 118A.060 or the Thursday  
12 following the first Tuesday after the first Monday in June preceding the regular  
13 election.

14 (3) For all offices for which nomination papers and petitions are filed in the office of  
15 the county clerk, the order in which the names of candidates for each office are to  
16 be printed on the ballot shall be determined by lot at a public drawing in the office  
17 of the county clerk at 2 p.m., standard time, on the Thursday following the filing  
18 deadline for the primary as established in KRS 83A.045, 118.165, and 118A.060 or  
19 the Thursday following the first Tuesday after the first Monday in June preceding  
20 the regular election.

21 (4) For all offices for which the deadline for filing nomination papers and petitions is  
22 governed by KRS 83A.165(4)(c) or 118.375(2), the order in which the names of  
23 candidates for each office are to be printed shall be determined by lot at a public  
24 drawing in the office at the place of filing at 2 p.m., standard time, on the Thursday  
25 following the second Tuesday in August preceding the regular election.

26 (5) If the number of certified candidates or slates of candidates cannot be placed on a  
27 ballot which can be accommodated on voting equipment~~[machines]~~ currently in use

1 in the county, the county clerk shall notify the State Board of Elections, as provided  
2 in KRS 118.215.

3 ➔Section 64. KRS 119.205 is amended to read as follows:

4 (1) Any person who makes or offers to make an expenditure to any person, either to  
5 vote or withhold his vote, or to vote for or against any candidate or public question  
6 at an election shall be guilty of a Class D felony.

7 (2) Any person who solicits, accepts, or receives any such expenditure as payment or  
8 consideration for his vote, or the withholding of his vote, or to vote for or against  
9 any candidate or public question at an election shall be guilty of a Class D felony.

10 (3) Any person who makes or offers to make an expenditure to any person to sign a  
11 petition to have a public question placed on the ballot, or any person who solicits,  
12 accepts, or receives any such expenditure as payment or consideration to sign a  
13 petition to have a public question placed on the ballot, shall be guilty of a Class B  
14 misdemeanor.

15 (4) For purposes of this section, "expenditure" means any of the following when  
16 intended as payment or consideration for voting or withholding a vote, voting for or  
17 against any candidate or public question, or signing a petition to have a public  
18 question placed on the ballot:

19 (a) A payment, distribution, loan, advance, deposit, or gift of money or anything  
20 of value; or

21 (b) A contract, promise, or agreement, express or implied, whether or not legally  
22 enforceable, to make a payment, distribution, loan, advance, deposit, or gift of  
23 money or anything of value.

24 "Expenditure," as used in this section, shall not include the distribution of materials  
25 bearing the name, likeness, or other identification of a candidate, political party,  
26 committee, or organization, or position on a public question and not intended as  
27 payment or consideration for voting or withholding a vote, voting for or against any

1 candidate or public question, or signing a petition to have a public question placed  
2 on the ballot.

3 (5) (a) Any ~~candidate or~~ committee as defined in KRS 121.015, other than a  
4 candidate's campaign committee, or any person on a candidate's~~his~~ behalf,  
5 who pays any person, including campaign workers, for the purpose of  
6 transporting voters to the polls on the day of any primary, regular election, or  
7 special~~the~~ election, shall make all payments by check. All payments,  
8 regardless of amount, shall be reported to the Registry of Election Finance in  
9 the manner that the Registry shall provide by administrative regulation  
10 promulgated under KRS Chapter 13A.

11 (b) "Pays" as used in this subsection shall not include reimbursement of  
12 expenses actually incurred.

13 (c) Any person who knowingly violates any requirement of this subsection shall  
14 be guilty of a Class B misdemeanor.

15 (6) (a) No candidate or candidate's campaign committee shall pay any person,  
16 including campaign workers, for the purpose of transporting voters to the polls  
17 on the day of any primary, regular election, or special election.

18 (b) "Pay" as used in this subsection shall not include reimbursement of  
19 expenses actually incurred.

20 (c) Any person who knowingly violates any requirement of this subsection shall  
21 be guilty of a Class B misdemeanor.

22 (Z) In addition to the above provisions, a person may be convicted of a violation of this  
23 section pursuant to KRS 502.020.

24 ➔Section 65. The following KRS sections are repealed:

25 117.381 Requirements for approval.

26 117.387 Absentee voting by electronic system.