

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 116.045 is amended to read as follows:

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

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

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

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

1 license agencies to comply with the provisions of the National Voter Registration  
2 Act of 1993. The Secretary of State shall provide assistance and interpretation to the  
3 Transportation Cabinet in determining the requirements of the National Voter  
4 Registration Act of 1993.

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

12 ➔Section 3. KRS 116.046 is amended to read as follows:

13 (1) The county clerk shall provide voter registration forms ***annually*** to each principal  
14 or assistant principal of every public high school, each area ***technology***  
15 ***center***~~[vocational school]~~, and~~[upon request]~~ private schools, ***and each school***  
16 ***shall have a designated person***~~[who shall designate a person in each school]~~ who  
17 shall be responsible for informing students and school personnel of the availability  
18 of the registration forms and assist them in properly registering. The completed  
19 forms shall be returned to the county clerk, for official registration by the county  
20 clerk.

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

24 (3) The State Board of Education shall implement ***annual*** programs of public education  
25 regarding elections, voting procedures, and election fraud, which shall include an  
26 audio-visual presentation for high school juniors and seniors. The State Board of  
27 Education, after consultation with the State Board of Elections, shall update the

1 public education programs required by this section as relevant statutory changes  
2 occur, as different types of voting systems~~[machines]~~ are used, or as more effective  
3 methods of presentation shall be developed.

4 ➔Section 4. KRS 116.112 is amended to read as follows:

5 (1) The State Board of Elections shall establish a voter registration purge program  
6 using the change-of-address information supplied by the United States Postal  
7 Service through its licensees or other sources to identify voters whose addresses  
8 may have changed.

9 (2) (a) If it appears from information provided by the postal service or other sources  
10 that a voter has moved to a different address in the same county in which the  
11 voter is currently registered, the State Board of Elections shall provide to the  
12 county board of elections the information necessary to change the registration  
13 records to show the new address and the State Board of Elections shall send to  
14 the new address a notice of the change by forwardable mail on a form  
15 prescribed by the State Board of Elections and a postage prepaid, pre-  
16 addressed return form by which the voter may verify or correct the address  
17 information.

18 (b) If the county board of elections requests authorization from the State Board of  
19 Elections to send address confirmation notices as provided in this subsection,  
20 the State Board of Elections shall grant the request.

21 (3) (a) If it appears from information provided by the postal service or other sources  
22 that a voter has moved to a different address not in the same county, the State  
23 Board of Elections shall send to the address from which the voter was last  
24 registered, by forwardable mail, a notice on a form prescribed by the State  
25 Board of Elections, with a postage prepaid and pre-addressed return card on  
26 which the voter may state his current address.

27 (b) If a county board of elections requests authorization from the state board to

1 send address confirmation notices as provided in this subsection, the state  
2 board shall grant the request.

3 (4) The state or county boards of elections shall not remove the name of a voter from  
4 the registration records on the ground that the voter has changed his residence  
5 unless the voter:

6 (a) Confirms in writing that the voter has changed residence to a place outside the  
7 county; or

8 (b) 1. Has failed to respond to the notice described in subsection (3) of this  
9 section; and  
10 2. Has not voted or appeared to vote and, if necessary, correct the  
11 registration records of the voter's address in an election during the period  
12 beginning on the date of the notice and ending on the day after the date  
13 of the second general election for Federal office that occurs after the date  
14 of the notice.

15 If a county board of elections requests authorization from the state board to conduct  
16 purges of voters in its county in accordance with the provisions of this subsection,  
17 the state board shall grant the request.

18 (5) The State Board of Elections shall establish an inactive list of all voters who fail to  
19 respond to the notice described in subsection (3) of this section and do not vote or  
20 appear to vote in an election during the period beginning on the date of the notice  
21 and ending on the day after the date of the second general election for  
22 federal~~Federal~~ office that occurs after the date of the notice. If a county board of  
23 elections requests authorization from the state board to establish an inactive list of  
24 voters for its county, the state board shall grant the request.

25 (6) The State Board of Elections shall complete, not later than ninety (90) days prior to  
26 the date of a primary or regular~~general~~ election, any program the purpose of  
27 which is to systematically remove the names of ineligible voters from the



1 registration records.

2 (7) Voters placed on an inactive list are to be counted only for purposes of voting and  
3 not for purposes of establishing or modifying precincts, calculating the amount of  
4 reimbursement of county clerks by the State Board of Elections for certain election-  
5 related expenses, or reporting official statistics, except as provided by the *Election*  
6 *Assistance*~~[Federal Election]~~ Commission's regulations promulgated pursuant to the  
7 National Voter Registration Act of 1993.

8 (8) (a) The State Board of Elections and county boards of elections shall maintain for  
9 at least two (2) years and shall make available for public inspection and, where  
10 available, photocopying at a reasonable cost, all records concerning the  
11 implementation of programs and activities conducted for the purpose of ensuring  
12 the accuracy and currency of the registration records, except to the extent that the  
13 records relate to the declination to register to vote or the identity of a voter  
14 registration agency through which any particular voter is registered.

15 (b) The records maintained pursuant to paragraph (a) of this subsection shall  
16 include lists of the names and addresses of all persons to whom notices  
17 described in subsection (3) are sent, and information concerning whether each  
18 person has responded to the notice as of the date that inspection of the records  
19 is made.

20 ➔Section 5. KRS 116.113 is amended to read as follows:

21 (1) Upon receipt of notification from the Cabinet for Health and Family Services or  
22 other reliable sources of the death of a person, the State Board of Elections shall  
23 within five (5) days cause the removal of the name of that person from the voter  
24 registration records it maintains, except that no voter's name may be removed  
25 during the period of time the registration books are closed for any primary, general,  
26 or special election.

27 (2) Upon receipt of notification from the circuit clerk that a person has been declared

1 incompetent, the State Board of Elections shall within five (5) days cause the  
2 removal of the name of that person from the voter registration records it maintains,  
3 except that no voter's name may be removed during the period of time the  
4 registration books are closed for any primary, general, or special election.

5 (3) Upon receipt of notification from the Administrative Office of the Courts that a  
6 person has been convicted of a felony offense, the State Board of Elections shall  
7 within five (5) days cause the removal of the name of that person from the voter  
8 registration records it maintains, except that no voter's name may be removed  
9 during the period of time the registration books are closed for any primary, general,  
10 or special election.

11 **(4) Upon receipt of notification from a local or state jurisdiction that a voter has**  
12 **registered to vote in the new local or state jurisdiction outside of the**  
13 **Commonwealth, the State Board of Elections shall within five (5) days cause the**  
14 **removal of the name of that person from the voter registration records that it**  
15 **maintains, except that no voter's name may be removed during the period of time**  
16 **the registration books are closed for any primary, regular election, or special**  
17 **election.**

18 ~~(5)~~~~(4)~~ Following the purge of a name from the records of the State Board of  
19 Elections, the state board shall notify the clerk of the county in which the voter  
20 lived of the action; and the county clerk shall within ten (10) days update the county  
21 voter registration files to reflect the necessary change. If a protest is filed by the  
22 voter, the county board shall hear it at its next regular monthly meeting. If the  
23 county board decides in favor of the protesting voter, the voter's registration record  
24 shall be restored, including his voting record. If the protest is filed while the  
25 registration books are closed and the county board decides in favor of the protesting  
26 voter, the county board shall issue the voter an "Authorization to Vote" for the  
27 upcoming election and the voter's record shall be restored when the registration

1 books open following the election.

2 ➔SECTION 6. A NEW SECTION OF KRS CHAPTER 117 IS CREATED TO  
3 READ AS FOLLOWS:

4 *(1) No person shall knowingly collect, gain possession of, deliver, or exercise control*  
5 *over a mail-in absentee ballot, except for:*

6 *(a) A voter personally casting his or her ballot by means of mail-in absentee*  
7 *ballot;*

8 *(b) An election official engaged in official duties as prescribed in KRS Chapters*  
9 *116 to 120;*

10 *(c) A United States postal service worker or any other person who is allowed by*  
11 *law to transmit United States mail if the worker or other person is engaged*  
12 *in official duties;*

13 *(d) A family member of the voter:*

14 *1. Who shall be related to the voter as set forth in KRS 6.611(16)(a), or*  
15 *as established by marriage, adoption, or legal guardianship; and*

16 *2. Who is designated by the voter to assist in the mail-in absentee voting*  
17 *process;*

18 *(e) A person:*

19 *1. Who shares the same residence of the voter; and*

20 *2. Is designated by the voter to assist in the mail-in absentee voting*  
21 *process; and*

22 *(f) A caregiver:*

23 *1. Who provides medical or healthcare assistance to the voter in a*  
24 *residence, nursing care institution, hospice facility, assisted living*  
25 *center, assisted living facility, assisted living home, residential care*  
26 *institution, adult day healthcare facility, or adult foster home; and*

27 *2. Who is designated by the voter to assist in the mail-in absentee voting*

1 process.

2 (2) For paragraphs (d), (e), and (f) of subsection (1) of this section, the person  
 3 designated by the voter shall not have been:

4 (a) Declared mentally disabled by a court of competent jurisdiction, which  
 5 adjudication has not been set aside; or

6 (b) Convicted of an election law offense whose civil rights have not been  
 7 restored by the Governor.

8 ➔Section 7. KRS 117.035 is amended to read as follows:

9 (1) There shall be a county board of elections, which shall, at the direction and under  
 10 the supervision of the State Board of Elections, administer the election laws and the  
 11 registration and purgation of voters within the county.

12 (2) (a) The board shall consist of the county clerk, the sheriff, and two (2) members  
 13 appointed by the State Board of Elections under paragraph (d) of this  
 14 subsection. Appointments shall occur not later than July 2021, and every  
 15 four (4) years thereafter~~[not later than July 1 following the election of~~  
 16 ~~persons to statewide office,]~~ for a term of four (4) years and until their  
 17 successors are appointed. All appointments under this paragraph shall be  
 18 made no later than July 1 of the year in which the term expires.

19 (b) The sheriff shall not serve on the board during any year in which he or she is a  
 20 candidate, but shall recommend to the board a temporary replacement to serve  
 21 in his or her place. If the sheriff cannot serve because he or she is sick,  
 22 injured, or otherwise incapacitated, he or she may recommend a temporary  
 23 replacement to serve in his or her place until the sheriff may resume his or her  
 24 duties or a vacancy in office is declared.

25 (c) The county clerk may, at his or her option, continue to serve on the board  
 26 during a year in which he or she is a candidate. If the clerk elects not to serve,  
 27 he or she shall recommend a temporary replacement to serve in his or her

1 place. If the county clerk cannot serve because he or she is sick, injured, or  
2 otherwise incapacitated, he or she may recommend a temporary replacement  
3 to serve in his or her place until the county clerk may resume his or her duties  
4 or a vacancy in office is declared.

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

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

1                   vacancy or temporary vacancy shall be of the same political party as his  
2                   or her predecessor.

3           (e) Compensation and payment of actual expenses of members shall be set by the  
4           fiscal court either as an amount payable on an annual basis, or as an amount  
5           payable on a per diem basis of not less than fifteen dollars (\$15) nor more than  
6           one hundred dollars (\$100) for each day the board meets.

7   (3) A majority of the board shall constitute a quorum. The county clerk shall serve as  
8   chair of the meetings and may vote. In case of a tie, the chair may cast an additional  
9   vote. Records shall be kept of all proceedings, and the records shall be public and  
10  kept at the office of the county clerk.

11 (4) The board shall meet as follows:

12       (a) During years in which a primary or regular election is scheduled, the board  
13       shall meet at least once every other month and may meet more frequently if  
14       necessary upon the call of the chair or upon written agreement of two (2) or  
15       more members of the board. The call shall provide notice as prescribed by  
16       KRS 61.823.

17       (b) During years in which no primary or regular election is scheduled, the board  
18       shall meet at the call of the chair or upon written agreement of two (2) or more  
19       members of the board. The call shall provide notice as prescribed by KRS  
20       61.823.

21       (c) The board shall meet and stay in session on primary, regular election, and  
22       special election days to correct clerical errors, to rule on questions regarding  
23       voter registration, ~~and~~ proof of identification, **and the curing of signatures**  
24       **relative to mail-in absentee ballots**, and may make to the election officers  
25       such certifications as may be necessary. On primary, regular election, and  
26       special election days, appeals may be made to a Circuit Judge, but a ruling of  
27       the board shall be reversed only upon a finding that it was arbitrary and

1 capricious.

2 (5) The board may employ, on a bipartisan basis, a staff sufficient to carry out the  
3 duties assigned to the board.

4 ➔Section 8. KRS 117.045 is amended to read as follows:

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

13 (b) If a special election is ordered to be held in a year in which no elections are  
14 scheduled, the county executive committee of each political party in each  
15 county in the territory affected by the special election shall, not later than  
16 twenty-eight (28) days preceding the date of the special election, submit a  
17 written list of nominees for precinct election officers to serve in the special  
18 election in a manner consistent with the provisions of subsection (2) of this  
19 section. The county board of elections in each county in the territory affected  
20 by the special election shall, not later than twenty-one (21) days preceding the  
21 date of the special election, appoint precinct election officers to serve in the  
22 special election in a manner consistent with the provisions of subsections (4),  
23 (5), and (6) of this section.

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



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

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

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

24 (b) If no lists are submitted by the county executive committees under subsection  
25 (2) of this section, the two (2) members of the county board of elections who  
26 are appointed by the State Board of Elections may submit lists; and the county  
27 board of elections shall select the sheriff and one (1) judge from one (1) list

1 and the clerk and the other judge from the remaining list.

2 **(c)** If no lists are submitted **by the county executive committees under subsection**  
3 **(2) of this section, or by the county board of elections under paragraph (b)**  
4 **of this subsection**, the county ~~clerk~~<sup>board</sup> shall select the sheriff and one (1)  
5 judge from the membership of one (1) party and the clerk and the other judge  
6 from the membership of the remaining party. **If no members of one (1) of the**  
7 **two (2) political parties are available or willing to serve as a judge, the**  
8 **county clerk shall select any qualified and registered voter within the county**  
9 **to serve as a judge at a voting place.**

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

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

23 **(f)** **Nothing in this subsection shall prevent the selection of any registered and**  
24 **qualified voter who is not registered with either of the two (2) political**  
25 **parties to serve as a precinct election officer in a precinct in which the**  
26 **officer resides or as otherwise provided in this subsection.**

27 (5) If, after all reasonable efforts have been made, **neither** the county board of elections

1        **nor the county clerk are able**~~[is unable]~~ to find two (2) qualified officers for each  
2        precinct who are affiliated with the two (2) political parties having representation on  
3        the State Board of Elections **or any other qualified and registered voter within the**  
4        **county**, the county board **of elections** shall submit a list of emergency election  
5        officer appointments to the State Board of Elections. The county board **of elections**  
6        shall also present, in writing, its efforts to recruit and appoint election officers as  
7        prescribed in subsection (4) of this section.~~[The list of emergency appointments~~  
8        ~~may include qualified voters not affiliated with the two (2) parties represented on~~  
9        ~~the state board.]~~ The **State Board of Elections**~~[state board]~~, after its review, may  
10       approve any or all of the emergency appointments submitted by the county board **of**  
11       **elections** or may direct the county board to take other action. Any emergency  
12       appointment shall be made for the next ensuing election only.

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

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

23       (8) The State Board of Elections may require the county board of elections to submit its  
24       list of precinct officers for review. The State Board of Elections may, after a  
25       hearing, direct the removal of any election officer who the board finds would not  
26       fairly administer the state election laws. The **State Board of Elections shall provide**  
27       **for the method and manner of the hearing by administrative regulation**

1 *promulgated under KRS Chapter 13A, and*~~[state board]~~ shall replace any officer so  
 2 removed.~~[The board shall provide for the method and manner of the hearing by~~  
 3 ~~administrative regulation.]~~

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

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

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

13 (d) An election officer shall not be the spouse, parent, brother, sister, or child of a  
 14 candidate who is to be voted for at the election in the precinct in which the  
 15 election officer will serve on election day.

16 (e) An election officer shall not have changed his *or her* voter registration party  
 17 affiliation *after December 31 immediately preceding*~~[for one (1) year prior~~  
 18 ~~to]~~ his *or her* appointment *to serve for the primary, or after the second*  
 19 *Tuesday in August to serve for the regular election.*

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

27 (10) If the county board of elections *or the county clerk* fails to appoint election officers,

1 or if any officer is not present at the precinct at the time for commencing the  
 2 election, or refuses to act, and if no alternate is available, the officer in attendance  
 3 representing the political party of the absentee shall appoint a suitable person to act  
 4 in his or her place for that election. If both representatives of the same political  
 5 party are absent, qualified voters present affiliating with that party shall elect, viva  
 6 voce, suitable persons to act in their places.

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

21 ➔Section 9. KRS 117.055 is amended to read as follows:

22 Subject to KRS 117.0551 to 117.0555:

- 23 (1) Each county shall be divided into election precincts by the county board of  
 24 elections. Each election precinct shall be composed of contiguous and, as nearly as  
 25 practicable, compact areas having clearly definable boundaries and wholly  
 26 contained within any larger district. The county board of elections shall establish  
 27 precincts so that no boundary of a precinct crosses the boundary of:

- 1 (a) The Commonwealth;
- 2 (b) A county or urban-county;
- 3 (c) A congressional district;
- 4 (d) A state senatorial district;
- 5 (e) A state representative district;
- 6 (f) A justice of the peace or county commissioner's district established under
- 7 KRS Chapter 67; or
- 8 (g) An aldermanic ward established under KRS 83.440.
- 9 (2) The county board of elections shall have the authority to draw precinct lines so as to
- 10 enable more than one (1) precinct to vote at one (1) location. The county board of
- 11 elections shall review election precinct boundaries as often as necessary. Without
- 12 exception, they shall review the boundaries of all election precincts exceeding seven
- 13 hundred (700) votes cast in the last regular election prior to each primary election,
- 14 and the State Board of Elections may require a written report at least sixty (60) days
- 15 prior to the candidate filing deadline set forth in KRS 118.165(1) and (2) on each
- 16 election precinct exceeding seven hundred (700) votes cast in the last regular
- 17 election. Consideration to the division of said election precincts should be based on
- 18 the anticipated growth factor within the specified boundaries; however, the county
- 19 board of elections shall not be prohibited from dividing election precincts in excess
- 20 of seven hundred (700) votes cast in the last regular election or less than seven
- 21 hundred (700) votes cast in the last regular election if they elect to do so. However,
- 22 the State Board of Elections may, in its discretion, withhold from a county the
- 23 expenses of an election under KRS 117.345 for any precinct containing more than
- 24 one thousand five hundred (1,500) registered voters, excluding those precincts
- 25 utilizing optical scan voting equipment~~[machines]~~ and those periods of time in
- 26 which the precinct boundaries have been frozen under KRS 117.056.
- 27 (3) No election precinct shall be created, divided, abolished, or consolidated or the

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

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

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

19 (6) If the county board of elections fails to perform any of the duties required by KRS  
20 117.055 to 117.0555 and KRS 117.0557:

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

25 (b) The State Board of Elections shall not submit claims for payments to the  
26 county under KRS 117.343 and 117.345 until the State Board of Elections  
27 determines in writing that the duty has been performed.

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

3 ➔Section 10. KRS 117.066 is amended to read as follows:

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

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

21 (a) One **(1)** voting **equipment**~~[machine] may be **used**[utilized] for **more than one**  
22 **(1) precinct if ballots are tabulated for each separate precinct, and if**~~[both~~  
23 ~~precincts if the State Board of Elections certifies that] separate ballots may be~~  
24 ~~placed upon **any**[the] voting **equipment**~~[machine] to be used without~~  
25 ~~endangering the integrity of the ballots or without violating any other election~~  
26 ~~law. Otherwise, separate voting **equipment**~~[machines] shall be used for each~~  
27 ~~precinct. In the instance of a precinct which has a small number of voters such~~~~~~~~



1 that the use of ~~[-a]~~ separate voting equipment~~[machine]~~ would be cost-  
 2 prohibitive, the county clerk may make application to the State Board of  
 3 Elections to use supplemental paper ballots under KRS 118.215 to conduct the  
 4 voting for the small precinct on any primary or election day. If the use of  
 5 supplemental paper ballots is approved by the State Board of Elections, at the  
 6 close of voting on any primary or election day, the locked supplemental paper  
 7 ballot box shall be transported to the county board of elections along with the  
 8 federal provisional ballot receptacle, and ballots shall be counted by the  
 9 county board of elections as provided by KRS 117.275(10) to (14);

10 (b) Separate precinct voter rosters shall be maintained for each precinct, and steps  
 11 shall be taken to ensure~~[insure]~~ that voters cast their ballot in their duly  
 12 authorized precinct; and

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

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

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

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

22 **(c) The number and type of voting systems or voting equipment to be used at**  
 23 **the voting location;**

24 **(d) The number of registered voters in each precinct designated to vote at the**  
 25 **voting location;**

26 **(e) An explanation of the reasons why the consolidation is desirable;**

27 **(f) The plan for additional precinct officers at the voting location, the manner**

1 in which they will be assigned, and whether the voting location will be fully  
 2 staffed with election officials;

3 (g) The plan for how the county clerk will publicize the location for where the  
 4 voting shall occur, in addition to how each location shall be noted  
 5 conspicuously to residents of the county as a "Vote Center"; and

6 (h) The plan for how the voting location will serve as a focal point to meet the  
 7 needs of a diverse community.

8 (4) If the petition submitted under subsection (3) of this section is approved by the  
 9 State Board of Elections, the precinct election officers designated to serve as  
 10 election officers for more than one (1) precinct shall meet the eligibility  
 11 requirements of Section 8 of this Act.

12 ➔Section 11. KRS 117.085 is amended to read as follows:

13 (1) (a) All requests for a mail-in absentee ballot shall be requested through a  
 14 secure online portal established by the State Board of Elections, except for:

15 1. Voters identified in KRS 117.077;

16 2. Disabled voters; and

17 3. Covered voters in paragraph (i) of this subsection;

18 who have the additional option of requesting a mail-in absentee ballot  
 19 application through the county clerk.

20 (b) Acquiring a mail-in absentee ballot by means of the online portal shall  
 21 require the voter to input personally identifiable information for  
 22 verification.

23 (c) For those voters who do not have the means of accessing the online portal,  
 24 the county clerk shall fulfill a request for a mail-in absentee ballot by taking  
 25 the voter's information over the telephone or in person and directly  
 26 inputting that information into the secure online portal.

27 (d) The online portal shall have the capacity to ensure the identity of the voter

1 through proof of identification as required under Section 30 of this Act or  
 2 by means of Section 31 of this Act.

3 (e) If a voter qualifies to receive a mail-in absentee ballot, the online portal  
 4 shall transmit the mail-in absentee ballot request to the county clerk of the  
 5 county in which the voter is registered to vote.

6 (f) The online portal shall not be open or permit any mail-in ballot requests to  
 7 occur more than forty-five (45) days immediately preceding the day of a  
 8 primary or an election. The online portal shall close at 11:59 p.m. local  
 9 time, fourteen (14) days immediately preceding the day of a primary or an  
 10 election. ~~[All requests for an application for a mail-in absentee ballot may be~~  
 11 ~~transmitted by telephone, facsimile machine, by mail, by electronic mail, or in~~  
 12 ~~person. The county clerk shall transmit all applications for a mail-in absentee~~  
 13 ~~ballot to the voter by mail, electronic mail, or in person at the option of the~~  
 14 ~~voter, except as provided in paragraph (b) of this subsection.]~~

15 (g) Except as otherwise provided in KRS 117.077, the mail-in absentee ballot~~[~~  
 16 ~~application]~~ may be requested by the voter or the spouse, parents, or children  
 17 of the voter, but shall be restricted to the use of the voter.

18 (h)~~(a)~~ Except as otherwise provided in KRS 117.077 and covered voters in  
 19 paragraph (i) of this subsection, a qualified voter may apply to cast his or her  
 20 vote by mail-in absentee ballot if the completed application is received  
 21 fourteen (14) days~~[not later than the close of business hours seven (7) days]~~  
 22 before the election, and if the voter is:

- 23 1. A resident of Kentucky who is a covered voter as defined in KRS  
 24 117A.010;
- 25 2. A student who temporarily resides outside the county of his or her  
 26 residence;
- 27 3. Incarcerated in jail and charged with a crime, but has not been convicted

1 of the crime;

2 4. Changing or has changed his or her place of residence to a different state  
3 while the registration books are closed in the new state of residence  
4 before an election of electors for President and Vice President of the  
5 United States, in which case the voter shall be permitted to cast a mail-in  
6 absentee ballot for electors for President and Vice President of the  
7 United States only;

8 5. Temporarily residing outside the state but still eligible to vote in this  
9 state;

10 6. Prevented from voting in person at the polls on election day and from  
11 casting an in-person absentee ballot~~[in the county clerk's office]~~ on all  
12 days in-person absentee voting is conducted because his or her  
13 employment location requires him or her to be absent from the county of  
14 his or her residence all hours and all days in-person absentee voting is  
15 conducted~~[in the county clerk's office]~~;

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

18 8. Not able to appear at the polls on election day **or the days in-person**  
19 **absentee voting is conducted** on the account of age, disability, or illness,  
20 and who has not been declared mentally disabled by a court of  
21 competent jurisdiction.

22 ~~(i)(b)~~ Residents of Kentucky who are covered voters as defined in KRS  
23 117A.010 may apply for a mail-in absentee ballot by means of the federal  
24 post-card application, which may be transmitted to the county clerk's office by  
25 mail, by 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 **(j) Any voter who is disabled may use an accessible mail-in absentee ballot**  
 5 **portal to request a mail-in absentee ballot, the standards of which shall be**  
 6 **set by the State Board of Elections pursuant to administrative regulations**  
 7 **promulgated under KRS Chapter 13A.**

8 ~~(2)(c)~~ In-person absentee voting shall be conducted in the county clerk's office or  
 9 other place designated by the county board of elections and approved by the State  
 10 Board of Elections during normal business hours **on the Thursday, Friday, and**  
 11 **Saturday immediately preceding the day of a primary or an election. Any voter**  
 12 **who is qualified to vote on election day in the county of his or her residence may**  
 13 **choose to cast an in-person absentee ballot while in-person absentee voting is**  
 14 **being conducted during the days listed in this subsection.**~~[for at least the twelve~~  
 15 ~~(12) working days before the election. A county board of elections may permit in-~~  
 16 ~~person absentee voting to be conducted on a voting machine for a period longer~~  
 17 ~~than the twelve (12) working days before the election.~~

18 ~~(d) A qualified voter may, at any time during normal business hours on those days in-~~  
 19 ~~person absentee voting is conducted in the county clerk's office, make application in~~  
 20 ~~person to the county clerk to vote on a voting machine in the county clerk's office or~~  
 21 ~~other place designated by the county board of elections and approved by the State~~  
 22 ~~Board of Elections,] **The voter who elects to vote in-person absentee shall**~~  
 23 **provide**~~[if the voter provides]~~ proof of identification as defined in **Section 41 of this**  
 24 **Act**~~[KRS 117.375] or **meet**~~~~[meets]~~ the requirements of KRS 117.228 and 117.229,  
 25 and the voter:

26 1. ~~Is a resident of Kentucky who is a covered voter as defined in KRS~~  
 27 ~~117A.010, who will be absent from the county of his or her residence on~~

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

1 ~~to vote on a voting machine in the county clerk's office or other place~~  
 2 ~~designated by the county board of elections and approved by the State Board~~  
 3 ~~of Elections, up to the close of normal business hours on the day before the~~  
 4 ~~election.~~

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

24 ~~(3)(g)~~ The members of the county board of elections or their designees who provide  
 25 equal representation of both political parties may serve as precinct election officers,  
 26 without compensation, for all in-person absentee voting conducted~~performed on a~~  
 27 ~~voting machine in the county clerk's office or other place designated by the county~~

1 ~~board of elections and approved by the State Board of Elections].~~ If the members of  
2 the county board of elections or their designees serve as precinct election officers  
3 for ~~the~~ in-person absentee voting, they shall perform the same duties and exercise  
4 the same authority as precinct election officers who serve on the day of an election.  
5 If the members of the county board of elections or their designees do not serve as  
6 precinct election officers for in-person absentee voting, the county clerk or deputy  
7 county clerks shall supervise the in-person absentee voting.

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

14 ~~(5)(2)~~ **For those voters who are eligible to receive a mail-in absentee ballot by**  
15 **means other than the secure online portal pursuant to subsection (1) of this**  
16 **section,** the county clerk shall type the name of the voter permitted to vote by mail-  
17 in absentee ballot on the mail-in absentee ballot application ~~form~~ for that person's  
18 use and no other. The mail-in absentee ballot application ~~form~~ shall be in the form  
19 prescribed by the State Board of Elections, which shall include the voter affirmation  
20 form as prescribed in KRS 117.228(1)(c)~~, shall bear the seal of the county clerk,~~  
21 and shall contain the following information: name, residential address, precinct,  
22 party affiliation, statement of the reason the person cannot vote in person on  
23 election day, statement of where the voter shall be on election day, statement of  
24 compliance with residency requirements for voting in the precinct, an instructional  
25 statement prescribing the requirements for providing a copy of the voter's proof of  
26 identification or voter affirmation when applicable, and the voter's mailing address  
27 for a mail-in absentee ballot. The mail-in absentee ballot application form shall be



1 verified and signed by the voter, and the voter shall provide a copy of his or her  
 2 proof of identification, as defined in Section 41 of this Act~~[KRS 117.375]~~, or the  
 3 executed voter affirmation as described in KRS 117.228(1)(c). A notice of the  
 4 actual penalty provisions in KRS 117.995(2) and (5) shall be printed on the mail-in  
 5 absentee ballot application form.

6 ~~(6)~~~~(3)~~ ~~—(a)~~ *For those voters eligible to receive a mail-in absentee ballot,* if the  
 7 county clerk finds that the voter *has completed and submitted an application for a*  
 8 *mail-in absentee ballot as provided in this section,* is properly registered as stated  
 9 in his or her mail-in absentee ballot application,~~[form]~~ and qualifies to receive a  
 10 mail-in absentee ballot by mail, *the county clerk*~~[he or she]~~ shall mail to the voter a  
 11 mail-in absentee ballot, two (2) official envelopes for returning the mail-in absentee  
 12 ballot, and instructions for voting.

13 ~~(7)~~~~(b)~~ *Mail-in absentee ballots shall be mailed to a voter's residential address*  
 14 *located in the county in which the voter is registered, except for:*

15 *(a) Qualified voters who apply pursuant to the requirements of paragraph (h)1.*  
 16 *to 6. of subsection (1) of this section; or*

17 *(b) Qualified voters covered under KRS 117.077.*

18 ~~(8)~~ The county clerk shall:

19 *(a) Transmit a mail-in absentee ballot to the voter who is eligible to receive a*  
 20 *mail-in absentee ballot within four (4) days of receipt or within four (4)*  
 21 *days of the ballots being available;*

22 *(b) Cause mail-in absentee ballots to be printed fifty (50) days prior to each*  
 23 *primary or regular election, and forty-five (45) days prior to a special*  
 24 *election; and*

25 *(c) Complete a postal form for a certificate of mailing for mail-in absentee ballots*  
 26 *mailed within the fifty (50) states, and it shall be stamped by the postal service*  
 27 *when the mail-in absentee ballots are mailed. Unless a postal form for a*

1           *certificate of mailing is required, the county clerk may use methods of*  
 2           *tracking the mail-in absentee ballots by means of a printed barcode or other*  
 3           *label that is unique to the individual voter issued by the State Board of*  
 4           *Elections pursuant to administrative regulations promulgated under KRS*  
 5           *Chapter 13A.*

6     (9) A mail-in absentee ballot may be transmitted by facsimile machine or by the  
 7     electronic transmission system established under KRS 117A.030(4) to a covered  
 8     voter as defined in KRS 117A.010. The covered voter shall be notified of the  
 9     options for transmittal of the mail-in absentee ballot, and the mail-in absentee ballot  
 10    shall be transmitted by the method chosen for receipt by the resident of Kentucky  
 11    who is a covered voter.

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

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

22   (10)~~[(6)]~~ The outer envelope *of the mail-in absentee ballot* shall bear the words  
 23    "Absentee Ballot", ~~and~~ the address and official title of the county clerk, *a printed*  
 24    *barcode or other label that is unique to the individual voter issued by the State*  
 25    *Board of Elections,* and *adequate*~~[shall provide]~~ space for the voter's signature,  
 26    voting address, precinct number, and signatures of two (2) witnesses if the voter  
 27    signs the form with the use of a mark instead of the voter's signature. A detachable

1 flap on the secrecy envelope shall provide space for the voter's signature, voting  
2 address, precinct number, signatures of two (2) witnesses if the voter signs the form  
3 with the use of a mark instead of the voter's signature and notice of penalty provided  
4 in KRS 117.995(5). The county clerk shall type the voter's address and precinct  
5 number in the upper left hand corner of the outer envelope and of the detachable  
6 flap on the secrecy envelope immediately below the blank space for the voter's  
7 signature. The secrecy envelope shall be blank. ***If applicable,*** the county clerk shall  
8 retain the voter's mail-in ballot application~~[-form]~~, which shall include the  
9 photographed copy of the voter's proof of identification or the voter affirmation as  
10 prescribed by KRS 117.228(1)(c), and the postal form required by subsection  
11 ~~(8)~~~~(3)~~ of this section for twenty-two (22) months after the primary or election.

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

25 ~~(12)~~~~(8)~~ Any voter qualified for a mail-in absentee ballot who does not receive a  
26 requested mail-in absentee ballot within a reasonable amount of time shall contact  
27 the county clerk, who shall reissue a second mail-in absentee ballot. The county

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

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

26 **(14) The State Board of Elections shall promulgate administrative regulations to:**

27 **(a) Ensure election officials have real-time knowledge of which voters have**

1                    requested mail-in absentee ballots; and  
 2                    (b) Provide procedures to be followed if a voter attempts to vote more than once  
 3                    at a primary or an election.

4 ~~(15)~~~~(10)~~ Notwithstanding the provisions of the Kentucky Open Records Act, KRS  
 5 61.870 to 61.884, and except for when the identification of the voter is provided to  
 6 the county board of elections under Section 14 of this Act, the information  
 7 contained in an application for a mail-in absentee ballot shall not be made public  
 8 until after the close of business hours on the election day for which the application  
 9 applies. Except for necessary election officials and for election-related duties as  
 10 prescribed by law, the name of the person who votes by means of a mail-in  
 11 absentee ballot shall not be disclosed. This subsection shall not prohibit at any time  
 12 the disclosure, upon request, of the total number of applications for mail-in absentee  
 13 ballots that have been filed, or the disclosure to the Secretary of State or the State  
 14 Board of Elections, if requested or if otherwise required by law, of any information  
 15 in an application for a mail-in absentee ballot.

16                    ➔Section 12. KRS 117.086 is amended to read as follows:

- 17 (1) (a) The voter returning his or her absentee ballot to the county clerk by mail,  
 18 hand delivery, or to a secure drop-box or receptacle, shall mark his or her  
 19 ballot, seal it in the secrecy envelope, and then seal the outer envelope~~, and~~  
 20 ~~mail it to the county clerk as provided in this chapter.~~
- 21 (b) The voter shall sign the detachable flap and the outer envelope in order to  
 22 validate the ballot. A person having power of attorney for the voter and who  
 23 signs the detachable flap and outer envelope for the voter shall complete the  
 24 voter assistance form as required by KRS 117.255. The signatures of two (2)  
 25 witnesses are required if the voter signs the form with the use of a mark  
 26 instead of the voter's signature. A resident of Kentucky who is a covered voter  
 27 as defined in KRS 117A.010 who has received an absentee ballot transmitted

1 by facsimile machine or by means of the electronic transmission system  
 2 established under KRS 117A.030(4) shall transmit the voted ballot to the  
 3 county clerk by mail only, conforming with ballot security requirements that  
 4 may be promulgated by the State Board of Elections by administrative  
 5 regulation under KRS Chapter 13A. In order to be counted, all mail-in  
 6 absentee~~[the]~~ ballots shall be received by the county clerk no later than~~[by at~~  
 7 ~~least]~~ the time established by the election laws generally for the closing of the  
 8 polls, which time shall not include the extra hour during which those voters  
 9 may vote who were waiting in line to vote at the scheduled poll closing time.

10 **(2) (a) The county clerk shall provide a minimum of one (1) secure ballot drop-box**  
 11 **to receive voted mail-in absentee ballots for each primary, regular election,**  
 12 **or special election. Public notice of all secure ballot drop-box locations**  
 13 **shall be given in the same manner as provided under subsection (5) of this**  
 14 **section, and posted to the Web site of the county clerk.**

15 **(b) The county board of elections may seek the State Board of Elections'**  
 16 **approval of a ballot receptacle to receive voted mail-in absentee ballots for**  
 17 **each primary, regular election, or special election. Public notice of all**  
 18 **secure ballot receptacle locations shall be given in the same manner as**  
 19 **provided under subsection (5) of this section, and posted to the Web site of**  
 20 **the county clerk. Before any mail-in absentee ballot shall be allowed to be**  
 21 **deposited inside a receptacle, the county board of elections shall inform the**  
 22 **State Board of Elections of:**

- 23 **1. The number of receptacles to be used;**
- 24 **2. The type of each receptacle to be used; and**
- 25 **3. The receptacle location.**

26 **(c) Any drop-box or receptacle located outside of the county clerk's office shall**  
 27 **be:**

1           1. Placed in a well-lit and easily accessible location;

2           2. Secured to ensure immobility while in use;

3           3. Under video surveillance at all times;

4           4. Tamper resistant; and

5           5. Conspicuously noted as a mail-in absentee ballot drop-off location.

6           (d) A drop-box or receptacle located inside the county clerk's office shall be  
7           under direct supervision of the staff of the county clerk at all times and be  
8           accessible to the public.

9           (e) Each receptacle or drop-box shall be emptied by the county clerk and at  
10           least one (1) member of the county board of elections who is not of the same  
11           political affiliation as the county clerk at least once each business day or  
12           more frequently, as needed, to reasonably secure and accommodate the  
13           volume of the voter-delivered mail-in absentee ballots. The ballots deposited  
14           in the drop-box or receptacle shall be removed with a record of the date and  
15           time ballots were removed, and the names of the persons removing them. If  
16           the drop-box or receptacle is located outside the county clerk's office, the  
17           ballots shall be returned to the county clerk in locked transport containers,  
18           and the county clerk shall transfer the ballots upon receipt in accordance  
19           with subsection (7) of this section.

20           (f) Except for those times ballots are being removed and transported from a  
21           secure ballot drop box to the county clerk as provided in this subsection, the  
22           county clerk and at least one (1) member of the county board of elections  
23           who is not of the same political affiliation as the county clerk shall retain  
24           the keys to all secure ballot drop-boxes, receptacles, and transport  
25           containers in use in the county.

26           (g) The State Board of Elections may establish additional security measures  
27           and procedures for the use of the ballot drop-box or receptacle through

1                    **administrative regulations promulgated under KRS Chapter 13A.**

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

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

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

21          (c) Any voter qualifying to vote ~~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,~~ who is unable to provide proof of identification as defined in  
24          **Section 41 of this Act** ~~[KRS 117.375]~~, may cast an in-person absentee ballot or  
25          federal provisional in-person absentee ballot in accordance with KRS 117.228  
26          or 117.229.

27     ~~(4)~~~~(3)~~ When the county clerk uses general voting equipment as provided for in



1 subsection ~~(3)~~~~(2)~~ of this section, each voter casting his or her vote in-person  
2 absentee~~at the county clerk's office or other place designated by the county board~~  
3 ~~of elections, and approved by the State Board of Elections~~, shall sign an "In-  
4 Person Absentee Ballot Signature Roster."

5 ~~(5)~~~~(4)~~ The county clerk shall designate a location within the clerk's~~his or her~~ office  
6 where the ballots shall be cast secretly. The county clerk, with the approval of the  
7 State Board of Elections, may establish locations other than the clerk's~~his or her~~  
8 main office in which the voters may execute their ballots. Public notice of the  
9 locations shall be given pursuant to KRS Chapter 424, and similar notice by mail  
10 shall be given to the county chairs of the two (2) political parties whose candidates  
11 polled the largest number of votes in the county at the last regular election.

12 ~~(6)~~~~(5)~~ The State Board of Elections shall promulgate administrative regulations  
13 under KRS Chapter 13A to provide for casting ballots in accordance with  
14 subsection ~~(3)~~~~(2)~~ of this section.

15 ~~(7)~~~~(6)~~ Upon receipt of a mail-in ballot, the county clerk shall scan the barcode or  
16 label that is unique to the individual voter to note the receipt of the mail-in  
17 absentee ballot, deposit all of the mail-in absentee ballots in a locked ballot box  
18 immediately upon receipt without opening the outer envelope. The ballot box shall  
19 be locked with three (3) locks. The keys to the box shall be retained by at least~~the~~  
20 three (3) members of the central absentee ballot counting board, if one is appointed,  
21 or by the members of the board of elections, and the box shall remain locked until  
22 the ballots are processed, reviewed or counted under Section 14 of this Act. All  
23 voting equipment on which ballots are cast as permitted in subsection ~~(3)~~~~(2)~~ of  
24 this section shall also remain locked and the keys shall be retained by at least~~the~~  
25 three (3) members of the central absentee ballot counting board, if one is appointed,  
26 or by the members of the board of elections, and the equipment shall remain locked  
27 until the ballots are counted.

1 ~~(8)~~~~(7)~~ The county clerk shall keep separate lists for each election of all persons who:

2 (a) Return their ***mail-in*** absentee ballots~~[by mail]~~;

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

6 (c) Cast their federal provisional in-person absentee ballots under subsection  
7 ~~(3)~~~~(2)~~(c) of this section.

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

18 ~~(9)~~~~(8)~~ The county board of elections shall report to the State Board of Elections  
19 within ten (10) days after any primary or regular election as to the number of  
20 rejected absentee ballots, including rejected mail-in absentee ballots and ballots cast  
21 under subsection ~~(3)~~~~(2)~~ of this section, and the reasons for rejecting the ballots on  
22 a form prescribed and furnished by the State Board of Elections in administrative  
23 regulations promulgated under KRS Chapter 13A.

24 ➔Section 13. KRS 117.0863 is amended to read as follows:

25 (1) Except for those voters who have been certified as requiring assistance in voting on  
26 a permanent or annual basis, any person voting by means of a mail-in absentee  
27 ballot or ***in-person absentee ballot***~~[on the voting machine in the county clerk's~~

1 ~~office or other place designated by the county board of elections, and approved by~~  
 2 ~~the State Board of Elections, as provided in this chapter]~~ who receives assistance in  
 3 voting shall be required to complete the voter assistance form required by KRS  
 4 117.255.

5 (2) Any person who assists another person in voting by use of an mail-in absentee  
 6 ballot or **in-person absentee ballot**~~[on a voting machine in the county clerk's office~~  
 7 ~~or other place designated by the county board of elections, and approved by the~~  
 8 ~~State Board of Elections,]~~ shall complete the voter assistance form required by KRS  
 9 117.255.

10 (3) The detachable flap on all mail-in absentee ballot envelopes shall have printed upon  
 11 it the voter assistance form required by KRS 117.255,~~[as well as a]~~ notice of the  
 12 penalty for failure to complete the form, **and notice of the penalty under KRS**  
 13 **117.0865.**

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

17 ➔Section 14. KRS 117.087 is amended to read as follows:

18 (1) The challenge of **a mail-in**~~[an]~~ absentee ballot~~[returned by mail]~~ shall be in writing  
 19 and in the hands of the county clerk before 8 a.m. on **the day preceding any**  
 20 **primary, regular election, or special** election day.

21 (2) The county board of elections~~[shall count the absentee ballots returned by mail and~~  
 22 ~~the votes cast on the voting machine in the county clerk's office or other place~~  
 23 ~~designated by the county board of elections and approved by the State Board of~~  
 24 ~~Elections. Federal provisional in-person absentee ballots shall be processed in~~  
 25 ~~accordance with KRS 117.229. The board]~~ may appoint a central ballot counting  
 26 board of not less than three (3) members, who shall be qualified voters and no more  
 27 than two-thirds (2/3) of whom shall be members of the same political party, to

1        process, review, and count the ballots at the direction of the county board of  
2 elections.

3        (3) (a) Beginning at 8 a.m. on any primary, regular election, or special election day,  
4 the county board of elections or central counting board shall meet at the  
5 county clerk's office to process and review~~[-count]~~ the mail-in absentee  
6 ballots returned~~[- by mail and the ballots cast on the voting machine in the~~  
7 ~~county clerk's office or other place designated by the county board of elections~~  
8 ~~and approved by the State Board of Elections]~~. Candidates or their  
9 representatives shall be permitted to be present. The county board of  
10 elections or central counting board may meet up to fourteen (14) days prior  
11 to the day of a primary or election to review and process the mail-in  
12 absentee ballots cast in the county. No person shall publicize any tallies or  
13 counts of these ballots, or any partial election results, until 6 p.m. local  
14 time, on the day of a primary or an election. The county board of elections  
15 or central counting board shall meet as often as necessary during these  
16 fourteen (14) days to process and review returned mail-in absentee ballots,  
17 including expediting any signature cures.

18        (b) The county board of elections or counting board chair or the chair's  
19 designee shall provide each board member with a list of all voters who have  
20 returned a mail-in absentee ballot by mail. If a list of all voters who have  
21 returned a mail-in absentee ballot by mail is not provided to the board, the  
22 name of each voter who cast an absentee ballot by mail shall be read aloud.

23        The county board of elections shall authorize representatives of the news  
24 media to observe the processing and review~~[-counting]~~ of the ballots to  
25 determine their acceptance or rejection.

26        (c) Acceptance or rejection of the mail-in absentee ballots shall be determined  
27 as follows:

- 1           **1.** The county board of elections or the central counting board shall open  
 2 the boxes containing absentee ballots returned by mail, hand delivered,  
 3 or deposited in a drop box or receptacle, and remove the envelopes one  
 4 (1) at a time. All mail-in absentee ballots returned shall have their  
 5 barcode or unique label scanned to note official receipt;[-]
- 6           **2.** As each envelope is removed, it shall be examined to ascertain whether  
 7 the outer envelope and the detachable flap are in proper order and have  
 8 been signed by the voter, except if:[-]
- 9           **a.** ~~[A person having power of attorney for the voter and who signs~~  
 10 ~~]The detachable flap and outer envelope for the voter~~ have been  
 11 signed by a person having power of attorney for the voter, and  
 12 that person has completed~~[- shall complete]~~ the voter assistance  
 13 form required by KRS 117.255; or[-]
- 14           **b.** The voter has signed the detachable flap and outer envelope with  
 15 the use of a mark instead of the voter's signature, the county  
 16 board of elections or the central counting board shall verify that  
 17 the mark was made in the presence~~[- signatures]~~ of two (2)  
 18 witnesses; ~~[- are required if the voter signs the form with the use of~~  
 19 ~~a mark instead of the voter's signature.]~~
- 20           **3.** Ballots with unsigned detachable flaps or outer envelopes~~[- All~~  
 21 ~~unsigned mail-in absentee ballots]~~ shall be rejected automatically; ~~[-]~~
- 22           **4.** Ballots that have not been sent by the county clerk to a qualified voter,  
 23 but are received by the county board of elections or the central  
 24 counting board shall be rejected automatically;
- 25           **5.** The members~~[- chair]~~ of the county board of elections, or the members of  
 26 the central counting board, shall compare the signatures on the outer  
 27 envelope and~~[-]~~ the detachable flap with the signature of the voter that

1 appears on the voter's signature of record, which record shall include  
 2 the signature on the voter's identity document as defined in KRS  
 3 186.010, the voter's mail-in absentee ballot application, or the voter's  
 4 registration card. If a signature match cannot be made, the county  
 5 board of elections, central counting board, or the county clerk shall  
 6 make a reasonable effort to contact the voter and provide notice to the  
 7 voter with a timeframe and manner in which the voter may cure his or  
 8 her signature relative to the mail-in absentee ballot signature. All  
 9 signature cures shall be completed before the closing of the polls on  
 10 the day of a primary or an election;

11 6. If the outer envelope and the detachable flap are found to be in order, the  
 12 members of the county board of elections or the members of the  
 13 central counting board shall verify the voter's name from the list of  
 14 persons who were sent mail-in absentee ballots, but if a list has not  
 15 been provided to the board, the name of the voter shall be read  
 16 aloud;~~[chair shall read aloud the name of the voter.]~~

17 7. If the vote of the voter is not rejected on a challenge~~[then made]~~ as  
 18 provided in subparagraph 8. of this paragraph or as otherwise  
 19 provided in this subsection~~[subsection (4) of this section]~~, the members  
 20 of the county board of elections or the members of the central  
 21 counting board~~[chair]~~ shall remove the detachable flap and place the  
 22 secrecy envelope unopened in a ballot box which has been provided for  
 23 the purpose;~~[.]~~

24 8.~~[(4)]~~ When the name of a voter who cast a mail-in absentee ballot is  
 25 processed and reviewed~~[read aloud]~~ by the members of the county  
 26 board of elections or the members of the central counting  
 27 board~~[chair]~~, the vote of the voter may be challenged by any board

1 member or by the written challenge provided in subsection (1) of this  
 2 section and the challenge may be determined and the vote accepted or  
 3 rejected by the board as if the voter was present and voting in person;  
 4 but if the outer envelope and the detachable flap are regular, and each  
 5 substantially comply with the provisions of this chapter, they shall be  
 6 considered as showing that the voter is prima facie entitled to vote. If the  
 7 vote of a voter is rejected pursuant to the challenge, the secrecy envelope  
 8 shall not be opened, but returned to the outer envelope upon which the  
 9 chair or member shall write on the envelope the word "rejected[-]";

10 9. If irregularities are discovered in the review and processing of the  
 11 mail-in absentee ballot, the county board of elections or the central  
 12 counting board shall immediately report to the county attorney or the  
 13 Office of the Attorney General; and

14 10. The ballot box into which all accepted mail-in absentee ballots are  
 15 placed shall be locked with three (3) locks and the keys to the box shall  
 16 be retained by at least three (3) members of the central counting  
 17 board, if one (1) has been appointed, or by the members of the county  
 18 board of elections. The box shall remain locked until the ballots are  
 19 counted.

20 (d) The State Board of Elections shall promulgate administrative regulations  
 21 under KRS Chapter 13A establishing the form of the notice required under  
 22 this subsection for the curing of signatures.

23 (4) (a) Beginning at 8 a.m. local time on any primary, regular election, or special  
 24 election day, the county board of elections or a central counting board, shall  
 25 meet in the county clerk's office to:

26 1. Review and process any mail-in absentee ballots returned using the  
 27 procedures in subsection (3) of this section; and

1            2. Count, or the county board of elections may oversee the count by the  
 2            central counting board, the accepted mail-in absentee ballots and total  
 3            and record the in-person absentee votes cast.

4            (b) During the review, processing, and counting of the absentee ballots and  
 5            votes, candidates or their representatives shall be permitted to be present,  
 6            and the county board of elections shall authorize representatives of the news  
 7            media to observe.

8            (c) No person shall publicize any tallies or counts of these ballots, or any  
 9            partial election results, until 6 p.m. local time, on the day of a primary or an  
 10           election.

11 (5) After the challenges have been made and all the blank secrecy envelopes have been  
 12 placed in a ballot box, the box shall be thoroughly shaken or shuffled to redistribute  
 13 the absentee ballots in the box to ensure secrecy of the vote. The board shall open  
 14 the ballot box, remove the absentee ballots from the secrecy envelopes, and count  
 15 the ballots.

16 (6) The board shall unlock any voting equipment used to cast in-person absentee  
 17 ballots~~[ in the county clerk's office or other place designated by the county board of~~  
 18 ~~elections, and approved by the State Board of Elections]~~, as provided for in KRS  
 19 117.086, and a total of all in-person absentee ballots shall be made and recorded on  
 20 the form provided by the State Board of Elections.

21 (7) The county board of elections, the county clerk, and all individuals permitted to be  
 22 present for the counting of absentee ballots pursuant to subsection ~~(4)~~~~(2)~~ of this  
 23 section shall not make public the absentee ballot results determined as provided in  
 24 this section until~~[ after]~~ 6 p.m. prevailing time on the day of a primary or an  
 25 election.

26 ➔Section 15. KRS 117.088 is amended to read as follows:

27 (1) For purposes of this section, "blind or visually impaired individual" means an



- 1 individual who:
- 2 (a) Has a visual acuity of 20/200 or less in the better eye with correcting lenses or  
3 has a limited field of vision so that the widest diameter of the visual field  
4 subtends an angle no greater than twenty (20) degrees;
- 5 (b) Has a medically indicated expectation of visual deterioration;
- 6 (c) Has a medically diagnosed limitation in visual functioning that restricts the  
7 individual's ability to read and write standard print at levels expected of  
8 individuals of comparable ability;
- 9 (d) Has been certified as requiring permanent assistance to vote under KRS  
10 117.255(5) for reason of blindness; or
- 11 (e) Qualifies to receive assistance to vote under KRS 117.255(2) for reason of  
12 blindness.
- 13 (2) For purposes of this section, "pilot program" means a program in a county  
14 containing a consolidated local government or containing a city of the first class for  
15 unassisted voting by blind or visually impaired individuals.
- 16 (3) A county board of elections in a county containing a consolidated local government  
17 or containing a city of the first class may establish a pilot program. As part of this  
18 pilot program, the State Board of Elections shall approve the use of voting  
19 equipment under KRS 117.379 that is designed to permit blind and visually  
20 impaired individuals to vote without assistance, for use beginning in the 2002  
21 general election. No county board of elections in a county containing a consolidated  
22 local government or containing a city of the first class shall be required to operate a  
23 pilot program.
- 24 (4) The State Board of Elections, if it approves the voting equipment under KRS  
25 117.379, may approve the use of voting equipment designed to permit blind and  
26 visually impaired individuals to vote without assistance in as many locations within  
27 a county containing a consolidated local government or containing a city of the first

1 class as are designated by the county board of elections.

2 (5) A county board of elections in a county containing a consolidated local government  
3 or containing a city of the first class shall provide a report to the State Board of  
4 Elections after every primary or regular~~general~~ election regarding the number of  
5 blind or visually impaired individuals that have utilized the voting equipment  
6 during the pilot program.

7 (6) Notwithstanding the provisions of KRS 116.025, or any other statute to the  
8 contrary, a blind or visually impaired voter residing in a county containing a  
9 consolidated local government or containing a city of the first class that is operating  
10 a pilot program shall be permitted to vote at a location outside the precinct of his or  
11 her registration by voting at a location within the county of his or her registration  
12 on~~a~~ voting equipment~~machine~~ designed to permit blind or visually impaired  
13 individuals to vote without assistance, which may include voting at the county  
14 clerk's office, or other place designated by the county board of elections, and  
15 approved by the State Board of Elections.

16 (7) Notwithstanding the provisions of KRS 117.085, 117.086, or 117.0863 or any other  
17 statute to the contrary, a blind or visually impaired individual residing in a county  
18 containing a consolidated local government or containing a city of the first class that  
19 is operating a pilot program shall be permitted to vote in the location within the  
20 county of his or her registration as provided under subsection (6) of this section, on~~f~~  
21 ~~a~~ voting equipment~~machine~~ designed to permit blind or visually impaired  
22 individuals to vote without assistance, at any time during which absentee voting is  
23 conducted~~in the clerk's office or other place designated by the county board of~~  
24 ~~elections during normal business hours on at least any of the twelve (12) working~~  
25 ~~days before the election, and The county board of elections may permit the voting to~~  
26 ~~be conducted on a voting machine for a period longer than the twelve (12) working~~  
27 ~~days before the election prescribed above. An application for those blind or visually~~

1        ~~impaired individuals wishing to vote on a voting machine approved for use by blind~~  
 2        ~~or visually impaired individuals shall be prescribed by the State Board of Elections~~  
 3        ~~and shall include the individual's sworn statement that the individual is blind or~~  
 4        ~~visually impaired].~~

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

12       (9) Notwithstanding the provisions of KRS 117.255, a blind or visually impaired voter  
 13       residing in a county containing a consolidated local government or containing a city  
 14       of the first class that is operating a pilot project may cast his or her vote alone and  
 15       without assistance on ~~[a]~~ voting **equipment**~~[machine]~~ approved for use by blind or  
 16       visually impaired individuals. However, the blind or visually impaired voter shall be  
 17       instructed by the officers of election, with the aid of the instruction cards and the  
 18       model, in the use of the **equipment**~~[machine]~~, if the voter so requests.

19       (10) Nothing in this section shall impair the right of any qualified voter under KRS  
 20       117.255 to receive assistance and vote according to the procedures specified in that  
 21       section.

22       ➔Section 16. KRS 117.105 is amended to read as follows:

23       **(1) The [fiscal court of any county] legislative body of any county, urban-county**  
 24       **government, charter county, consolidated local government, or unified local**  
 25       **government** shall purchase or lease, from available funds or from the proceeds of  
 26       bonds which may be issued for that purpose, voting **systems**~~[machines, including~~  
 27       ~~extra or reserve machines,]~~ for use in **primaries**, regular **elections**, **and** special~~[and~~

1 primary] elections. [~~The fiscal court may, prior to any election, authorize the use of~~  
 2 additional voting machines in any particular precinct.]

3 **(2) Any voting system purchased, leased, or otherwise acquired by the legislative**  
 4 **body of any county, urban-county government, charter county, consolidated local**  
 5 **government, or unified local government on or after the effective date of this Act**  
 6 **shall comply with the requirements of Section 18 of this Act.**

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

10 → Section 17. KRS 117.115 is amended to read as follows:

11 The **legislative body**[~~fiscal court~~] of any county, **urban-county government, charter**  
 12 **county, consolidated local government, or unified local government** may select, in its  
 13 discretion, any type and make of voting **system**[~~machine~~] that complies with the  
 14 specifications and requirements of this chapter. The **legislative body**[~~fiscal court~~] may  
 15 employ engineers and other skilled persons to advise and aid in the selection of **voting**  
 16 **systems**[~~the machines~~] and in determining **compliance with** the specifications **and**  
 17 **requirements of this chapter**[~~thereof~~].

18 → Section 18. KRS 117.125 is amended to read as follows:

19 **Except for voting equipment that has been certified and in use on or before the effective**  
 20 **date of this Act, no**[~~make of~~] voting **system**[~~machine~~] shall be approved for use **after the**  
 21 **effective date of this Act by the State Board of Elections, either upon initial**  
 22 **examination or reexamination, unless the system has been certified under Section 43 of**  
 23 **this Act and**[~~it~~] is so constructed that **it shall**:

24 (1) **Ensure**[~~It will insure~~] secrecy to the voter in the act of voting **so that no person can**  
 25 **see or know for whom any other voter has voted or is voting, except for those**  
 26 **voters requiring assistance under Section 34 of this Act;**[~~;~~]

27 (2) [~~It provides facilities that will~~] Permit votes to be cast for any candidate entitled to

- 1 have his ***or her*** name printed upon the ballots at any ***primary***, regular ***election, or***  
 2 special~~[-or primary]~~ election, and for or against any public question entitled to be  
 3 placed upon the ballots;~~[-]~~
- 4 (3) ~~It will,~~ Except at ***a*** primary~~[-elections]~~, permit a voter to vote for all the candidates  
 5 of one (1) party or for one (1) or more candidates of every party having candidates  
 6 entitled to be voted for, or for one (1) or more independent, ***political organization,***  
 7 ***or political group*** candidates;~~[-]~~
- 8 (4) ~~It will~~ Permit a voter to vote for as many persons for an office as ***the voter***~~[he]~~ is  
 9 lawfully entitled to vote for, and no more;~~[-]~~
- 10 (5) ~~It will~~ Prevent a voter from voting ***for more persons for any office than the voter***  
 11 ***is entitled to vote for, and from voting*** for the same person, or for or against the  
 12 same question, more than once;~~[-]~~
- 13 (6) ~~It will~~ Permit a voter to vote for or against any question ***the voter***~~[he]~~ may have  
 14 the right to vote on, but no other;~~[-]~~
- 15 ***(7) Provide for a nonpartisan ballot;***
- 16 ~~(8)(7)~~ ***Be capable of being***~~It may be~~ adjusted for use in ***a*** primary~~[-elections]~~ so  
 17 that a voter may not vote for any person except those seeking nomination as  
 18 candidates of ***the voter's***~~[his]~~ party, ***as candidates for a nonpartisan office,*** or as  
 19 candidates for an office of the Court of Justice;~~[-]~~
- 20 ~~(9)(8)~~ ***Permit each voter to vote for all the candidates for presidential electors of***  
 21 ***any party by one (1) operation;***
- 22 ***(10) Permit each voter to vote, in any regular or special election, for any person for***  
 23 ***whom the voter desires to vote whose name does not appear upon the ballot by***  
 24 ***providing a method of write-in voting;***
- 25 ***(11) Be safe, efficient, and accurate in the conduct of elections, and***~~It will~~ correctly  
 26 register and accurately count all votes cast for each person, and for or against each  
 27 public question;~~[-]~~

- 1 (12) (a) Provide each voter an opportunity to verify votes recorded on the permanent  
 2 paper ballot, either visually or using assistive voting technology, by  
 3 producing a voter-verified paper audit trail;
- 4 (b) Provide each voter an opportunity to change votes or correct any error  
 5 before the voter's ballot is cast and counted; and
- 6 (c) Provide a voter who spoils his or her ballot another ballot as provided under  
 7 this chapter;
- 8 (13) Use an individual, discrete, permanent, paper ballot cast by the voter for  
 9 tabulating purposes;
- 10 (14) Preserve the paper ballot as an official record available for use in any audit or  
 11 recount;
- 12 (15) Be suitably designed for the purpose used, constructed of a durable material, and  
 13 safely transportable;
- 14 (16) ~~[(9)] [It can] Be capable of determining~~<sup>[determined]</sup> whether the voting  
 15 equipment<sup>[machine]</sup> has been unlocked and operated or adjusted in any manner  
 16 after once being locked;<sup>[-]</sup>
- 17 (17)~~[(10)] Have a public counter with a register which is visible from the outside of the~~  
 18 counter or device that<sup>[It]</sup> will show at all times during an election how many  
 19 persons have voted; <sup>[by a device hereinafter referred to as a public counter.]</sup>
- 20 (18)~~[(11)] Have a protective cumulative~~<sup>[The]</sup> counter indicating the number of votes
- 21 cast for each person, and the votes cast<sup>[and]</sup> for or against each public question  
 22 which cannot be seen, reset, or tampered with without unlocking a covering device<sup>[</sup>  
 23 that cannot be unlocked] by a key or other security apparatus that cannot  
 24 unlock<sup>[unlocks]</sup> any other part of the equipment, and which prevents changes to  
 25 the cumulative counter once the system has been put into operation on the day of  
 26 any election;<sup>[machine. When such counters are so exposed the machine can no</sup>  
 27 longer be placed into condition for operation without the use of a special key, which

1       ~~key shall not have been in the possession of the election officers at the polling~~  
2       ~~places; but if this requirement has the effect of eliminating from consideration any~~  
3       ~~other make of machine such requirement shall not apply.]~~

4       **(19) Provide for the tabulating of votes at the precinct as required under Section 36 of**  
5       **this Act;**

6       **(20)[(12)] Provide locks or other security apparatus by which the operation of the**  
7       **voting equipment**~~[The operating device and operating mechanism]~~ may be locked  
8       before the time for opening the polls and after the time for closing the polls; ~~[.]~~

9       **(21)[(13)] Permit a voter to readily learn the method of operating it, to expeditiously**  
10       **cast a vote for all candidates and on all questions of the voter's choice, and when**  
11       **operated properly, register and record correctly and accurately every vote cast;**~~[It~~  
12       ~~is accompanied by a mechanical model illustrating the manner of voting on the~~  
13       ~~machine, suitable for the instruction of voters.~~

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

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

18       **(22)[(16)] Bear**~~[It bears]~~ a number **or other unique designation** that will distinguish it  
19       from any other **voting equipment or voting system;**

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

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

1 (25) Meet or exceed the standards for a voting system established by the Election  
 2 Assistance Commission, as amended from time to time, and those approved under  
 3 Section 43 of this Act; and

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

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

10 → Section 19. KRS 117.135 is amended to read as follows:

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

18 → Section 20. 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 KRS 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.~~[~~  
 8 ~~The 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 21. 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 18 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 22. 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 in-person absentee voting in accordance with KRS  
21 117.085~~[(1)(e)]~~, the county clerk shall notify the members of the county board of  
22 elections that the voting equipment~~[machines]~~ designated for use during in-person  
23 absentee voting are ready for use. The board shall thereupon convene at the office of  
24 the county clerk, not later than three (3) business days preceding the date set~~[-by the~~  
25 ~~county board of elections]~~ to conduct absentee voting, and examine the voting  
26 equipment~~[machines]~~ to determine whether the requirements of KRS 117.155 have  
27 been met. The county board of elections shall publish notice, in accordance with

1 KRS 424.130(1)(d), at least twenty-four (24) hours in advance of the time when the  
2 absentee voting equipment is~~[machines are]~~ to be examined by the board. If found  
3 in proper order, the members of the county board of elections shall endorse their  
4 approval in the book in which the county clerk has entered the unique designation  
5 or the identification number of the voting equipment~~[machines]~~ designated for use  
6 during in-person 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 23. 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 federal provisional or supplemental  
19 paper ballots, the offices that will appear on the federal provisional or supplemental  
20 ballot, the instructions for marking and depositing the federal provisional or  
21 supplemental paper ballots, instructions for filling out the federal provisional or  
22 supplemental ballot, and instructions on how to properly execute the voter affirmations.  
23 The instruction cards shall be examined and approved by the county board of elections at  
24 the time the voting equipment is~~[machines are]~~ examined and approved. The instruction  
25 cards shall be delivered to each election clerk by the county clerk at the time that other  
26 election supplies are delivered and the election clerk shall post the instruction card at the  
27 polling place.

1       ➔Section 24. KRS 117.187 is amended to read as follows:

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

- 1 (l) Election violations and penalties;
- 2 (m) Assistance which may be provided by law enforcement officers;
- 3 (n) Election reports;
- 4 (o) Disability awareness;
- 5 (p) Provisional voting and provisional absentee voting;
- 6 (q) Election emergency contingency plan;
- 7 (r) Elections, voting equipment, and voting systems~~[equipment]~~ security plan;~~;~~
- 8 ~~and]~~
- 9 (s) Proof of identification; and
- 10 (t) Information concerning the secure online portal to request a mail-in
- 11 absentee ballot.
- 12 (3) The county attorney or the county attorney's designee may~~[shall]~~ attend the
- 13 training session for election officers to assist in explaining the duties and penalties
- 14 for failure to perform.
- 15 (4) Compensation in the minimum amount of ten dollars (\$10) for reimbursement of
- 16 actual expenses shall be paid by the county to the election officers for attending the
- 17 training session.
- 18 ➔Section 25. KRS 117.195 is amended to read as follows:
- 19 (1) At least one (1) hour prior to the opening of the polls, the county clerk shall deliver
- 20 the voting equipment~~[each machine]~~, with the operating device and mechanism and
- 21 the device covering the registering counters securely locked, to the clerk of the
- 22 precinct in which it is to be used, and shall take a receipt indicating the
- 23 distinguishing number or the unique designation of the voting
- 24 equipment~~[machine]~~. The clerk of the precinct shall cause any voting
- 25 equipment~~[the machine]~~ to be arranged in the voting place so that the front of the
- 26 equipment~~[machine]~~, on which~~[- appear]~~ the ballots appear, if applicable~~[ballot~~
- 27 ~~labels]~~ and the operating devices, will not be visible, when being operated, to any

1 person other than the voter.

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

6 (3) For federal provisional ballots, and supplemental paper ballots if approved as  
7 provided in KRS 118.215, the county clerk shall, at least one (1) hour prior to the  
8 opening of the polls, deliver or confirm that there is available:

9 (a) A sufficient number of ballots, and supplemental paper ballots if approved, for  
10 the registered voters of each precinct;

11 (b) A sufficient number of voting booths for voting federal provisional ballots,  
12 and supplemental paper ballots if approved;

13 (c) A sufficient amount of string and rubber stamps for marking "Spoiled" and  
14 "Unused" ballots;

15 (d) A locked ballot box or receptacle for federal provisional ballots, and a  
16 separate locked ballot box for supplemental paper ballots if approved, for each  
17 precinct; and

18 (e) A sufficient number of federal provisional voter ballots, voter affirmations,  
19 and election official affirmations.

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

24 ➔Section 26. KRS 117.205 is amended to read as follows:

25 Before the polls are open, and before permitting any person to vote on the day of the  
26 election, the election officers shall examine the voting equipment~~[machine]~~ to ascertain  
27 whether it has been operated since the counters referred to in subsections (17) and (18) of

1 **Section 18 of this Act**~~[(10) and (11) of KRS 117.125]~~ were set at zero, and to ascertain  
 2 whether the **ballots**~~[ballot labels]~~ are arranged as **previously** specified~~[on the printed~~  
 3 ~~instruction cards]~~. If the **voting equipment**~~[machine]~~ indicates that it has been operated or  
 4 if the **ballots**~~[ballot labels]~~ are not **properly**~~[so]~~ arranged, the officers shall not unlock the  
 5 operating device or mechanism, but shall immediately secure the attendance of the county  
 6 clerk and one (1) member of the county board of elections other than the county clerk,  
 7 who shall reset the counters at zero and relock the device covering the counters, or  
 8 properly arrange the **ballots**~~[ballot labels]~~, as the case may be, in the presence of the  
 9 election officers. If the attendance of members of the board of elections cannot be  
 10 obtained before the opening of the polls or within one (1) hour thereafter, the election  
 11 officers shall notify the county clerk of the foregoing facts and obtain from the county  
 12 clerk~~[a]~~ reserve voting **equipment**~~[machine]~~, and proceed to conduct the election. Any  
 13 reserve **voting equipment**~~[machine]~~ shall have been certified for use at the election by the  
 14 county board of elections and prepared for use at the election by the election officers in  
 15 the precinct in the same manner as the original **voting equipment**~~[machine]~~ was prepared  
 16 for the election. The **voting equipment**~~[machine]~~ found to have been so operated shall be  
 17 returned immediately to the custody of the county clerk, whose duty it shall be to  
 18 promptly repair same **so**~~[in order]~~ that it may be used as~~[a]~~ reserve **voting**  
 19 **equipment**~~[machine]~~ in the election if needed.

20 →Section 27. KRS 117.215 is amended to read as follows:

21 (1) If, during the conduct of an election,~~[a]~~ **voting equipment, or any part of a voting**  
 22 **system, no longer operates**~~[machine becomes in a state of disrepair so that it cannot~~  
 23 ~~be operated]~~ in a manner that will comply with the provisions of this chapter, the  
 24 election officers shall lock or seal the **voting equipment**~~[machine in such a manner~~  
 25 ~~as]~~ to prevent further voting thereon and record the numbers shown by the public  
 26 counter. Then the election officers shall secure from the county clerk~~[a]~~ reserve  
 27 voting **equipment**~~[machine]~~,~~[ which shall be]~~ prepared and made ready for use as



1 provided in KRS 117.205, and ~~thereupon~~ proceed to conduct the election. When  
2 the polls are closed both the original and reserve voting equipment~~[machines]~~ shall  
3 be examined and the votes thereon registered shall be counted as provided in KRS  
4 117.275, and the aggregate number of votes cast on all voting equipment~~[both~~  
5 ~~machines]~~ for each candidate and on each question shall be certified as the result of  
6 the primary or election in that precinct.

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

16 ➔Section 28. KRS 117.225 is amended to read as follows:

17 (1) Any person desiring to vote on election day shall give his or her name and address  
18 to the clerk of the election and shall provide proof of identification as defined in  
19 Section 41 of this Act~~[KRS 117.375]~~.

20 (2) A voter who votes in person at a precinct polling place that is located at a state-  
21 licensed care facility where the voter resides is not required to provide proof of  
22 identification, as defined in Section 41 of this Act~~[KRS 117.375]~~, before voting in a  
23 primary or an election.

24 (3) If the voter's name is listed on the precinct list furnished by the State Board of  
25 Elections as provided in KRS 117.025, the voter provides proof of identification,  
26 the voter is exempt pursuant to subsection (2) of this section, or the voter otherwise  
27 satisfies the requirements of KRS 117.228, and if no challenge is made, then he or

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

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

15 ➔Section 29. KRS 117.235 is amended to read as follows:

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

20 (a) For the purpose of voting;

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

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

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

- 1 (2) No officer of election shall do any electioneering on election day.
- 2 (3) (a) No person shall electioneer at the polling place on the day of any election, as  
3 established in KRS 118.025, **or** within a distance of one hundred (100) feet of  
4 any entrance to a building in which~~—a~~ voting~~—machine~~ is  
5 **conducted**~~located~~ if that entrance is unlocked and is used by voters on **any**  
6 **primary or** election day.
- 7 (b) No person shall electioneer within the interior of a building or affix any  
8 electioneering materials to the exterior or interior of a building where the  
9 county clerk's office is located, or any building designated by the county board  
10 of elections and approved by the State Board of Elections for **in-person**  
11 absentee voting, during the hours **in-person** absentee voting is being  
12 conducted in the building~~—by the county clerk pursuant to KRS~~  
13 ~~117.085(1)(c)~~.
- 14 **(c) No person shall electioneer within one hundred (100) feet of a mail-in**  
15 **absentee drop-box or drop-receptacle.**
- 16 ~~(d)(e)~~ Electioneering shall include the displaying of signs, the distribution of  
17 campaign literature, cards, or handbills, the soliciting of signatures to any  
18 petition, or the solicitation of votes for or against any bona fide candidate or  
19 ballot question in a manner which expressly advocates the election or defeat  
20 of the candidate or expressly advocates the passage or defeat of the ballot  
21 question, but shall not include exit polling, bumper stickers affixed to a  
22 person's vehicle while parked within or passing through a distance of one  
23 hundred (100) feet of any entrance to a building in which~~—a~~ voting~~—machine~~  
24 is **conducted**~~located~~, private property as provided in subsection (7) of this  
25 section, or other exceptions established by the State Board of Elections  
26 through the promulgation of administrative regulations **under KRS Chapter**  
27 **13A.**

- 1 (4) No voter shall be permitted to converse with others while in any room in which  
2 voting, including *in-person* absentee voting, is conducted concerning their support  
3 or nonsupport of any candidate, party, or issue to be voted on, except as provided in  
4 KRS 117.255.
- 5 (5) Any precinct election officer, county clerk, deputy county clerk, or any law  
6 enforcement official may enforce the election laws and maintain law and order at  
7 the polls and within one hundred (100) feet of any entrance to the building in which  
8 voting is conducted~~[the voting machine is located]~~ if that entrance is unlocked and  
9 is used by voters. Assistance may be requested of any law enforcement officer.
- 10 (6) Notwithstanding the provisions of subsection (1) of this section, the State Board of  
11 Elections may establish a program designed to instill in school children a respect for  
12 the democratic principles of voting by conducting in any county a mock election for  
13 school children in conjunction with any primary,~~or~~ regular, or special election.  
14 The State Board of Elections shall promulgate administrative regulations under  
15 KRS Chapter 13A regarding the mock elections to ensure~~[insure]~~ that the regular  
16 voting process will not be impaired.
- 17 (7) Notwithstanding the provisions of subsection (3) of this section, nothing in this  
18 section shall prohibit the displaying of political campaign signs on private property  
19 or private establishments by a person having a leased or ownership interest in that  
20 private property or private establishment within the campaign-free zone, regardless  
21 of the distance from the polling place. In the case of a polling location being on  
22 private property that is leased or otherwise under contract for the purpose of serving  
23 as a polling location, the provisions of subsection (3) of this section shall be  
24 applicable to that leased or contracted-for private property.

25 ➔Section 30. KRS 117.227 is amended to read as follows:

26 Except as otherwise provided, election officers shall confirm the identity of each voter by  
27 proof of identification as defined in Section 41 of this Act~~[KRS 117.375]~~. The election

1 officer confirming the identity shall sign the precinct voter roster and list the method of  
2 proof of identification.

3 ➔Section 31. KRS 117.228 is amended to read as follows:

4 (1) Except as provided in subsection (4) of this section, on the day of a primary, an  
5 election, or during in-person absentee voting, if a voter is unable to provide proof of  
6 identification as required under KRS 117.225, and as defined under **Section 41 of**  
7 **this Act**~~[KRS 117.375]~~, a voter may cast a ballot if the individual:

8 (a) Is eligible to vote under KRS 116.025;

9 (b) Is entitled to vote in that precinct; and

10 (c) In the presence of the election officer, executes a voter's affirmation, on a  
11 form prescribed and furnished by the State Board of Elections pursuant to  
12 administrative regulations promulgated under KRS Chapter 13A, affirming:

13 1. The voter is a citizen of the United States;

14 2. The voter's date of birth to the best of the voter's knowledge and belief;

15 3. The voter is qualified to vote in this precinct under KRS 116.025;

16 4. The voter's name, and that the voter is generally known by that name, or  
17 the name is as stated on his or her voter registration card;

18 5. The voter has not voted and will not vote in any other precinct;

19 6. The voter's current residential address, including the street address  
20 number and, if different from the voter's current address, the voter's  
21 residential address prior to the close of the registration books under KRS  
22 116.045, and the date the voter moved;

23 7. The voter understands that making a false statement on the affirmation is  
24 punishable under penalties of perjury; and

25 8. The voter has one (1) of the following impediments to procure proof of  
26 identification as defined in **Section 41 of this Act**~~[KRS 117.375]~~:

27 a. Lack of transportation;

- 1           b. Inability to obtain his or her birth certificate or other documents  
2           needed to show proof of identification;
- 3           c. Work schedule;
- 4           d. Lost or stolen identification;
- 5           e. Disability or illness;
- 6           f. Family responsibilities;
- 7           g. The proof of identification has been applied for, but not yet  
8           received; or
- 9           h. The voter has a religious objection to being photographed.
- 10 (2) In addition to the requirements of subsection (1) of this section, to cast a ballot, the  
11 voter who is unable to provide proof of identification shall provide to an election  
12 officer:
- 13       (a) The voter's Social Security Card;
- 14       (b) Any identification card issued by a county in this state which has the name of  
15       the voter stated and has been approved in writing by the State Board of  
16       Elections pursuant to administrative regulations promulgated under KRS  
17       Chapter 13A;
- 18       (c) Any identification card with the voter's photograph and the name of the voter  
19       stated;
- 20       (d) Any food stamp identification card, electronic benefit transfer card, or  
21       supplemental nutrition assistance card, that is issued by this state and has the  
22       name of the voter stated; or
- 23       (e) A credit or debit card with the name of the voter stated.
- 24 (3) After the election officer obtains the affirmation from the voter required by  
25 subsection (1) of this section, and after the voter provides the documents under  
26 subsection (2) of this section, the voter shall sign the precinct signature roster and  
27 shall proceed to cast his or her vote in a ballot completion area.

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

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

13 ➔Section 32. KRS 117.229 is amended to read as follows:

14 On the day of a primary, an election, or during in-person absentee voting when a federal  
15 elective office is on the ballot, if a voter is unable to provide proof of identification, as  
16 required under KRS 117.225 and as defined under Section 41 of this Act~~[KRS 117.375]~~,  
17 or the voter fails to meet the requirements of KRS 117.228, the voter may cast a  
18 provisional ballot for the federal elective office of President, Vice President, United  
19 States Senator, and United States House of Representative if the individual conforms to  
20 the provisional voting requirements in accordance with the Help America Vote Act of  
21 2002.

22 ➔Section 33. KRS 117.245 is amended to read as follows:

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

26 (2) When the officers of an election disagree as to the qualifications of a voter or if his  
27 or her right to vote is disputed by a challenger, other than for failure to provide

1 proof of identification as defined in Section 41 of this Act~~[KRS 117.375]~~, the voter  
2 shall sign a written oath as to his or her qualifications before he or she is permitted  
3 to vote. The oath shall be in such form prescribed and furnished by the State Board  
4 of Elections pursuant to administrative regulations promulgated under KRS Chapter  
5 13A. Twenty (20) printed copies of these oaths shall be included in the election  
6 supplies of each precinct.

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

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

17 ➔Section 34. KRS 117.255 is amended to read as follows:

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

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



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

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

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

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

27       (6) ~~["Voting booth" or "ballot completion area" means an area in which a voter casts his~~

1       ~~or her vote or completes his or her ballot which is designed to insure the secrecy of~~  
2       ~~the vote. No voter shall be assisted under this subsection unless the judges and the~~  
3       ~~sheriff of election are satisfied of the truth of the facts stated in the oath. The voter~~  
4       ~~shall state in his or her oath the specific reason that requires him or her to receive~~  
5       ~~assistance.~~

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

10     ~~(7)~~~~(8)~~ In primaries, before a voter is permitted to use the voting  
11     **equipment**~~[machine]~~, a judge of the election shall adjust the **voting**  
12     **equipment**~~[machine]~~ so that the voter will only be able to vote for the persons for  
13     whom the voter is qualified to vote.

14     ~~(8)~~~~(9)~~ If the **voting equipment**~~[machine]~~ is so constructed as to require adjustment  
15     after one (1) person has voted before another person may vote, the judges of  
16     election shall adjust it after each person has voted.

17     ~~(9)~~~~(10)~~ The election officers shall constantly maintain a watch in order to prevent any  
18     person from voting more than once.

19     ~~(10)~~~~(11)~~ For voters voting as federal provisional voters, or if supplemental paper  
20     ballots have been approved as provided in KRS 118.215, the voter shall vote his or  
21     her federal provisional or supplemental ballot in privacy in a voting booth provided  
22     for that purpose by the county clerk. If the voter spoils his or her **federal provisional**  
23     **or supplemental** ballot, the voter shall return the spoiled **federal provisional or**  
24     **supplemental** paper ballot to an election officer who shall stamp the ballot  
25     "Spoiled," initial, and place the spoiled **federal provisional or supplemental** ballot  
26     in an envelope provided for that purpose. The voter shall be issued a second federal  
27     provisional or supplemental paper ballot. Upon completion of voting, the voter shall

1 remove the numbered stub from the *federal provisional or supplemental* ballot,  
2 hand the stub to an election officer and deposit the voted *federal provisional or*  
3 *supplemental* ballot in the appropriate locked ballot box or locked receptacle in the  
4 presence of an election officer.

5 ~~(11)~~~~(12)~~ The election sheriff shall be responsible for reporting violations of this  
6 section.

7 ➔Section 35. KRS 117.265 is amended to read as follows:

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

20 (2) Write-in votes shall be counted only for candidates for election to office who have  
21 filed a declaration of intent to be a write-in candidate with the Secretary of State or  
22 county clerk, depending on the office being sought, on or before the fourth Friday in  
23 October preceding the date of the regular election and not later than the second  
24 Friday before the date of a special election. In the case of a special election  
25 administered under KRS 118.730, a declaration of intent to be a write-in candidate  
26 shall be filed at least twenty-eight (28) days before the day of the election. The  
27 declaration of intent shall be filed no earlier than the first Wednesday after the first

1 Monday in November of the year preceding the year the office will appear on the  
2 ballot, and no later than 4 p.m. local time at the place of filing when filed on the last  
3 date on which papers may be filed. The declaration of intent shall be on a form  
4 prescribed and furnished by the Secretary of State.

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

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

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

11 1. Death;

12 2. Disqualification to hold the office sought;

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

14 4. The nomination of an unopposed candidate.

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

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

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

3 ➔Section 36. KRS 117.275 is amended to read as follows:

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

8 (2) As soon as the polls are closed, and the last voter has voted, the judges ***at that time***  
9 shall immediately lock and seal the voting equipment so that the voting and  
10 counting ***mechanisms***~~mechanism~~ will be prevented from ***operating***~~operation~~,  
11 and they shall sign a certificate stating:

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

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

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

16 (d) The number or other designation of the voting equipment,~~;~~

17 ***The***~~Which~~ certificate, ***with any additional certificate previously prepared under***  
18 ***Section 7 of this Act***, shall be returned by the judges of election to the officials  
19 authorized by law to receive it. The judges shall compare the number of voters, as  
20 shown by the counter of the voting equipment, with the number of those who have  
21 voted as shown by the protective or ***cumulative***~~accumulative~~ counter or device~~, if~~  
22 ~~any~~.

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

26 (a) The judges, in the presence of the representatives mentioned in subsection (1)  
27 of this section, if any, and of all other persons who may be lawfully within the

- 1 polling place, shall give full view of all the counter numbers;
- 2 (b) The judges shall enter, in ink, the total votes cast for each candidate, and slate  
3 of candidates, and for and against each question on the return sheets; and
- 4 (c) Each precinct election officer shall sign the return sheets, and a copy of the  
5 return sheets shall be posted on the precinct door.
- 6 (4) Where voting equipment is used that prints the candidates' names along with the  
7 total votes received on a return sheet or record for that equipment, the precinct  
8 election officers shall sign the return sheets or record for the voting equipment,  
9 which shall be posted on the door of the precinct.
- 10 (5) If any officer shall decline to sign the return sheets, he or she shall state the reason  
11 in writing, and a copy thereof, signed by the officer, shall be enclosed with the  
12 return sheets.
- 13 (6) Each of the return sheets, if applicable, and the record of the voting equipment shall  
14 be enclosed in an envelope. One (1) copy of the return sheets, if applicable, one (1)  
15 copy of the record of the voting equipment, and the write-in roll, if any write-in  
16 votes were cast in the precinct, shall be directed to the county board of elections of  
17 the county in which the election is being held. One (1) copy of the return sheets or  
18 record of the voting equipment shall be given to the county clerk of the county in  
19 which the election is being held and to each of the local governing bodies of the two  
20 (2) dominant political parties, but a local governing body of a dominant political  
21 party may decline a copy of the precinct election return by filing a written  
22 declination with the county board of elections prior to the election, and upon this  
23 declination, a printed copy shall not be issued to the political party so declining. The  
24 declination on file shall be effective for that election and any subsequent elections  
25 until revoked by the local governing body of a dominant political party by filing a  
26 written revocation with the county board of elections. The envelope shall have  
27 endorsed thereon a certificate of the election officers, stating the number *or unique*

- 1        **designation** of the **voting equipment**~~[machine]~~, the precinct where it has been used,  
2        the number on the seal, and the number on the protective or  
3        **cumulative**~~[accumulative]~~ counter or device at the close of the polls.
- 4        (7) Following the tabulation of all votes cast in the election, including absentee votes  
5        and write-in votes, the county board shall mail a copy of the precinct-by-precinct  
6        summary of the tabulation sheets showing the results from each precinct to the State  
7        Board of Elections and the county clerk shall mail or deliver the precinct signature  
8        rosters from each precinct to the State Board of Elections during the period  
9        established by KRS 117.355(3).
- 10       (8) As soon as possible after the completion of the count, the two (2) judges shall return  
11       to the county board of elections the keys to the voting **equipment**~~[machine]~~ received  
12       and receipted for by them, and the county clerk in which the precinct is located shall  
13       have the voting **equipment**~~[machine]~~ properly boxed or securely covered and  
14       removed to a proper and secure place of storage.
- 15       (9) In primaries, each candidate or group of candidates may designate to the county  
16       board of elections a representative to witness and check the vote count. In regular  
17       elections, the governing authority of each political party, each candidate for member  
18       of board of education, nonpartisan candidate, **political group candidate, political**  
19       **organization candidate**, independent candidate, or independent ticket may  
20       designate a representative to the county board of elections to witness and check the  
21       vote count. The county board of elections shall authorize representatives of the  
22       news media to witness the vote count.
- 23       (10) For all federal provisional ballots, if applicable, and supplemental paper ballots if  
24       approved as provided in KRS 118.215, after the polls are closed, the two (2) judges  
25       shall return to the county clerk's office the locked federal provisional ballot  
26       receptacle and the supplemental paper ballot box, all ballot stubs, spoiled ballots,  
27       and unvoted ballots at the same time as the tabulation of votes from the voting

- 1        equipment~~[machine]~~ is delivered. The county clerk shall issue a receipt for the  
2        number of ballot stubs, unvoted ballots, spoiled ballots, and the ballot boxes or  
3        ballot receptacle.
- 4        (11) The county board of elections, or its designee, shall count and tally the  
5        supplemental paper ballots that have not been tabulated by automatic tabulating  
6        equipment at the precinct, either manually or with the use of tabulating equipment  
7        that has been certified by the State Board of Elections for use for that purpose in  
8        the county clerk's office~~[which does not involve an additional voting system]~~. The  
9        results of the vote tally shall be certified by the county board of elections to the  
10       county clerk and to the Secretary of State.
- 11       (12) The county board of elections shall tabulate the valid federal provisional ballots.  
12       The results of the vote tally shall be certified by the county board of elections to the  
13       county clerk and to the Secretary of State. The county board shall mail a copy of the  
14       precinct-by-precinct summary of the valid federal provisional ballot tabulation  
15       sheets showing the results from each precinct to the State Board of Elections.
- 16       (13) The county board of elections shall authorize the candidates, slates of candidates, or  
17       their representatives, and representatives of the news media to be present during the  
18       counting of the supplemental and federal provisional paper ballots.
- 19       (14) Except as otherwise required in this chapter, all~~[that certain]~~ records and papers  
20       relating to specified elections shall be retained for twenty-two (22) months, the  
21       county clerk shall retain the voted federal provisional ballots, voter affirmations,  
22       election official affirmations, and the supplemental paper ballots for twenty-two  
23       (22) months and the unvoted federal provisional ballots, the voter affirmations,  
24       election official affirmations, and the supplemental paper ballots for sixty (60) days  
25       after each election day, after which time they shall be destroyed in a manner to  
26       render them unreadable by the county board of elections if no contest or recount  
27       action has been filed.



1       ➔Section 37. KRS 117.295 is amended to read as follows:

2       (1) For a period of ten (10) days following any primary~~[election]~~, and for a period of  
3       thirty (30) days following any **regular**~~[general]~~ or special election, the voting  
4       **equipment**~~[machine]~~ shall remain locked against voting and the ballot boxes  
5       containing all paper ballots shall remain locked, except that the voting  
6       **equipment**~~[machines]~~ and the ballot boxes may be opened and all the data and  
7       figures therein examined:~~;~~

8       **(a)** Upon the order of any court of competent jurisdiction, or judge thereof;~~;~~

9       **(b)** By direction of any legislative committee **or board** authorized and empowered  
10       to investigate and report upon contested elections;~~;~~

11       **(c)** **By a county board of elections under the direction of the State Board of**  
12       **Elections pursuant to a risk-limiting audit; or**

13       **(d)** **As required to conduct a recount under Section 80 of this Act.**~~[and]~~

14       All the data and figures shall be examined by the court, judge, **county board of**  
15       **elections, State Board of Elections,** or committee in the presence of the officer  
16       having the custody of the **voting equipment, ballots,**~~[machine]~~ and ballot boxes. In  
17       the event of a contest of election, the court in which the contest is pending or the  
18       committee before which the contest is being heard may, upon motion of any party to  
19       the contest, issue an order requiring that the voting **equipment, ballots,**~~[machines]~~  
20       and ballot boxes shall remain continuously locked for further time as may be  
21       reasonable or necessary, with due regard for the preparation of the **voting**  
22       **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 38. 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. A candidate's  
15 written request for a recanvass shall be insufficient to compel the recanvass  
16 unless the difference between the number of votes received by the requesting  
17 candidate and the number of votes received by any other candidate or candidates  
18 for the same office is less than one percent (1%) of the total votes which were cast  
19 for such office.

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

1 **(3)** After ~~the~~<sup>[this]</sup> time period has elapsed and notice is taken as provided under  
2 subsections (1) and (2) of this section, the county board of elections shall assemble  
3 at 9 a.m. on the Thursday following the filing deadline to request a canvass under  
4 this section, and not sooner, and recheck and canvass the voting equipment~~[each~~  
5 ~~machine]~~ and make a proper return thereof to the county clerk, and the canvass and  
6 return shall become the official returns for the primary or election. In making the  
7 canvass, the board shall make a record of the number of the seal or the unique  
8 designation upon the voting equipment~~[machine]~~ and, without unlocking the  
9 voting equipment~~[machine against voting]~~, canvass the vote cast~~[thereon]~~.

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

24 **(5)**~~(2)~~ The State Board of Elections shall prescribe and furnish the forms to be used  
25 by county boards of election to report all canvassed votes. The form, promulgated  
26 through administrative regulations under KRS Chapter 13A, shall include the  
27 following information:

- 1 (a) The name of the county in which the recanvass was conducted;
- 2 (b) The date of the report;
- 3 (c) The date of the **primary or** election;
- 4 (d) The office for which the recanvass was conducted;
- 5 (e) The names of each candidate for the office being recanvassed; and
- 6 (f) The ~~machine~~ votes **cast at the polls**, absentee votes, valid federal provisional
- 7 votes, valid federal provisional absentee votes, and vote totals for each
- 8 candidate, as well as write-in votes cast in a regular or special election for
- 9 candidates whose names did not appear on the ballot.

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

11 ~~(6)~~~~(3)~~ The county board of elections shall file its recanvass report as prescribed in

12 administrative regulations promulgated by the State Board of Elections in

13 conformity with KRS Chapter 13A.

14 ~~(7)~~~~(4)~~ 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 recanvass for each type of voting system approved by the State Board

17 of Elections and in use in Kentucky.

18 ➔Section 39. KRS 117.345 is amended to read as follows:

19 (1) The cost of all elections held in any county shall be allowed by the fiscal court **or**

20 **legislative body of any urban-county government, charter county, consolidated**

21 **local government, or unified local government** and paid by the county treasurer,

22 except as otherwise provided by law.

23 (2) When the cost of any election has been allowed by the fiscal court **or legislative**

24 **body of any urban-county government, charter county, consolidated local**

25 **government, or unified local government** and paid by the county treasurer, ~~and~~

26 within sixty (60) days following the date of the election, the county treasurer shall

27 certify a statement of the number of precincts in the county, the date, and kind of

1 election to the State Board of Elections, including an election that was delayed or  
 2 postponed in accordance with KRS 39A.100. The certification shall be filed within  
 3 ninety (90) days after the election. Upon receipt of the certification and upon being  
 4 satisfied as to the correctness thereof, the State Board of Elections shall issue its  
 5 warrant upon the State Treasurer in favor of the county treasurer for the amount of  
 6 two hundred fifty-five dollars (\$255) for each precinct in the county.

- 7 (3) Payments to any county under the provisions of subsection (2) of this section shall  
 8 be terminated if and whenever it fails to renew a lease, contract, or lease and option  
 9 with the Finance and Administration Cabinet~~State Property and Buildings~~  
 10 ~~Commission~~ executed in connection with the acquisition of voting  
 11 systems~~machines~~ by the cabinet~~commission~~ for the use of the county; and  
 12 payments to any county shall be terminated whenever the county fails to pay any  
 13 part of the rentals required for any effective period of the lease or if a county board  
 14 of elections fails to provide training to precinct election officers required by KRS  
 15 117.187(2). As used in this subsection, "county" includes urban-county  
 16 government, charter county government, consolidated local government, and  
 17 unified local government.

18 ➔Section 40. KRS 117.355 is amended to read as follows:

- 19 (1) Within three (3) days after any primary or general election, the precinct election  
 20 sheriff shall file a report with the chair~~chairman~~ of the county board of elections  
 21 and with the local grand jury. The report shall include any irregularities observed  
 22 and any recommendations for improving the election process.
- 23 (2) Within ten (10) days after any primary or general election, the county board of  
 24 elections shall file a report with the State Board of Elections and the local grand  
 25 jury. The report shall include any irregularities of which the county board has  
 26 knowledge and any recommendations for improving the election process. The report  
 27 shall also include a breakdown by precinct of the number of voters requiring

1 assistance to vote and the reasons therefor; the number of special ballots cast by  
2 category; and any other information required by the state board.

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

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

7 ➔Section 41. KRS 117.375 is repealed, reenacted, amended, and renumbered as  
8 KRS 117.001 to read as follows:

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

10 (1) *"Audit log" means a detailed record of all actions and events that have occurred*  
11 *on the voting system, including:*

12 *(a) Log-in attempts with username and time stamp;*

13 *(b) Election definition and setup;*

14 *(c) Ballot preparation and results processing;*

15 *(d) Diagnostics of any type; and*

16 *(e) Error and warning messages and operator response;*

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

20 (2) "Automatic tabulating equipment" means apparatus necessary to automatically  
21 examine and count votes as designated on ballots and data processing machines  
22 which can be used for counting ballots and tabulating results;[.]

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

- 1 ~~(4) "Ballot card" means a tabulating card on which votes may be recorded by a voter by~~  
 2 ~~use of a voting punch device or by marking with a pen or special marking device.~~
- 3 ~~(5) "Ballot label" means the cards, papers, booklet, pages or other material on which~~  
 4 ~~appear the names of candidates and the questions to be voted on by means of ballot~~  
 5 ~~cards or voting machines.~~
- 6 ~~(6)~~ "Ballot" or "official ballot" means the **official presentation of offices and**  
 7 **candidates to be voted for, including write-in candidates, and all public questions**  
 8 **submitted for determination, and shall include a** voting machine ballot ~~label,~~  
 9 ballot cards], **a** paper **ballot**~~ballots],~~ an absentee ballot, a federal provisional ballot,  
 10 a federal provisional absentee ballot, or a supplemental paper ballot which has been  
 11 authorized for the use of voters in any primary, ~~or~~ regular **election,** or special  
 12 election by the Secretary of State or the county clerk;~~;~~
- 13 ~~(7) "Voting punch device" means an apparatus in which ballots or ballot cards are~~  
 14 ~~inserted for the piercing of ballots by the voter. The hole may be in the form of a~~  
 15 ~~round dot, rectangle, square, or any other shape that will clearly indicate the intent~~  
 16 ~~of the voter.]~~
- 17 **(4) "Ballot box" means any box, bag, or other container that can be locked, sealed,**  
 18 **or otherwise rendered tamper-resistant, for receiving ballots;**
- 19 ~~(5)~~~~(8)~~ **"Ballot**~~Vote~~ marking device" means any approved device for marking a~~f~~  
 20 paper] ballot ~~with ink or other substance~~ which will enable the ballot to be  
 21 tabulated **manually or** by means of automatic tabulating equipment;~~;~~
- 22 **(6) "Election" or "elections" means any primary, regular election, or special**  
 23 **election;**
- 24 **(7) "Federal provisional voter" means a person:**
- 25 **(a) Who does not appear to be registered to vote;**
- 26 **(b) Whose name does not appear on the precinct roster;**
- 27 **(c) Who has not provided proof of identification to the precinct election officer**

1 before voting in a federal election; and

2 (d) Who elects to proceed with voting a federal provisional ballot under Section  
3 32 of this Act;

4 (8) "Federal provisional ballot" or "federal provisional absentee ballot" means  
5 ballots which have been authorized by the Secretary of State or the county clerk  
6 to be used by federal provisional voters in any federal primary or election;

7 (9) "Inner envelope" or "secrecy"~~Secrecy~~ envelope" means the envelope  
8 provided~~handed~~ to the voter with a~~his or her~~ ballot into which the voter shall  
9 place his or her voted ballot;~~cards.~~

10 (10) "Political group" has the same meaning as in Section 47 of this Act;

11 (11) "Political organization" has the same meaning as in Section 47 of this Act;

12 (12)~~(10)~~ "Precinct ballot counter" means an automatic tabulating device used at the  
13 precinct to tabulate and process ballots;~~[-]~~

14 (13) "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  
20 services, the Merchant Marine, or the Kentucky National Guard, and the  
21 document 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 the document  
26 contains:

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



- 1           2. A photograph of the individual to whom the document was issued; or  
2           (d) Any city government, county government, urban-county government,  
3           charter county government, consolidated local government, or unified local  
4           government, which is located within this state, and the document contains:  
5           1. The name of the individual to whom the document was issued; and  
6           2. A photograph of the individual to whom the document was issued;  
7           (14) "Risk-limiting audit" means an audit protocol that makes use of statistical  
8           principles and methods and is designed to limit to acceptable levels the risk of  
9           certifying a preliminary election outcome that constitutes an incorrect outcome;  
10          (15) "Voting booth" or "ballot completion area" means an area in which a voter casts  
11          his or her vote or completes his or her ballot which is designed to ensure the  
12          secrecy of the vote;  
13          (16) "Vote center" means a consolidated precinct of the county;  
14          (17) "Voting equipment" means any physical component of a voting system and  
15          includes voting machines where voting machines are in operation;  
16          (18)~~(11)~~ "Voting machine" or "machine" means a part of a voting system that consists  
17          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           tabulation device;

2   **(19) "Voting system" means:**

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

7           **1. Define ballots;**

8           **2. Cast and count votes;**

9           **3. Report or display election results; and**

10           **4. Maintain and produce any audit trail information; and**

11           **(b) 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; and**

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

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

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

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

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

27           **(e) Is readable in a manner that makes the voter's ballot choices obvious to the**

1           ~~*voter or any person without the use of computer or electronic code*~~ shall  
 2           include lever machines and, as far as applicable, any electronic or  
 3           electromechanical unit and supplies utilized or relied upon by a voter in  
 4           casting and recording his votes in an election.

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

6           (a) ~~The United States or the Commonwealth of Kentucky, 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;~~

10          (b) ~~The United States Department of Defense, a branch of the uniformed services,~~  
 11          ~~the Merchant Marines, or the Kentucky National Guard, and if the document~~  
 12          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          (c) ~~A public or private college, university, or postgraduate technical or~~  
 16          ~~professional school located within the United States, and 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; or~~

19          (d) ~~Any city government, county government, urban county government, charter~~  
 20          ~~county government, consolidated local government, or unified local~~  
 21          ~~government, which is located within this state, and the document 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       (13) ~~"Federal provisional voter" means a person:~~

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

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

27           (c) ~~Who has not provided proof of identification to the precinct election officer~~

1 before voting in a federal election; and

2 (d) ~~Who elects to proceed with voting a federal provisional ballot under KRS~~  
 3 ~~117.229.~~

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

7 ➔Section 42. KRS 117.377 is amended to read as follows:

8 (1) The ***legislative body***~~[fiscal court]~~ of any county,~~[or any]~~ urban-county ***government,***  
 9 ***charter county government, consolidated local government, or unified local***  
 10 government, may acquire by purchase or lease or lease-purchase agreement, or ***may***  
 11 abandon, any ***voting equipment or*** voting system covered by this chapter, if the  
 12 ***voting*** equipment ***or voting system*** has been approved by the State Board of  
 13 Elections. The ***legislative body***~~[fiscal court]~~ shall notify the State Board of Elections  
 14 that ***new voting equipment or*** a new voting system is being installed in the county.

15 (2) The county clerk of any county may petition the State Board of Elections to allow  
 16 ***new voting equipment or*** a new voting system in the county if an emergency exists.  
 17 The petition must state the reasons why the present ***voting*** equipment ***or voting***  
 18 ***system*** is inadequate. Within sixty (60) days of the receipt of the petition the State  
 19 Board of Elections shall notify the county clerk whether the permission to obtain  
 20 ***new voting equipment or*** a new voting system is granted or denied. The letter of  
 21 approval shall be presented to the ***legislative body***~~[fiscal court]~~ for its approval  
 22 before any new ***voting equipment or*** voting system is acquired.

23 ➔Section 43. KRS 117.379 is amended to read as follows:

24 (1) Any person or corporation owning, manufacturing, or selling any~~[electronic]~~ voting  
 25 system, may request the State Board of Elections to examine the ***voting*** system.  
 26 Before requesting an examination or reexamination, any person, persons, or  
 27 corporation shall pay to the State Treasurer ***a nonrefundable deposit***~~[an~~

1 ~~examination fee~~ of five hundred dollars (\$500) and submit a test report from an  
 2 independent testing authority approved by the State Board of Elections. The report  
 3 shall demonstrate that the **voting** system meets all **Election Assistance**~~[Federal~~  
 4 ~~Election]~~ Commission voting system standards. **Notwithstanding any other**  
 5 **provision of law to the contrary, if these voting system standards have been**  
 6 **amended less than thirty-six (36) months prior to the request for examination**  
 7 **under this subsection, the State Board of Elections may approve and certify a**  
 8 **voting system that meets the prior standards after determining:**

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

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

13 The State Board of Elections may, at any time, reexamine any **voting** system already  
 14 approved. The State Board of Elections shall approve or disapprove any voting  
 15 system within sixty (60) days after the date of its initial submission. **Any or all costs**  
 16 **associated with the voting system being examined or reexamined shall be paid to**  
 17 **the State Treasurer by the person or corporation once the approval or disapproval**  
 18 **of the voting machine is complete.**

- 19 (2) Upon receipt of a request for examination or reexamination of ~~a~~~~[an electronic]~~  
 20 voting system, the State Board of Elections shall require that such **voting** system be  
 21 examined or reexamined by three (3) examiners. The State Board of Elections shall  
 22 appoint one (1) examiner who is an expert in computer science or~~[electronic]~~  
 23 voting systems;~~[,]~~ one (1) person who is knowledgeable in election procedures,  
 24 **election security**, and **election** law in Kentucky;~~[,]~~ and one (1) person who is a  
 25 present or former county clerk. The three (3) examiners shall submit one (1) written  
 26 report on each **voting** system examined or reexamined to the State Board of  
 27 Elections. The members of the State Board of Elections shall also examine or

1 reexamine the voting system. A voting system shall be approved ***and certified*** if the  
 2 examiners' report states that the voting system meets all the requirements of ***Section***  
 3 ***18 of this Act and applicable federal law***,~~[KRS 117.381]~~ and the State Board of  
 4 Elections finds that the voting system meets all of the requirements of ***Section 18 of***  
 5 ***this Act and applicable federal law***~~[KRS 117.381]~~. The report and a letter of  
 6 approval shall be filed in the office of the State Board of Elections.

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

9 (4) When ~~a~~~~[an electronic]~~ voting system has been approved, any improvement or  
 10 changes in the voting system shall render necessary the examination or approval of  
 11 such voting system or improvement.

12 (5) Neither the members of the State Board of Elections, nor any examiner appointed  
 13 by the State Board of Elections, nor any member of a county board of elections shall  
 14 have any pecuniary interest in any~~[electronic]~~ voting system.

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

17 ➔Section 44. KRS 117.383 is amended to read as follows:

18 The State Board of Elections shall~~[prescribe rules and]~~ promulgate administrative  
 19 regulations under KRS Chapter 13A which shall~~[include but not be limited to the~~  
 20 ~~following:]~~

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

23 ~~(1)~~~~(2)]~~ Count, tabulate, and record votes;

24 ~~(2)~~~~(3)]~~ ***Place***~~[Establish a method for placing]~~ items on ***any ballot***~~[the electronic~~  
 25 ~~voting device,]~~ which shall, as closely as possible, follow the requirements  
 26 pertaining to ***ballots***~~[ballot labels];~~

27 ~~(3)~~~~(4)]~~ Design the ***ballots to include a***~~[ballot cards and federal provisional ballot~~

- 1        ~~cards, including a numerical~~ system to ensure an accurate record of all voting  
2        activities;
- 3        ~~(4)~~~~(5)~~     Instruct voters in the use of the voting system, including any ballot marking  
4        device;
- 5        ~~(5)~~~~(6)~~     Provide for checking the accuracy of the voting system~~[equipment]~~;
- 6        ~~(6)~~~~(7)~~     Provide necessary supplies, including those necessary for a write-in vote, to  
7        ensure~~[ and secrecy envelopes for punch cards or data processing cards to insure]~~  
8        voter privacy;
- 9        ~~(7)~~~~(8)~~     As part of the official canvass, provide for a manual recount of randomly  
10       selected precincts representing three percent (3%) to five percent (5%) of the total  
11       ballots cast in each election;
- 12       ~~(8)~~~~(9)~~     Provide for the conducting and review of an audit of any component of a  
13       voting system or any voting equipment, and a review of any audit log;
- 14       ~~(9)~~     Provide for the conducting and review of an election audit, including a risk-  
15       limiting audit, and risk-limiting audit pilot program;
- 16       ~~(10)~~     Provide a method for maintaining sufficient documents, including ballots and  
17       records, so that votes can be recounted;~~[. Such documents and records shall include~~  
18       ~~any material other than a ballot card which is imprinted with the names of~~  
19       ~~candidates and issues voted upon. Records shall be maintained in such a manner~~  
20       ~~that a specific piece of printed material listing issues and candidates can be matched~~  
21       ~~with the specific ballot cards which were marked in reliance upon such printed~~  
22       ~~material.]~~
- 23       ~~(11)~~     Except as otherwise required in this chapter, all~~[ that certain]~~ records and papers  
24       relating to specified elections be retained for twenty-two (22) months, such  
25       documents and records shall be maintained for thirty (30) days following an  
26       election; and
- 27       ~~(12)~~~~(10)~~     Unless contrary to the Help America Vote Act of 2002, ensure that all federal

1 provisional voting shall be conducted in a manner as prescribed by KRS Chapters  
2 116 to 120.

3 ➔Section 45. KRS 117.385 is amended to read as follows:

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

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

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

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

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

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

21 ➔Section 46. KRS 117.995 is amended to read as follows:

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

26 (2) Any county clerk or member of the county board of elections who knowingly and  
27 willfully violates any of the provisions of this chapter, including furnishing



1 applications for absentee ballots, applications for ~~and~~ federal provisional absentee  
2 ballots, and mail-in absentee ballots to persons other than those specified by the  
3 provisions of this chapter, and failure to type the name of the voter on the  
4 application form as required by the provisions of this chapter, shall be guilty of a  
5 Class D felony.

6 (3) Any officer who willfully fails to prepare or furnish ballots~~ballot labels~~, federal  
7 provisional ballots, federal provisional absentee ballots, or absentee ballots or fails  
8 to allow a qualified voter to cast his or her vote using voting equipment~~on the~~  
9 ~~machine~~ as required of the voter by this chapter shall be guilty of a Class A  
10 misdemeanor.

11 (4) Any election officer who knowingly and willfully violates any of the provisions of  
12 this chapter, including failure to enforce the prohibition against electioneering  
13 established by KRS 117.235, shall be guilty of a Class A misdemeanor for the first  
14 offense and a Class D felony for each subsequent offense.

15 (5) Any person who violates Section 6 of this Act, or who signs a name other than his  
16 or her own on an application for an absentee ballot, the verification form for the  
17 ballot, an emergency absentee ballot affidavit, a voter or election official  
18 affirmation, or any person who votes an absentee ballot other than the one issued in  
19 his or her name, or any person who applies for the ballot for the use of anyone other  
20 than himself or herself or the person designated by the provisions of this chapter, or  
21 any person who makes a false statement on an application for an absentee ballot or  
22 on an emergency absentee ballot affidavit shall be guilty of a Class D felony.

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

- 1 (7) Any person who knowingly and willfully prepares or assists in the preparation of an  
 2 inaccurate or incomplete voter assistance form or fails to complete a voter  
 3 assistance form when required shall be guilty of a Class A misdemeanor for the first  
 4 offense and a Class D felony for each subsequent offense; however, if a voter has  
 5 been permanently certified as requiring voting assistance, there shall be no offense  
 6 for the failure of the voter to complete the form.
- 7 (8) The members of a county board of elections who fail to provide the training to  
 8 precinct election officers required by KRS 117.187(2) shall be subject to removal  
 9 by the State Board of Elections.
- 10 (9) Any local or state election official, including the Secretary of State, employees of  
 11 the Secretary, and members of the State Board of Elections and their staff, who  
 12 knowingly and willfully uses the voter registration roster in violation of KRS  
 13 117.025(3)(a) shall, for each offense, be guilty of a Class A misdemeanor.

14 ➔Section 47. KRS 118.015 is amended to read as follows:

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

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

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

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

5 (5) "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 (5) ~~"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 (6) "Voting machine" or "machine" means a part of a voting system that consists of:

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

26 (7) "Voting system" means:

27 (a) The total combination of physical, mechanical, electromechanical, or

1           electronic equipment, including the software, hardware, firmware, and  
 2           documentation required to program, control, and support that equipment,  
 3           that is used to:

4           1. Define ballots;

5           2. Cast and count votes;

6           3. Report or display election results;

7           4. Maintain and produce any audit trail information; and

8           **(b) 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 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;

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

19       **(9)**~~[(8)]~~ "Political organization" means a political group not constituting a political  
 20       party within the meaning of subsection (1) of this section but whose candidate  
 21       received two percent (2%) or more of the vote of the state at the last preceding  
 22       election for presidential electors; and

23       **(10)**~~[(9)]~~ "Political group" means a political group not constituting a political party or a  
 24       political organization within the meaning of subsections (1) and **(9)**~~[(8)]~~ of this  
 25       section.

26       ➔Section 48. KRS 118.025 is amended to read as follows:

27       (1) Except as otherwise provided by law, voting in all primaries and elections shall be

1 by secret paper ballot ~~on voting machines~~.

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

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

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

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

14 (6) If the law requires that a special election be held within a period of time during  
15 which the voting equipment~~machines~~ must be locked as required by KRS  
16 117.295, the special election shall be held on the fourth Tuesday following the  
17 expiration of the period during which the voting equipment is~~machines are~~  
18 locked.

19 ➔Section 49. KRS 118.105 is amended to read as follows:

20 (1) Except as provided in subsections (3) and (4) of this section and in KRS 118.115,  
21 every political party shall nominate all of its candidates for elective offices to be  
22 voted for at any regular election at a primary held as provided in this chapter, and  
23 the governing authority of any political party shall have no power to nominate any  
24 candidate for any elective office or to provide any method of nominating candidates  
25 for any elective office other than by a primary as provided in this chapter.

26 (2) Any political organization not constituting a political party as defined in KRS  
27 118.015 may make its nominations as provided in KRS 118.325.

- 1 (3) If a vacancy occurs in the nomination of an unopposed candidate or in a nomination  
2 made by the primary before the certification of candidates for the regular election  
3 made under KRS 118.215, because of death, withdrawal, disqualification to hold  
4 the office sought, or severe disabling condition which arose after the nomination,  
5 the governing authority of the party may provide for filling the vacancy, but only  
6 following certification to the governing authority, by the Secretary of State, that a  
7 vacancy exists for a reason specified in this subsection. When such a nomination  
8 has been made, the certificate of nomination shall be signed by the chair and  
9 secretary of the governing authority of the party making it, and shall be filed in the  
10 same manner as certificates of nomination at a primary.
- 11 (4) If a vacancy occurs in the nomination of an unopposed candidate or in a nomination  
12 made by the primary before the certification of candidates for the regular election,  
13 and if that party's nominee was the only political party candidate for the office  
14 sought, the governing authority of each party may nominate a candidate for the  
15 regular election, provided that no person has sought that party's nomination by filing  
16 a notification and declaration.
- 17 (5) If a vacancy occurs in the nomination of a candidate under the conditions of  
18 subsection (3) or (4) of this section prior to September 15 preceding the day of the  
19 regular election, certificates of nomination for replacement candidates shall be filed  
20 in the same manner as provided in subsections (3) and (4) not later than 4 p.m. ten  
21 (10) days after the vacancy occurs, excluding weekends and legal holidays. If a  
22 vacancy occurs in the nomination of a candidate under the conditions of subsection  
23 (3) or (4) of this section on or after September 15 preceding the date of the regular  
24 election, certificates of nomination for replacement candidates shall be filed in the  
25 same manner as provided in subsections (3) and (4) not later than 4 p.m. five (5)  
26 days after the vacancy occurs, excluding weekends and legal holidays.
- 27 (6) If a vacancy in candidacy described in subsection (5) of this section occurs later

1 than the second Thursday preceding the date of the regular election, no certificates  
2 of nomination shall be filed and any candidate whose name does not appear on the  
3 ballot may seek election by write-in voting pursuant to KRS 117.265.

4 (7) This section does not apply to candidates for members of boards of education, or  
5 presidential electors, nor to candidates participating in nonpartisan elections.  
6 However, regardless of the number of days served by a judge acting as a Senior  
7 Status Special Judge, a judge who elected to retire as a Senior Status Special Judge  
8 in accordance with KRS 21.580 shall not become a candidate for any elected office  
9 during the five (5) year term prescribed in KRS 21.580(1)(a)1.

10 ➔Section 50. KRS 118.215 is amended to read as follows:

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

1 The names shall be certified as follows:

2 (a) Not later than the second Monday after the filing deadline for the primary as  
3 established in KRS 83A.045, 118.165, and 118A.060;

4 (b) Not later than the second Monday following the filing deadline for the regular  
5 election, except as provided in paragraph (c) of this subsection; and

6 (c) Not later than the Monday after the Friday following the first Tuesday in  
7 September preceding a regular election, for those years in which there is an  
8 election for President and Vice President of the United States.

9 (2) Except as otherwise provided in subsection (3) of this section, all independent  
10 candidates or slates of candidates whose nominating petitions are filed with the  
11 county clerk or the Secretary of State shall be listed under the title and device  
12 designated by them as provided in KRS 118.315, or if none is designated, under the  
13 word "independent," and shall be placed on the ballot in a separate column or  
14 columns or in a separate line or lines according to the office which they seek. The  
15 order in which independent candidates or slates of candidates shall appear on the  
16 ballot shall be determined by lot by the county clerk. If the same device is selected  
17 by two (2) groups of petitioners, it shall be given to the first selecting it and the  
18 county clerk shall permit the other group to select a suitable device. This section  
19 shall not apply to candidates for municipal offices which come under subsection (3)  
20 of this section.

21 (3) The ballots used at any election in which city officers are to be elected as provided  
22 in subsection (2) of this section shall contain the names of candidates for the city  
23 offices grouped according to the offices they seek, and the candidates shall be  
24 immediately arranged with and designated by the title of office they seek. The order  
25 in which the names of the candidates for each office are to be printed on the ballot  
26 shall be determined by lot. Each group of candidates for each separate office for  
27 which the candidates are to be elected shall be clearly separated from other groups



1 on the ballot and spaced to avoid confusion on the part of the voter.

2 (4) The Secretary of State shall not knowingly certify to the county clerk of any county  
3 the name of any candidate or slate of candidates who has not filed the required  
4 nomination papers, nor knowingly fail to certify the name of any candidate or slate  
5 of candidates who has filed the required nomination papers.

6 (5) If the county clerk determines that the number of certified candidates or slates of  
7 candidates cannot be placed on a ballot which can be accommodated by the voting  
8 equipment~~[machines]~~ currently in use by the county, he or she shall so notify the  
9 State Board of Elections not later than the last Tuesday in February preceding the  
10 primary or the last Tuesday in August preceding the regular election. The State  
11 Board of Elections shall meet within five (5) days of the notice, review the ballot  
12 conditions, and determine whether supplemental paper ballots are necessary for the  
13 election. Upon approval of the State Board of Elections, supplemental paper ballots  
14 may be used for nonpartisan candidates or slates of candidates for an office or  
15 offices and public questions submitted for a yes or no vote. All candidates or slates  
16 of candidates for any particular office shall be placed either on the~~[machine]~~ ballot  
17 or on the supplemental paper ballot. Supplemental paper ballots may also be used  
18 to conduct the voting, in the instance of a small precinct as provided in KRS  
19 117.066.

20 (6) The ballot position of a candidate or slate of candidates shall not be changed after  
21 the ballot position has been designated by the county clerk.

22 ➔Section 51. KRS 118.225 is amended to read as follows:

23 (1) For the purpose of determining the order in which the names of candidates or slates  
24 of candidates to be voted for by the electors of the entire state shall be certified and  
25 printed on the ballots with the designation of the respective offices, the Secretary of  
26 State shall prepare lists of the counties of each congressional district of the state.  
27 The Secretary of State shall arrange the surnames of all candidates or slates of

- 1 candidates for each office in alphabetical order for the First Congressional District,  
2 and the names shall be certified in this order to the county clerks of all the counties  
3 comprising that district. For each succeeding congressional district, taken in  
4 numerical order, the name appearing first for each office in the last preceding  
5 district shall be placed last, and the name appearing second in the last preceding  
6 district shall be placed first, and each other name shall be moved up one (1) place.  
7 The lists shall be certified accordingly.
- 8 (2) For all other offices for which nomination papers and petitions are filed with the  
9 Secretary of State, the order of names of candidates for each office shall be  
10 determined by lot at a public drawing to be held in the office of the Secretary of  
11 State at 2 p.m., standard time, on the Thursday following the filing deadline for the  
12 primary as established in KRS 83A.045, 118.165, and 118A.060 or the Thursday  
13 following the first Tuesday after the first Monday in June preceding the regular  
14 election.
- 15 (3) For all offices for which nomination papers and petitions are filed in the office of  
16 the county clerk, the order in which the names of candidates for each office are to  
17 be printed on the ballot shall be determined by lot at a public drawing in the office  
18 of the county clerk at 2 p.m., standard time, on the Thursday following the filing  
19 deadline for the primary as established in KRS 83A.045, 118.165, and 118A.060 or  
20 the Thursday following the first Tuesday after the first Monday in June preceding  
21 the regular election.
- 22 (4) For all offices for which the deadline for filing nomination papers and petitions is  
23 governed by KRS 83A.165(4)(c) or 118.375(2), the order in which the names of  
24 candidates for each office are to be printed shall be determined by lot at a public  
25 drawing in the office at the place of filing at 2 p.m., standard time, on the Thursday  
26 following the second Tuesday in August preceding the regular election.
- 27 (5) If the number of certified candidates or slates of candidates cannot be placed on a

1 ballot which can be accommodated on voting equipment~~[machines]~~ currently in use  
2 in the county, the county clerk shall notify the State Board of Elections, as provided  
3 in KRS 118.215.

4 ➔Section 52. KRS 118.305 is amended to read as follows:

5 (1) Except as provided in KRS 118.345, and subject to the provisions of subsections  
6 (2), (3), and (4) of this section, the county clerk of each county shall cause to be  
7 printed on all ballots, including~~[for the voting machines and on]~~ the absentee  
8 ballots, for the regular election the names of the following persons:

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

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

18 (c) Candidates of a political party, as defined in KRS 118.015, who have been  
19 nominated by the governing authority of the party to fill a vacancy in the  
20 candidacy of a person nominated at the preceding primary, as provided in  
21 KRS 118.105, and whose certificates of nomination have been filed with the  
22 Secretary of State or the appropriate county clerk, by at least the date provided  
23 by the election law generally for such filing;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 ➔Section 53. KRS 118.325 is amended to read as follows:

26 (1) Any political organization not constituting a political party within the meaning of  
27 KRS 118.015 but whose candidate received two percent (2%) of the vote of the

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

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

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

1 notification and declaration forms are filed for the office. The form of the statement  
2 shall be prescribed by the State Board of Elections. Such statement shall be filed as  
3 prescribed by KRS 118.365.

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

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

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



1 the party, by the written certificate of its chair, shall be recognized by the Secretary  
2 of State and county clerk.

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

7 ➔Section 54. KRS 118.345 is amended to read as follows:

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

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

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

23 ➔Section 55. KRS 118.405 is amended to read as follows:

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

1 be filled at a special election, when the special election to fill a vacancy is scheduled for  
2 the regular election day.

3 ➔Section 56. KRS 118.415 is amended to read as follows:

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

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

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

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

13 ➔Section 57. KRS 118A.010 is amended to read as follows:

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

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

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

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

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

1 (3) "Voting equipment" means any physical component of a voting system and  
2 includes voting machines where voting machines are in operation; ~~and~~

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

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

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

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

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

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

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

16 (5) "Voting system" means:

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

21 1. Define ballots;

22 2. Cast and count votes;

23 3. Report or display election results; and

24 4. Maintain and produce any audit trail information; and

25 (b) The practices and associated documentation used to:

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

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

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

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

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

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

12          ➔Section 58. KRS 118A.060 is amended to read as follows:

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

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

- 1 (3) The petition for nomination shall be in the form prescribed by the State Board of  
2 Elections. The petition shall include a declaration sworn to by the candidate, that he  
3 or she possesses all the constitutional and statutory requirements of the office for  
4 which the candidate has filed. Titles, ranks, or spurious phrases shall not be  
5 accepted on the petition and shall not be printed on the ballots as part of the  
6 candidate's name; however, nicknames, initials, and contractions of given names  
7 may be acceptable as the candidate's name.
- 8 (4) The Secretary of State shall examine the petition of each candidate to determine  
9 whether it is regular on its face. If there is an error, the Secretary of State shall  
10 notify the candidate by certified mail within twenty-four (24) hours of filing. The  
11 order of names on the ballot for each district or circuit, and numbered division if  
12 divisions exist, shall be determined by lot at a public drawing to be held in the  
13 office of the Secretary of State at 2 p.m., standard time, on the Thursday following  
14 the filing deadline for the primary as established in this section and in KRS  
15 83A.045 and 118.165.
- 16 (5) Not later than the date set forth in KRS 118.215(1)(a) preceding the primary, and  
17 after the order of names on the ballot has been determined as required in subsection  
18 (4) of this section, the Secretary of State shall:
- 19 (a) Certify to the county clerks of the respective counties entitled to participate in  
20 the election of the various candidates, the name and place of residence of each  
21 candidate for each office, by district or circuit, and numbered division if  
22 divisions exist, as specified in the petitions for nomination filed with him or  
23 her; and
- 24 (b) Designate for the county clerks the office of the Court of Justice with which  
25 the names of candidates shall be printed and the order in which they are to  
26 appear on the ballot.
- 27 (6) The ballot position of a candidate shall not be changed after the ballot position has

1           been designated by the Secretary of State.

2       (7) The county clerks of each county shall cause to be printed on the ~~the ballot labels for~~  
3       ~~the voting machines and on the special~~ ballots for the primary the names of the  
4       candidates for offices in the Court of Justice.

5       (8) The names of the candidates shall be placed on the ballots~~[voting machine]~~ in a  
6       separate column or columns or in a separate line or lines and identified by the words  
7       "Judicial Ballot." The words "Vote for one," or "Vote for one in each division,"  
8       shall be printed on the ballot in an appropriate location. The office, numbered  
9       division if divisions exist, and the candidates shall be clearly labeled. No party  
10      designation or emblem of any kind, nor any sign indicating any candidate's political  
11      belief or party affiliation, shall be used on ~~the~~~~[voting machines or special]~~ ballots.

12      (9) The two (2) candidates receiving the highest number of votes for nomination for  
13      justice or judge of a district or circuit, or numbered division if divisions exist, shall  
14      be nominated. Certificates of nomination shall be issued as provided in KRS  
15      118A.190.

16      (10) If it appears after expiration of the time for filing petitions for nomination that there  
17      are not more than two (2) candidates who have filed the necessary petitions for a  
18      place on the ballot in the regular election, no drawing for ballot position shall be  
19      held and the Secretary of State shall immediately issue and file in the Secretary's  
20      office certificates of nomination, and send copies to the candidates.

21      ➔Section 59. KRS 118A.090 is amended to read as follows:

22      (1) For the regular election, the order of names on the ballot for each district or circuit,  
23      and numbered division if divisions exist, shall be determined by lot at a public  
24      drawing to be held in the office of the Secretary of State at 2 p.m., standard time, on  
25      the Thursday following the first Tuesday after the first Monday in June preceding  
26      the regular election, except as provided in KRS 118A.100(6).

27      (2) Not later than the date set forth in KRS 118.215(1)(b) after the filing deadline for

1 the regular election in a year in which there is no election for President and Vice  
2 President of the United States, or not later than the date set forth in KRS  
3 118.215(1)(c) preceding a regular election in a year in which there is an election for  
4 President and Vice President of the United States, and after the order of names on  
5 the ballot has been determined as required in subsection (1) of this section, the  
6 Secretary of State shall:

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



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

4 ➔Section 60. KRS 118A.100 is amended to read as follows:

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

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

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

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

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

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

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

27 (7) Not later than the date set forth in KRS 118.215 and after the order of names on the

1 ballot has been determined as required in subsection (6) of this section, the  
2 Secretary of State shall:

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

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

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

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

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

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

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

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

4 ➔Section 61. KRS 118A.150 is amended to read as follows:

- 5 (1) In certification of candidates for judicial office, no reference shall be made to  
6 political affiliation.
- 7 (2) The Secretary of State shall not knowingly certify to the county clerk of any county  
8 the name of any candidate who has not filed the required nomination or candidacy  
9 papers, nor knowingly fail to certify the name of any candidate who has filed the  
10 required nomination or candidacy papers.
- 11 (3) No county clerk shall knowingly cause to be printed on any ballots~~[the ballot~~  
12 ~~labels]~~ or absentee ballots for any election, the name of a candidate for an office of  
13 the Court of Justice who has not been certified in the manner specified in this  
14 chapter.
- 15 (4) If, before the time of certification of candidates who will appear on the ballot  
16 provided for in this chapter, any candidate whose petition or certificate of  
17 nomination or petition for candidacy has been filed, dies or notifies the Secretary of  
18 State in writing, signed and properly notarized, that he will not accept the  
19 nomination or election, the Secretary of State shall not certify his name.
- 20 (5) If, after the certification of candidates who will appear on the ballot, any candidate  
21 whose petition or certificate of nomination or petition for candidacy has been filed,  
22 dies or notifies the Secretary of State in the manner described in subsection (4) of  
23 this section, that he will not accept the nomination or election, the Secretary of State  
24 shall immediately notify the appropriate county clerk, and the clerk shall ensure that  
25 notice is provided to the appropriate precincts as provided in subsection (7) of this  
26 section.
- 27 (6) If after the certification of candidates who will appear on the ballot, any candidate

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

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

21 ➔Section 62. KRS 118A.130 is amended to read as follows:

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

24 ➔Section 63. KRS 119.005 is amended to read as follows:

25 **As used in this chapter:**

26 (1) A "ballot" or "official ballot" means the **official presentation of offices and**  
 27 **candidates to be voted 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;

8        4. Maintain and produce any audit trail information; and

9        (b) The practices and associated documentation used to:

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

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

12       3. Maintain records of system errors and defects;

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

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

20       ➔Section 64. KRS 119.115 is amended to read as follows:

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

25       (2) Any person who, during or before any primary, regular election~~[general],~~ or special  
 26       election, willfully tampers with or attempts to tamper with, disarrange, deface, or  
 27       impair in any manner whatsoever, injures, or destroys any ballot~~[label],~~ or destroys

1 any~~[-such]~~ voting machine, **voting equipment, or voting system** while in use at an  
 2 election or at any other time, or who shall, after such **voting** machine, **voting**  
 3 **equipment, or voting system** is locked and sealed in order to preserve the record of  
 4 the vote, tamper with or attempt to tamper with the record of the vote, or who aids  
 5 or abets with intent to destroy or change the record of the vote shall be guilty of a  
 6 Class D felony.

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

20 ➔Section 65. KRS 120.005 is amended to read as follows:

21 **As used in this chapter:**

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



1 or special election by the Secretary of State or the county clerk;

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

4 (3) **"Voting equipment" means any physical component of a voting system and**  
 5 **includes voting machines where voting machines are in operation**["Ballot label"

6 means the cards, papers, booklet, pages or other material on which appear the  
 7 names of candidates and the questions to be voted on by means of ballot cards or  
 8 voting machines;

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

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

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

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

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

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

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

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

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

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

1            1. Define ballots;

2            2. Cast and count votes;

3            3. Report or display election results; and

4            4. Maintain and produce any audit trail information; and

5            (b) The practices and associated documentation used to:

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

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

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

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

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

16            ➔Section 66. KRS 120.017 is amended to read as follows:

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

21            (2) Upon receipt by the county clerk of notice of error in conducting the polling or  
 22            tabulation of votes pursuant to subsection (1) of this section, the county clerk shall  
 23            file an action in the Circuit Court~~[,]~~ within fifteen (15) days of the primary or  
 24            election, requesting a recount of ballots for the precinct reporting the administrative  
 25            or clerical error. Simultaneously with the filing of such action, the county clerk shall  
 26            make written notice by regular mail to all candidates appearing on the ballot of the  
 27            precinct at issue that such action is being filed. In the case of an election for

1 candidates for offices for the state at large or an election on a statewide public  
2 question, the action shall be filed in the Franklin Circuit Court; in the case of other  
3 elections, the action shall be filed in the Circuit Court of the county in which the  
4 precinct reporting the error is located.

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

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

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

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

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

24 **(8) The court may determine if an automatic recount conducted under Section 80 of**  
25 **this Act satisfies the recount required under this section.**

26 ➔Section 67. KRS 120.095 is amended to read as follows:

27 (1) Any candidate voted for at a primary held under KRS 118.015 to 118.035 and

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

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

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

6 ➔Section 68. KRS 120.165 is amended to read as follows:

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

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

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

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

1 elected had refused to qualify. If one **(1)** of the parties is adjudged by the court to be  
 2 elected to the office, he **or she** shall, on production of a copy of the final judgment,  
 3 be permitted to qualify or be commissioned.

4 ➔Section 69. KRS 120.185 is amended to read as follows:

5 (1) **(a) 1.** Any candidate who was voted for at a regular election for any of the  
 6 offices to which KRS 120.155 applies, **and who does not qualify for an**  
 7 **automatic recount under Section 80 of this Act,** may request a recount  
 8 of the ballots by filing a petition~~[so requesting,]~~ with the same court  
 9 **where**~~[that]~~ petitions of contest are required to be filed.~~[with, within ten~~  
 10 ~~(10) days after the day of the election, or,]~~

11 **2.** If the candidate is qualified to institute a contest proceeding under KRS  
 12 120.155, **the candidate may request a recount** by including a **recount**  
 13 request~~[for a recount]~~ in his **or her** petition instituting the contest  
 14 **proceeding**~~[proceedings, but in the latter case the petition shall be filed~~  
 15 ~~within ten (10) days after the day of the election].~~

16 **(b)** Any candidate who is a contestee in a contest proceeding under KRS 120.155  
 17 may request a recount in his **or her** answer filed in the contest proceeding, but  
 18 only if the answer **containing the recount request** is filed within **five (5)**~~ten~~  
 19 ~~(10)]~~ days after **service of the petition upon the contestee**~~[the day of election].~~

20 **(c) Any candidate under this subsection who would receive a certificate of**  
 21 **election from the county board of elections under KRS 118.425 shall file his**  
 22 **or her petition requesting a recount not later than ten (10) days after the**  
 23 **day of the election. The county board of elections shall be named a party**  
 24 **defendant in the petition.**

25 **(d) Any candidate under this subsection who would receive a certificate of**  
 26 **election from the State Board of Elections under KRS 118.425 shall file his**  
 27 **or her petition requesting a recount not later than the second Tuesday**

1 following the election. The State Board of Elections shall be named a party  
2 defendant in the petition.~~[If a request for a recount is made, the State Board~~  
3 ~~of Elections or the county board of elections, whichever would issue the~~  
4 ~~certificate of election shall be made a party defendant.]~~

5 (e) The party requesting the recount shall execute bond with approved surety for  
6 the costs of the recount, in an amount to be fixed by the Circuit Judge. The  
7 bond may be filed by the state political party, political organization, or  
8 political group, if any, to which the candidate is affiliated. Upon the bond  
9 being filed, the clerk shall immediately notify the Circuit Judge of the request  
10 and the filing of the bond, and the judge shall at once enter an order directing  
11 the voting machines, voting equipment, or voting system, ballots, boxes, and  
12 all papers pertaining to the election~~[to]~~ be secured. The court shall further  
13 order that the voting equipment, voting system, and ballot boxes containing  
14 all paper ballots shall remain continuously locked as required by Section 37  
15 of this Act until the time set for the recount. The keys shall remain in the  
16 custody and possession of the county board of elections until the time set for  
17 the recount.~~[transferred to]~~

18 (f) The Circuit Court shall~~[, and]~~ fix a day for the recount proceedings to begin.  
19 A copy of the order shall be served upon the parties or their counsel in the  
20 same manner as notices are required to be served, which shall be deemed  
21 sufficient notice of the proceeding.

22 (g) At the recount, each political party represented on the county board of  
23 elections may appoint a representative to be present, and each candidate  
24 subject to the recount may be present, either in person or by a  
25 representative, or both. The county board of elections shall authorize  
26 representatives of the news media to observe the recount.

27 (h) On the day fixed by the court, the county board of elections shall meet and

1 after confirming the integrity of the ballots, ~~court~~ shall proceed to recount  
2 the ballots. ~~if their integrity is satisfactorily shown and shall~~

3 (i) The county board of elections shall complete the recount as soon as  
4 practicable, and shall forward the results of the recount to the Circuit Court.

5 (j) Upon receipt of the results of the recount, the court shall enter a judgment  
6 setting out ~~file and enter of record~~ the results of the recount ~~thereof~~, and  
7 directing ~~direct~~ the State Board of Elections ~~state board~~ or county board of  
8 elections, whichever would issue the certificate of election, to issue the  
9 certificate ~~same~~ to the party entitled thereto as shown by the recount.

10 (k) No certificate of election shall be issued by the State Board of Elections or  
11 any county board of elections while any recount proceeding is pending, and  
12 any certificate of election issued before the final judgment in any recount  
13 proceeding shall be null and void.

14 (l)~~(2)~~ Any party may appeal from the judgment issued under paragraph (j) of  
15 this subsection to the Court of Appeals, in the same manner as provided in  
16 KRS 120.075, and all of the provisions of that ~~which~~ statute shall apply ~~be~~  
17 applicable.

18 (m)~~(3)~~ If a proceeding for recount is requested ~~asked~~ and prosecuted in a  
19 contest proceeding, the recount ~~it~~ shall not await the preparation or trial of  
20 the contest in the Circuit Court or in the Court of Appeals. The action of the  
21 courts shall be final~~, concluding the parties~~ as to the question of a recount of  
22 the ballots under this subsection, and certificates shall then be issued to the  
23 parties entitled thereto.

24 (2) (a) Any slate of candidates for Governor and Lieutenant Governor, or any  
25 candidate for the United States Senate or the United States House of  
26 Representatives who was voted for at a regular election or a special election,  
27 and who does not qualify for an automatic recount under Section 80 of this



1           Act, may request a recount of the ballots by filing a petition in the Franklin  
2           Circuit Court.

3           (b) For any slate of candidates for Governor and Lieutenant Governor, the  
4           petition requesting a recount shall be filed not later than the Tuesday  
5           following the election. No recanvass under Section 38 of this Act shall be  
6           conducted. The court shall order the recount to commence at 9 a.m. local  
7           time not later than a date five (5) days after the filing of the petition. The  
8           recount shall be completed by the county board of elections within fourteen  
9           (14) days of commencement of the recount, Sundays excluded. The State  
10           Board of Elections shall be named a party defendant in the petition.

11           (c) For any candidate for the United States Senate or the United States House  
12           of Representatives, the petition requesting a recount shall be filed not later  
13           than the second Tuesday following the election. The State Board of  
14           Elections shall be named a party defendant in the petition.

15           (d) Except for the time requirements established under paragraphs (b) and (c)  
16           of this subsection, the recount shall proceed as provided in subsection (1)(e)  
17           to (j) of this section.

18           (e) No appeal shall be taken from the findings issued by the Franklin Circuit  
19           Court described in subsection (1)(j) of this section; however, any party  
20           aggrieved by the findings or action of the court may file a petition for  
21           contest to the General Assembly under Section 82 of this Act, and the  
22           General Assembly may accept, modify, or disregard the findings of the court  
23           in its sole and absolute discretion.

24           (f) No certificate of election shall be issued by the State Board of Elections  
25           while any recount proceeding or contest proceeding is pending, and if  
26           issued before entry of the findings described in paragraph (e) of this  
27           subsection shall be null and void.

1 (g) Any candidate for the United States Senate or the United States House of  
2 Representatives aggrieved by the findings or action of the court shall  
3 proceed under the rules established by the United States Congress or federal  
4 law.

5 (3) (a) Any candidate for the General Assembly who was voted for at a regular  
6 election or special election, and who does not qualify for an automatic  
7 recount under Section 80 of this Act, may request a recount of the ballots by  
8 filing a petition in the Circuit Court of the county where the requesting  
9 candidate resides.

10 (b) The petition requesting a recount shall be filed not later than the second  
11 Tuesday following the election. The State Board of Elections shall be  
12 named a party defendant in the petition.

13 (c) The recount shall proceed as provided in subsection (1)(e) to (j) of this  
14 section.

15 (d) No appeal shall be taken from the findings issued by the court described in  
16 subsection (1)(j) of this section; however, any party aggrieved by the  
17 findings or action of the court may file a petition for contest to the General  
18 Assembly under Section 82 of this Act, and the General Assembly may  
19 accept, modify, or disregard the findings of the court in its sole and absolute  
20 discretion.

21 (e) No certificate of election shall be issued by the State Board of Elections  
22 while any recount proceeding or contest proceeding is pending, and if  
23 issued before entry of the findings described in subsection (1)(j) of this  
24 section shall be null and void.

25 ➔Section 70. KRS 242.120 is amended to read as follows:

26 (1) Any qualified voter may demand a recount of the votes or contest the election in the  
27 same manner as is provided for the recount of votes or contest of regular[general]

1 elections of county officers by KRS 120.155 to 120.185. The members of the  
2 county board of election commissioners shall be named as contestees and summons  
3 shall be served upon them. Any qualified voter may intervene as contestee by filing  
4 a petition to be made a party in the action.

5 (2) (a) The canvass and returns provided for in KRS 242.110 shall constitute the  
6 official returns for the local option election, unless before 4 p.m. on the  
7 seventh day following the local option election, the county clerk or county  
8 board of elections takes notice of a discrepancy in the tally of votes cast in any  
9 precinct or number of precincts within the territory voting in the local option  
10 election, or a committee favoring or opposing the proposition makes a written  
11 request to the county board of elections to check and recanvass the **ballots**  
12 **cast, including**~~voting machines and~~ absentee ballots, of any precinct or any  
13 number of precincts involving the local option election. After this time period  
14 has elapsed and notice is taken, the county board of elections shall assemble at  
15 9 a.m. on the second day following the filing deadline to request a recanvass,  
16 and not sooner, and recheck and recanvass **all voting equipment**~~each~~  
17 ~~machine~~ and make a proper return thereof to the county clerk, and the  
18 canvass and return shall become the official returns for the election.

19 (b) In making the recanvass, the county board of elections shall make a record of  
20 the **unique designation or** number of the seal upon the voting  
21 **equipment**~~machine~~ and, without unlocking the **voting equipment**~~machine~~  
22 against voting, recanvass the **votes**~~vote~~ cast~~thereon~~. If, after a recanvass, it  
23 is found that the original canvass of the returns has been correctly made from  
24 the **voting equipment**~~machine~~ and that there still remains a discrepancy  
25 unaccounted for, this discrepancy shall be noted. If, upon recanvass, it appears  
26 that the original canvass of the returns by the election officers was incorrect,  
27 the returns and all papers being prepared by the county board of elections shall

1 be corrected accordingly.

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

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

- 14 (a) The name of the county in which the canvass was conducted;
- 15 (b) The date of the report;
- 16 (c) The date of the local option election;
- 17 (d) The proposition for which the canvass was conducted;
- 18 (e) The names of the leaders of the committees favoring or opposing the  
19 proposition being canvassed; and
- 20 (f) The~~machine~~ votes cast at the polls, absentee votes, and vote totals for each  
21 "yes" or "no" vote.

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

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

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

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

3 ➔Section 71. KRS 424.290 is amended to read as follows:

4 (1) Not less than three (3) days before any primary or regular election the county clerk  
5 shall cause to be published in a newspaper a copy of the **ballots**~~[face of the voting~~  
6 ~~machines, or where an electronic or electromechanical voting system is used, a copy~~  
7 ~~of the ballot cards]~~ or supplementary material on which appear the names of  
8 candidates or issues to be voted upon. Where the lists of candidates or issues to be  
9 voted upon differ for various precincts within the county, the county clerk shall  
10 cause to be published only one (1) set of data with appropriate notations showing  
11 the differences in the various precincts. If supplemental paper ballots have been  
12 approved as provided in KRS 118.215, the **supplemental** paper ballot shall be  
13 published at the same time as other material required to be published by this  
14 subsection. The cost of publication shall be paid by the county, except that the cost  
15 of publishing any voting data required to be published by this subsection that is  
16 limited to a city election or a district election other than a school district election  
17 shall be paid by the city or the district as the case may be.

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

21 ➔SECTION 72. A NEW SECTION OF KRS CHAPTER 118 IS CREATED TO  
22 READ AS FOLLOWS:

23 **Except as required by Section 75 of this Act related to the emergency powers granted to**  
24 **the Governor and Secretary of State as to the time and place for holding elections, no**  
25 **government official other than the General Assembly may suspend or revise any statute**  
26 **pertaining to elections.**

27 ➔SECTION 73. A NEW SECTION OF KRS CHAPTER 48 IS CREATED TO

1 READ AS FOLLOWS:

2 *Local, state, and federal tax dollars shall not be used to advocate, in partial terms, for*  
3 *or against any public question that appears on the ballot. For purposes of this section,*  
4 *"local" means and includes any city, county, urban-county government, consolidated*  
5 *local government, unified local government, charter county government, or special*  
6 *district.*

7 →SECTION 74. A NEW SECTION OF KRS CHAPTER 65 IS CREATED TO  
8 READ AS FOLLOWS:

9 *Local, state, and federal tax dollars shall not be used to advocate, in partial terms, for*  
10 *or against any public question that appears on the ballot. For purposes of this section,*  
11 *"local" means and includes any city, county, urban-county government, consolidated*  
12 *local government, unified local government, charter county government, or special*  
13 *district.*

14 →Section 75. KRS 39A.100 is amended to read as follows:

15 (1) In the event of the occurrence or threatened or impending occurrence of any of the  
16 situations or events contemplated by KRS 39A.010, 39A.020, or 39A.030, the  
17 Governor may declare, in writing, that a state of emergency exists. The Governor  
18 shall have and may exercise the following emergency powers during the period in  
19 which the state of emergency exists:

20 (a) To enforce all laws, and administrative regulations relating to disaster and  
21 emergency response and to assume direct operational control of all disaster  
22 and emergency response forces and activities in the Commonwealth;

23 (b) To require state agencies and to request local governments, local agencies, and  
24 special districts to respond to the emergency or disaster in the manner  
25 directed;

26 (c) To seize, take, or condemn property, excluding firearms and ammunition,  
27 components of firearms and ammunition, or a combination thereof, for the

- 1 protection of the public or at the request of the President, the Armed Forces,  
2 or the Federal Emergency Management Agency of the United States,  
3 including:
- 4 1. All means of transportation and communication;
  - 5 2. All stocks of fuel of whatever nature;
  - 6 3. Food, clothing, equipment, materials, medicines, and all supplies; and
  - 7 4. Facilities, including buildings and plants;
- 8 (d) To sell, lend, give, or distribute any of the property under paragraph (c) of this  
9 subsection among the inhabitants of the Commonwealth and to account to the  
10 State Treasurer for any funds received for the property;
- 11 (e) To make compensation for the property seized, taken, or condemned under  
12 paragraph (c) of this subsection;
- 13 (f) To exclude all nonessential, unauthorized, disruptive, or otherwise  
14 uncooperative personnel from the scene of the emergency, and to command  
15 those persons or groups assembled at the scene to disperse. A person who  
16 refuses to leave an area in which a written order of evacuation has been issued  
17 in accordance with a written declaration of emergency or a disaster may be  
18 forcibly removed to a place of safety or shelter, or may, if this is resisted, be  
19 arrested by a peace officer. Forcible removal or arrest shall not be exercised as  
20 options until all reasonable efforts for voluntary compliance have been  
21 exhausted;
- 22 (g) To declare curfews and establish their limits;
- 23 (h) To prohibit or limit the sale or consumption of goods, excluding firearms and  
24 ammunition, components of firearms and ammunition, or a combination  
25 thereof, or commodities for the duration of the emergency;
- 26 (i) To grant emergency authority to pharmacists pursuant to KRS 315.500, for the  
27 duration of the emergency;

- 1 (j) Except as prohibited by this section or other law, to perform and exercise  
2 other functions, powers, and duties deemed necessary to promote and secure  
3 the safety and protection of the civilian population;
- 4 (k) To request any assistance from agencies of the United States as necessary and  
5 appropriate to meet the needs of the people of the Commonwealth; and
- 6 (l) Upon the recommendation of the Secretary of State, to declare by executive  
7 order a different time~~[,]~~ or place~~[, or manner]~~ for holding elections in an  
8 election area for which a state of emergency has been declared for part or all  
9 of the election area. The election shall be held within thirty-five (35) days  
10 from the date of the suspended or delayed election. The State Board of  
11 Elections shall establish procedures for election officials to follow. Any  
12 procedures established under this paragraph shall be subject to the approval of  
13 the Secretary of State and the Governor by respective executive orders.
- 14 (2) In the event of the occurrence or threatened or impending occurrence of any of the  
15 situations or events contemplated by KRS 39A.010, 39A.020, or 39A.030, which in  
16 the judgment of a local chief executive officer is of such severity or complexity as  
17 to require the exercise of extraordinary emergency measures, the county  
18 judge/executive of a county other than an urban-county government, or mayor of a  
19 city or urban-county government, or chief executive of other local governments or  
20 their designees as provided by ordinance of the affected county, city, or urban-  
21 county may declare in writing that a state of emergency exists, and thereafter,  
22 subject to any orders of the Governor, shall have and may exercise for the period as  
23 the state of emergency exists or continues, the following emergency powers:
- 24 (a) To enforce all laws and administrative regulations relating to disaster and  
25 emergency response and to direct all local disaster and emergency response  
26 forces and operations in the affected county, city, urban-county, or charter  
27 county;



- 1 (b) To exclude all nonessential, unauthorized, disruptive, or uncooperative  
2 personnel from the scene of the emergency, and to command persons or  
3 groups of persons at the scene to disperse. A person who refuses to leave an  
4 area in which a written order of evacuation has been issued in accordance with  
5 a written declaration of emergency or a disaster may be forcibly removed to a  
6 place of safety or shelter, or may, if this is resisted, be arrested by a peace  
7 officer. Forcible removal or arrest shall not be exercised as options until all  
8 reasonable efforts for voluntary compliance have been exhausted;
- 9 (c) To declare curfews and establish their limits;
- 10 (d) To order immediate purchase or rental of, contract for, or otherwise procure,  
11 without regard to procurement codes or budget requirements, the goods and  
12 services essential for protection of public health and safety or to maintain or to  
13 restore essential public services; and
- 14 (e) To request emergency assistance from any local government or special district  
15 and, through the Governor, to request emergency assistance from any state  
16 agency and to initiate requests for federal assistance as are necessary for  
17 protection of public health and safety or for continuation of essential public  
18 services.
- 19 (3) Nothing in this section shall be construed to allow any governmental entity to  
20 impose additional restrictions on the lawful possession, transfer, sale, transport,  
21 carrying, storage, display, or use of firearms and ammunition or components of  
22 firearms and ammunition.
- 23 ➔Section 76. KRS 118.176 is amended to read as follows:
- 24 (1) A "bona fide" candidate means one who is seeking nomination in a primary or  
25 election in a special or regular election according to law.
- 26 (2) The bona fides of any candidate seeking nomination as the nominee of a political  
27 party or a nonpartisan or judicial nominee in a primary or election to an office as

1        **a member of a political organization, political group, or as an independent**~~[in a~~  
2        ~~primary or]~~ in a special or regular election may be questioned by any qualified voter  
3        entitled to vote for the candidate or by an opposing candidate by summary  
4        proceedings consisting of a motion before the Circuit Court of the judicial circuit in  
5        which the candidate whose bona fides is questioned resides. An action regarding the  
6        bona fides of **the nominee of a political party or a nonpartisan or judicial**  
7        **nominee may be commenced at any time prior to the primary. An action**  
8        **regarding the bona fides for election to an office as a member of a political**  
9        **organization, political group, or as an independent may be commenced at any**  
10       **time prior to a special or regular election**~~[any candidate seeking nomination or~~  
11       ~~election in a primary or in a special or regular election may be commenced at any~~  
12       ~~time prior to the regular election].~~ The motion shall be tried summarily and without  
13       delay. Proof may be heard orally, and upon motion of either party shall be officially  
14       reported. If the Circuit Judge of the circuit in which the proceeding is filed is  
15       disqualified or absent from the county or is herself or himself a candidate, the  
16       proceeding may be presented to, heard and determined by the Circuit Judge of any  
17       adjoining judicial circuit.

18       (3) In any action or proceeding under this section the burden of proof as to the bona  
19       fides of a candidate shall be on the person challenging the bona fides of a candidate.

20       (4) If the court finds the candidate is not a bona fide candidate it shall so order, and  
21       certify the fact to the board of elections, and the candidate's name shall be stricken  
22       from the written designation of election officers filed with the board of elections or  
23       the court may refuse recognition or relief in a mandatory or injunctive way. The  
24       order of the Circuit Court shall be entered on the order book of the court and shall  
25       be subject to a motion to set aside in the Court of Appeals. The motion shall be  
26       heard by the Court of Appeals or a judge thereof in the manner provided for  
27       dissolving or granting injunctions, except that the motion shall be made before the

1 court or judge within five (5) days after the entry of the order in the Circuit Court,  
2 and may be heard and tried upon the original papers, and the order of the Court of  
3 Appeals or judge thereof shall be final.

4 (5) No person shall approach the Circuit Judge for the purpose or view of influencing  
5 his or her decision on the motion pending before the Circuit Judge or to be tried by  
6 him or her.

7 ➔Section 77. KRS 118.367 is amended to read as follows:

8 (1) An independent, or political organization, or political group candidate required to  
9 file nomination papers pursuant to KRS 118.365(5) shall be required to file a  
10 statement-of-candidacy form with the same office at which nomination papers are  
11 filed. Candidates for federal office and candidates for mayor or legislative body in  
12 cities of the home rule class participating in partisan elections shall not be required  
13 to file a statement-of-candidacy form. The statement-of-candidacy form shall be  
14 filed not earlier than the first Wednesday after the first Monday in November of the  
15 year preceding the year in which the office will appear on the ballot and not later  
16 than April 1~~[the last Tuesday in January]~~ preceding the day fixed by law for holding  
17 of regular elections for the offices sought. **If the office in which the statement-of-**  
18 **candidacy form is to be filed is closed on April 1, the form may be filed on the**  
19 **next business day.** The statement-of-candidacy form shall be filed no later than 4  
20 p.m. local time when filed on the last day on which papers are permitted to be filed.  
21 No person shall file a statement-of-candidacy form for more than one (1) public  
22 office during an election cycle.

23 (2) The statement-of-candidacy form shall be prescribed by the State Board of  
24 Elections. The statement-of-candidacy form shall be signed by the candidate upon  
25 filing. No charge shall be assessed for the filing of a statement-of-candidacy form.  
26 The Secretary of State and county clerks shall examine the statement-of-candidacy  
27 form of each candidate who files the form to determine if there is an error. If an

1 error has occurred, the candidate shall be notified by certified mail within twenty-  
2 four (24) hours.

3 ➔Section 78. KRS 116.035 is amended to read as follows:

4 The following rules, so far as applicable, shall be observed in determining the residence  
5 of a person offering to vote:

6 (1) A voter's residence shall be deemed to be at the place where his or her habitation is,  
7 and to which, when absent, he or she has the intention of returning. **For a person**  
8 **who is homeless and lacks an established and fixed nighttime residence of**  
9 **regular return, he or she may elect a location with a fixed address as a place of**  
10 **habitation, which shall be considered his or her residence, and may include the**  
11 **following:**

12 **(a) A supervised publicly or privately operated shelter designed to provide**  
13 **temporary living accommodations; or**

14 **(b) A public or private place not designed for, or ordinarily used as, a regular**  
15 **sleeping accommodation for human beings;**

16 (2) A voter shall not lose his or her residence by absence for temporary purposes  
17 merely; nor shall he or she obtain a residence by being in a county or precinct for  
18 such temporary purposes, without the intention of making that county or precinct  
19 his or her home;

20 (3) A voter shall lose his or her residence by removal to another state or county with  
21 intention to make his or her permanent residence there, or by removal to and  
22 residence in another state, with intention to reside there an indefinite time, or by  
23 voting there, even though he or she may have had the intention to return to this state  
24 at some future period;

25 (4) The place where the family of a married person resides shall generally be  
26 considered his or her residence, unless the family so resides for a temporary  
27 purpose. If his family is permanently in one (1) place, and he or she transacts

1 business in another, the former shall be the residence.

2 ➔Section 79. KRS 132.017 is amended to read as follows:

3 (1) As used in this section, "local governmental entity" includes a county fiscal court  
4 and legislative body of a city, urban-county government, consolidated local  
5 government, charter county government, unified local government, or other taxing  
6 district.

7 (2) (a) 1. Except as provided in subparagraph 2. of this paragraph, the portion of a  
8 tax rate levied by an ordinance, order, resolution, or motion of a local  
9 governmental entity or district board of education subject to recall as  
10 provided for in KRS 68.245, 132.023, 132.027, and 160.470, shall go  
11 into effect forty-five (45) days after its passage.

12 2. When a tax rate is levied by a district board of education or other taxing  
13 district that is primarily located in a county containing an urban-county  
14 government or a consolidated local government, the portion of a tax rate  
15 levied by an ordinance, order, resolution, or motion of a district board of  
16 education or other taxing district subject to recall as provided for in KRS  
17 68.245, 132.023, 132.027, and 160.470, shall go into effect fifty (50)  
18 days after its passage.

19 (b) During the same forty-five (45) day or fifty (50) day time period provided by  
20 paragraph (a) of this subsection, any five (5) qualified voters, who reside in  
21 the area where the tax levy will be imposed, may commence petition  
22 proceedings to protest the passage of the ordinance, order, resolution, or  
23 motion by filing an affidavit with the county clerk. The affidavit shall state:

24 1. The five (5) qualified voters constitute the members of the petition  
25 committee;

26 2. The petition committee will be responsible for circulating the petition;

27 3. The petition committee will file the petition in the proper form within

1 the same forty-five (45) day or fifty (50) day time period provided by  
2 paragraph (a) of this subsection;

- 3 4. The names and addresses of the petition committee members;
- 4 5. The address to which all notices to the committee are to be sent; and
- 5 6. For petition committees filing petitions in response to a tax rate levied  
6 by a district board of education or other taxing district that is primarily  
7 located in a county containing an urban-county government or a  
8 consolidated local government, whether or not the petition committee is  
9 willing to incur all of the expenses associated with electronic petition  
10 signatures. If the petition committee is not willing to incur all of the  
11 expenses, then electronic petition signatures shall not be allowed for the  
12 petition.

13 (c) Upon receipt of the affidavit, the county clerk shall immediately:

- 14 1. Notify the petition committee of all statutory requirements for the filing  
15 of a valid petition under this section;
- 16 2. Notify the petition committee that the clerk will publish a notice  
17 identifying the tax levy being challenged and providing the names and  
18 addresses of the petition committee in a newspaper of general circulation  
19 within the county, if:
  - 20 a. There is a newspaper within the county in which to publish the  
21 notice; and
  - 22 b. The petition committee remits an amount equal to the cost of  
23 publishing the notice determined in accordance with the provisions  
24 of KRS 424.160 at the time of the filing of the affidavit.

25 If the petition committee elects to have the notice published, the clerk  
26 shall publish the notice within five (5) days of receipt of the affidavit;  
27 and

- 1           3. Deliver a copy of the affidavit to the appropriate local governmental  
2           entity or district board of education.
- 3           (d) The petition shall be filed with the county clerk within the same forty-five  
4           (45) day or fifty (50) day time period provided by paragraph (a) of this  
5           subsection and meet the following requirements:
- 6           1. All papers of the petition shall be substantially uniform in size and style  
7           and shall be assembled in one (1) instrument for filing;
- 8           2. For a district board of education or other taxing district that is primarily  
9           located in a county containing an urban-county government or a  
10          consolidated local government, each sheet of the petition may contain  
11          the names of voters from more than one (1) voting precinct, and for a  
12          district board of education or other taxing district that is not primarily  
13          located in a county containing an urban-county government or a  
14          consolidated local government, each sheet of the petition shall contain  
15          the names of voters from one (1) voting precinct;
- 16          3. Each nonelectronic petition signature shall be executed in ink or  
17          indelible pencil;
- 18          4. Each electronic petition signature shall comply with the requirements of  
19          the Uniform Electronic Transactions Act, KRS 369.101 to 369.120;
- 20          5. Each electronic and nonelectronic petition signature shall be followed by  
21          the printed name, street address, Social Security number or birthdate,  
22          and the name and number of the designated voting precinct of the person  
23          signing; and
- 24          6. The petition shall be signed by a number of registered and qualified  
25          voters residing in the affected jurisdiction equal to at least ten percent  
26          (10%) of the total number of votes cast in the last preceding presidential  
27          election. Electronic petition signatures shall be included in determining

1           whether the required number of petition signatures has been obtained  
2           when the expenses associated with the electronic petition signatures  
3           have been incurred in accordance with paragraph (b)6. of this  
4           subsection, the electronic petition signatures comply with the  
5           requirements of this subsection, and the petition was filed in response to  
6           a tax rate levied by a district board of education or other taxing district  
7           that is primarily located in a county containing an urban-county  
8           government or a consolidated local government. The inclusion of an  
9           invalid electronic or nonelectronic petition signature on a page shall not  
10          invalidate the entire page of the petition, but shall instead result in the  
11          invalid petition signature being stricken and not counted.

12          (e) Upon the filing of the petition with the county clerk, the ordinance, order,  
13          resolution, or motion shall be suspended from going into effect until after the  
14          election referred to in subsection (3) of this section is held, or until the petition  
15          is finally determined to be insufficient and no further action may be taken  
16          pursuant to paragraph (i) of this subsection.

17          (f) The county clerk shall immediately notify the presiding officer of the  
18          appropriate local governmental entity or district board of education that the  
19          petition has been received and shall, within thirty (30) days of the receipt of  
20          the petition, make a determination of whether the petition contains enough  
21          signatures of qualified voters to place the ordinance, order, resolution, or  
22          motion before the voters.

23          (g) If the county clerk finds the petition to be sufficient, the clerk shall certify to  
24          the petition committee and the local governmental entity or district board of  
25          education within the thirty (30) day period provided for in paragraph (f) of this  
26          subsection that the petition is properly presented and in compliance with the  
27          provisions of this section, and that the ordinance, order, resolution, or motion



1           levying the tax will be placed before the voters for approval.

2           (h) If the county clerk finds the petition to be insufficient, the clerk shall, within  
3           the thirty (30) day period provided for in paragraph (f) of this subsection,  
4           notify, in writing, the petition committee and the local governmental entity or  
5           district board of education of the specific deficiencies found. Notification  
6           shall be sent by certified mail and shall be published at least one (1) time in a  
7           newspaper of general circulation within the county containing the local  
8           governmental entity or district board of education levying the tax. If there is  
9           not a newspaper within the county in which to publish the notification, then  
10          the notification shall be posted at the courthouse door.

11          (i) A final determination of the sufficiency of a petition shall be subject to final  
12          review by the Circuit Court of the county in which the local governmental  
13          entity or district board of education is located, and shall be limited to the  
14          validity of the county clerk's determination. Any petition challenging the  
15          county clerk's final determination shall be filed within ten (10) days of the  
16          issuance of the clerk's final determination.

17          (j) The local governmental entity or district board of education may cause the  
18          cancellation of the election by reconsidering and amending the ordinance,  
19          order, resolution, or motion to levy a tax rate which will produce no more  
20          revenue from real property, exclusive of revenue from new property as  
21          defined in KRS 132.010, than four percent (4%) over the amount of revenue  
22          produced by the compensating tax rate defined in KRS 132.010 from real  
23          property. The action by the local governmental entity or district board of  
24          education shall be valid only if taken within fifteen (15) days following the  
25          date the clerk finds the petition to be sufficient.

26          (3) (a) If an election is necessary under the provisions of subsection (2) of this  
27          section, the local governmental entity shall cause to be submitted to the voters

1 of the district at the next regular election, the question as to whether the  
2 property tax rate shall be levied. The question shall be submitted to the county  
3 clerk not later than the second Tuesday in August preceding the regular  
4 election.

5 (b) If an election is necessary for a school district under the provisions of  
6 subsection (2) of this section, the district board of education may cause to be  
7 submitted to the voters of the district in a called common school election not  
8 less than thirty-five (35) days nor more than forty-five (45) days from the date  
9 the signatures on the petition are validated by the county clerk, or at the next  
10 regular election, at the option of the district board of education, the question  
11 as to whether the property tax rate shall be levied. If the election is held in  
12 conjunction with a regular election, the question shall be submitted to the  
13 county clerk not later than the second Tuesday in August preceding the regular  
14 election. The cost of a called common school election shall be borne by the  
15 school district holding the election. Any called common school election shall  
16 comply with the provisions of KRS 118.025.

17 (c) In an election held under paragraph (a) or (b) of this subsection, the question  
18 shall be so framed that the voter may by his or her vote answer "for" or  
19 "against." If a majority of the votes cast upon the question oppose its passage,  
20 the ordinance, order, resolution, or motion shall not go into effect. If a  
21 majority of the votes cast upon the question favor its passage, the ordinance,  
22 order, resolution, or motion shall become effective.

23 (d) If the ordinance, order, resolution, or motion fails to pass pursuant to an  
24 election held under paragraph (a) or (b) of this subsection, the property tax  
25 rate which will produce four percent (4%) more revenues from real property,  
26 exclusive of revenue from new property as defined in KRS 132.010, than the  
27 amount of revenue produced by the compensating tax rate defined in KRS

1           132.010, shall be levied without further approval by the local governmental  
2           entity or district board of education.

3           *(e) Local, state, and federal tax dollars shall not be used to advocate, in partial*  
4           *terms, for or against any public question that appears on the ballot in this*  
5           *subsection. For purposes of this section, "local" means and includes any*  
6           *city, county, urban-county government, consolidated local government,*  
7           *unified local government, charter county, or special district.*

8           (4) Notwithstanding any statutory provision to the contrary, if a local governmental  
9           entity or district board of education has not established a final tax rate as of  
10          September 15, due to the recall provisions of this section, KRS 68.245, 132.027, or  
11          160.470, regular tax bills shall be prepared as required in KRS 133.220 for all  
12          districts having a tax rate established by that date; and a second set of bills shall be  
13          prepared and collected in the regular manner, according to the provisions of KRS  
14          Chapter 132, upon establishment of final tax rates by the remaining districts.

15          (5) If a second billing is necessary, the collection period shall be extended to conform  
16          with the second billing date.

17          (6) All costs associated with the second billing shall be paid by the taxing district or  
18          districts requiring the second billing.

19          ➔SECTION 80. A NEW SECTION OF KRS CHAPTER 120 IS CREATED TO  
20          READ AS FOLLOWS:

21          *(1) In any regular election or special election for any member of the General*  
22          *Assembly, the United States Senate or the United States House of*  
23          *Representatives, Governor and Lieutenant Governor, Treasurer, Auditor of*  
24          *Public Accounts, Commissioner of Agriculture, Labor and Statistics, Secretary of*  
25          *State, and Attorney General, a recount of the vote shall be required when a*  
26          *candidate is defeated by a margin of not more than one-half of one percent*  
27          *(0.5%) of the votes cast for the office.*

- 1 (2) The State Board of Elections shall determine whether a recount is required under  
2 this section based upon the total number of votes certified to the Secretary of  
3 State. The time for conducting the recount under this section shall be as follows:
- 4 (a) For the offices of Governor and Lieutenant Governor, no recanvass under  
5 Section 38 of this Act shall be made. The recount shall be commenced not  
6 later than 9 a.m. local time on the Tuesday following the election and shall  
7 be conducted in the manner provided under subsections (3) to (7) of this  
8 section. The recount shall be completed within fourteen (14) days, Sundays  
9 excluded; and
- 10 (b) For all other offices listed in subsection (1) of this section, the recount shall  
11 be commenced not later than 9 a.m. local time on the second Tuesday  
12 following the election and shall be conducted in the manner provided under  
13 subsections (3) to (7) of this section. The recount shall be completed within  
14 fourteen (14) days, Sundays excluded.
- 15 (3) The custody of the voting equipment, ballots, boxes, and all papers pertaining to  
16 the election shall be maintained by the county board of elections. The voting  
17 equipment shall remain continuously locked, and the ballot boxes containing all  
18 paper ballots shall remain continuously locked as required by Section 37 of this  
19 Act until the time set for the recount. The keys shall remain in the possession of  
20 the county board of elections until the time set for the recount.
- 21 (4) The recount shall be conducted by the county board of elections of each county in  
22 which votes for the office that is the subject of the recount were cast.
- 23 (5) At the recount, each political party represented on the county board of elections  
24 may appoint a representative to be present, and each candidate subject to the  
25 recount may be present, either in person or by a representative, or both. The  
26 county board of elections shall authorize representatives of the news media to  
27 observe the recount.

1 (6) On the day fixed for the recount, the county board of elections shall meet and,  
 2 after confirming the integrity of the ballots, shall proceed to recount the ballots.

3 (7) The county board of elections shall complete the recount within the time  
 4 established under subsection (2) of this section. Upon completion of the recount,  
 5 the county board of elections shall file and enter of record the results of the  
 6 recount, and shall certify the results of the recount of the total number of votes to  
 7 the Secretary of State not later than 4 p.m., local time, on the day following the  
 8 completion of the recount, Sunday excluded. No certificate of election shall be  
 9 issued by the State Board of Elections while the recount is pending.

10 (8) The costs of any recount held pursuant to this section shall be paid by the  
 11 Commonwealth of Kentucky. The costs shall be deemed a necessary government  
 12 expense and shall be paid from the general fund surplus account under KRS  
 13 48.700 or the budget reserve trust fund account under KRS 48.705.

14 (9) If a recount is conducted under subsection (1) of this section:

15 (a) The time for filing a contest petition shall be tolled until the vote is certified  
 16 under subsection (7) of this section; and

17 (b) The candidate may initiate an election contest, but no request for an  
 18 additional recount shall be considered prior to the completion of the  
 19 certification of the vote under subsection (7) of this section.

20 ➔Section 81. KRS 118.775 is amended to read as follows:

21 A successful candidate in a special election held for the purpose of filling a vacancy in  
 22 any elective office shall take office immediately upon certification of the election results  
 23 by the State Board of Elections or the county board of elections in which the special  
 24 election was held,~~and~~ administration of the oath of office, and if the successful  
 25 candidate was a candidate for the General Assembly, upon being determined to be a  
 26 member by the house in which membership is sought.

27 ➔Section 82. KRS 120.195 is amended to read as follows:

- 1    (1) Any slate of candidates for Governor and Lieutenant Governor may contest any  
2       regular election or special election to the General Assembly by filing a written  
3       application and notice of the contest with the clerk of the Senate and with the  
4       clerk of the House of Representatives of the General Assembly. The application  
5       and notice of contest shall be signed by the parties contesting the election, and:  
6       (a) If contesting a regular election, the application and notice of contest shall:  
7           1. Be filed not later than thirty (30) days after the final action of the  
8               State Board of Elections; or  
9           2. Be filed not later than thirty (30) days following entry of the findings  
10           of the Franklin Circuit Court as provided in subsection (2) of Section  
11           69 of this Act if a recount was conducted; and  
12       (b) If contesting a special election, the application and notice of contest shall be  
13       filed not later than seven (7) days after the final action of the State Board of  
14       Elections.  
15    (2) Any candidate for the General Assembly may contest any regular election or  
16       special election to the General Assembly by filing a written application and notice  
17       of the contest with the clerk of the house to which the candidate seeks election.  
18       The application and notice of contest shall be signed by the party contesting the  
19       election, and:  
20       (a) If contesting a regular election, the application and notice of contest shall:  
21           1. Be filed not later than fifteen (15) days after the final action of the  
22               State Board of Elections; or  
23           2. Be filed not later than fifteen (15) days following entry of the findings  
24           entered by the Circuit Court as provided in subsection (3) of Section  
25           69 of this Act if a recount was conducted; and  
26       (b) If contesting a special election, the application and notice of contest shall be  
27       filed not later than three (3) days following the final action of the State

1 Board of Elections.

2 (3) The application and notice required under subsections (1) and (2) of this section  
 3 shall state the grounds of the contest, and no grounds other than those stated in  
 4 the application and notice shall be heard as coming from that party following the  
 5 filing of the application and notice. The candidate filing the application and  
 6 notice may include a request for a recount which may be ordered by the board  
 7 selected to try the contest under Section 83 or 84 of this Act.

8 (4) No election contest shall be heard unless the contestee to the proceeding has been  
 9 served with a copy of the application and notice of contest. The contestee may  
 10 make defense without giving counternotice.

11 (5) No certificate of election shall be issued by the State Board of Elections while any  
 12 election contest is pending, and any certificate issued before, during, or after  
 13 final resolution by the board of any election contest filed under this section shall  
 14 be null and void.

15 ~~No application to contest the election of a Governor, Lieutenant~~  
 16 ~~Governor, or member of the General Assembly shall be heard unless written notice,~~  
 17 ~~signed by the party contesting, is given. The notice shall state the grounds of the~~  
 18 ~~contest, and none other shall afterwards be heard as coming from that party, but the~~  
 19 ~~contestee may make defense without giving counternotice.~~

20 ~~(2) In the case of the Governor or Lieutenant Governor, the notice shall be given within~~  
 21 ~~thirty (30) days after the final action of the State Board of Elections. In the case of a~~  
 22 ~~member of the General Assembly, the notice shall be given within fifteen (15) days~~  
 23 ~~after the final action of the county board of elections or the State Board of~~  
 24 ~~Elections, whichever canvasses the returns].~~

25 ~~(6)~~~~(3)~~ Immediately after the filing of the application and notice of contest, either  
 26 party may proceed to take proof by depositions, under the same rules and  
 27 regulations that govern the taking of depositions in actions in equity, except that no  
 commission shall be required for taking a deposition out of the state. The

1 depositions shall be sealed~~[up]~~ by the officer taking them, and directed to the clerk  
 2 of the Senate or clerk of the House, as the case may require. The depositions  
 3 properly taken shall be read as evidence before the board or house~~[branch]~~ of the  
 4 General Assembly having jurisdiction of the case, and the board or house~~[branch]~~  
 5 may call for and hear other proof as either shall determine. The taking of  
 6 depositions to be used before the~~[a]~~ board or house~~[branch]~~ of the General  
 7 Assembly shall close ten (10) days before the next meeting of the General  
 8 Assembly, or, if the General Assembly is in session when the application and  
 9 notice is filed~~[given]~~, when the board or house orders the taking of proof by  
 10 deposition~~[taking is ordered]~~ to close.

11 ~~(7)~~~~(4)~~ The costs of the proceeding shall be adjudged against the unsuccessful party,  
 12 and a certificate of costs~~[thereof]~~ shall be given by the clerk of the Senate or the  
 13 clerk of the House to the parties to the contest or their attorneys, as the case  
 14 requires, and shall be paid to the prevailing party within thirty (30) days of  
 15 adjudication. If the costs are not timely paid, the prevailing party may seek entry  
 16 of a judgment in a Circuit Court of competent jurisdiction.~~[ A judgment for the~~  
 17 ~~costs may be obtained after five (5) days' notice in a Circuit Court.]~~

18 ➔Section 83. KRS 120.205 is amended to read as follows:

19 When the election of a Governor and~~[or]~~ Lieutenant Governor is contested, a board for  
 20 determining the contest shall be formed and shall proceed in the following manner:

21 (1) On the third day after the organization of the General Assembly that meets next  
 22 after the election, the Senate shall select three (3) of its members as provided in  
 23 subsection (2) of this section, and the House of Representatives shall select eight  
 24 (8) of its members as provided in subsection (2) of this section, and the eleven (11)  
 25 so selected shall constitute a board to try the contest, seven (7) of whom shall  
 26 constitute a quorum;~~[.]~~

27 (2) In making the selection, the name of each member present shall be written on a



1 separate piece of paper, every piece being as nearly similar to the other as possible.  
2 Each piece shall be rolled up so that the names thereon cannot be seen, nor any  
3 particular piece ascertained or selected by feeling. The whole, so prepared, shall be  
4 placed by the clerk in a box on clerk's~~[his]~~ table, and after it has been well shaken,  
5 and the papers therein well intermixed, the clerk shall draw out one (1) paper, which  
6 shall be opened and read aloud by the presiding officer, and so on until the required  
7 number is obtained:~~[-]~~

8 **(3)** If any member~~[person so]~~ selected swears that he or she cannot, without great  
9 personal inconvenience, serve on the board, or that he or she feels an undue bias for  
10 or against either of the parties, that member~~[he]~~ may be excused by the house from  
11 which that member~~[he]~~ was chosen from serving on the board.~~[-, and]~~ If it appears  
12 that a selected member~~[person so selected]~~ is related to either party, or is liable to  
13 any other proper objection on the score of his or her partiality, that member~~[he]~~  
14 shall be excused. Any deficiency in the proper number~~[-so]~~ created by excuse shall  
15 be supplied by another draw from the box:~~[-]~~

16 **(4)** The selected members of the board~~[-so chosen]~~ shall be sworn by the Speaker of the  
17 House of Representatives to try the contested election, and shall give true  
18 judgment~~[-thereon]~~ according to the evidence, unless dissolved before rendering  
19 judgment:~~[-]~~

20 **(5)**~~[(2)]~~ The board shall, within twenty-four (24) hours after its selection, meet,  
21 appoint its chair~~[chairman]~~, and assign a day for hearing the contest. It~~[-, and]~~ may  
22 adjourn from day to day as its business requires. If any member of the board  
23 willfully fails to attend its sessions, that member~~[he]~~ shall be reported to the house  
24 to which he or she belongs, and that house shall then~~[thereupon]~~, in its discretion,  
25 punish that member~~[him]~~ by fine or imprisonment, or both:~~[-]~~

26 **(6)**~~[(3)]~~ The board may, upon a majority of vote, send for persons, papers, and  
27 records, including all voting equipment, ballots, boxes, and precinct rosters. The

1 board may~~[—and]~~ issue subpoenas~~[attachments—therefor]~~ signed by its  
 2 chair~~[chairman]~~ or the Speaker of the House of Representatives~~;~~~~[clerk, and may~~  
 3 ~~issue commissions for taking proof.]~~

4 (7) The board may use the services of any law enforcement agency to transport all  
 5 records relating to the election contest, including voting equipment, ballots,  
 6 boxes, and precinct rosters. All voting equipment, ballots, boxes, precinct rosters,  
 7 and other voting records sent for by the board shall be sealed, to the extent  
 8 possible, and transmitted in a tamper-resistant manner. The chain of custody for  
 9 the records shall be recorded, in writing, on a form prescribed by the State Board  
 10 of Elections in administrative regulations promulgated under KRS Chapter 13A  
 11 to include the identity of the person or persons transferring and receiving the  
 12 records, and the date, time, and location of the transfer. The clerk of the House of  
 13 Representatives shall be designated by the board as the custodian of the records  
 14 while the records are in the possession of the board;

15 (8)~~[(4)]~~ If it appears that the slates of candidates receiving the highest number of votes  
 16 cast~~[given]~~ have received an equal number, the right to the offices~~[office]~~ shall be  
 17 determined by lot, in the manner prescribed by the board, and under the direction  
 18 of the board;~~[-]~~

19 (9) If the person returned for the Office of Governor is found not~~[to have been]~~ legally  
 20 qualified to receive the office at the time of his or her election~~[-, and the first two (2)~~  
 21 ~~years of his term have not expired]~~, a new election shall be ordered to fill the  
 22 vacancy under subsection (13) of this section;~~[-]~~

23 (10) If a slate of candidates~~[person]~~ other than the one returned is found to have  
 24 received the highest number of legal votes cast~~[given]~~, that slate~~[he]~~ shall be  
 25 adjudged by the General Assembly to be the persons~~[person]~~ elected and entitled to  
 26 the offices;~~[office.]~~

27 (11)~~[(5)]~~ No decision shall be made but by the vote of at least six (6) members of the

1 board. The decision of the board shall not be final ~~or~~<sup>not</sup> conclusive, but shall be  
 2 reported to the two (2) houses of the General Assembly, in joint session, for the  
 3 further action of the General Assembly. The Speaker of the House shall preside at  
 4 the joint session, and the General Assembly shall then determine the contest;[~~]~~

5 **(12)** If no decision of the board is given during the then session of the General  
 6 Assembly, **the board**[~~it~~] shall be dissolved, unless by joint resolution of the two (2)  
 7 houses it is empowered to continue longer;[~~]~~

8 **(13)**[~~(6)~~] If a new election is required, it shall be immediately ordered by proclamation  
 9 of the Speaker of the House, **who shall issue a writ of election. The writ shall be**  
 10 **signed by the Speaker, shall designate the day for holding the election, and shall**  
 11 **be directed to the proper sheriff or sheriffs as provided in Section 86 of this Act;**  
 12 **and**[~~to take place on a day not less than thirty (30) days nor more than six (6) weeks~~  
 13 ~~thereafter.~~]

14 **(14)**[~~(7)~~] When a new election is ordered, or the incumbent is adjudged not to be  
 15 entitled to the office, his **or her** power shall immediately cease, and if the office is  
 16 not adjudged to another, it shall be deemed[~~to be~~] vacant.

17 ➔Section 84. KRS 120.215 is amended to read as follows:

18 **(1)** When the election of a member of the General Assembly is contested, the  
 19 **house**[~~branch~~] to which he **or she** belongs **or seeks to be a member** shall, within  
 20 three (3) days after its organization, and in the manner provided in KRS 120.205,  
 21 select a board of not more than nine (9) nor less than five (5) of its members to  
 22 determine the contest.

23 **(2)** **The number of members required for the board shall be determined by the**  
 24 **presiding officer of the house to which the person filing the contest belongs or**  
 25 **seeks to be a member, and announced to the house prior to the selection of any**  
 26 **member of the board, a majority of whom shall constitute a quorum.**

27 **(3)** **The members selected to serve on the board as provided in this section shall be**

1 sworn by the presiding officer to try the contested election, and shall give true  
2 judgment according to the evidence, unless dissolved before rendering judgment

3 (4) The~~[Such]~~ board shall be governed by the same rules, have the same power, and be  
4 subject to the same penalties as a board to determine the contested election of  
5 Governor and Lieutenant Governor under Section 82 of this Act and as provided  
6 in this section. It shall report its decision to the house~~[branch]~~ of the General  
7 Assembly by which it was appointed, for its further action.

8 (5) The board shall, within twenty-four (24) hours of its selection, meet, appoint its  
9 chair, and assign a day for hearing the contest, and may adjourn from day to day  
10 as its business requires. If any member of the board willfully fails to attend its  
11 sessions, that member shall be reported to the house to which he or she belongs,  
12 and that house shall then, in its discretion, punish that member by fine or  
13 imprisonment, or both.

14 (6) The board may, upon a majority vote, send for persons, papers, and records,  
15 including all voting equipment, ballots, boxes, and precinct rosters, and may  
16 issue subpoenas signed by its chair or the presiding officer of the house before  
17 which the contest is proceeding. The board or the presiding officer may also issue  
18 subpoenas for taking proof.

19 (7) The board may use the services of any law enforcement agency to transport all  
20 records relating to the election contest, including voting equipment, ballots,  
21 boxes, and precinct rosters. All voting equipment, ballots, boxes, precinct rosters,  
22 and other voting records sent for by the board shall be sealed, to the extent  
23 possible, and transmitted in a tamper-resistant manner. The chain of custody for  
24 the records shall be recorded, in writing, on a form prescribed by the State Board  
25 of Elections in administrative regulations promulgated under KRS Chapter 13A  
26 to include the identity of the person or persons transferring and receiving the  
27 records, and the date, time, and location of the transfer. The clerk of the house

1 before which the contest is proceeding shall be designated by the board as the  
2 custodian of the records while the records are in the possession of the board.

3 (8) The board may order a recount of the election even if a recount has been  
4 conducted under Section 80 or 69 of this Act. A recount ordered by the board may  
5 be conducted without prior approval of the house before which the contest is  
6 proceeding. The recount shall be conducted by:

7 (a) The county clerk of the county or counties in which the precincts subject to  
8 the recount are located, if no recount of the election has been conducted; or

9 (b) The State Board of Elections, if a recount has been conducted under  
10 Section 80 or 69 of this Act, which shall:

11 1. Determine the number of persons required to conduct the recount,  
12 each of whom shall be a county clerk;

13 2. Select that number of clerks by placing the name of each county clerk  
14 in a box or similar receptacle, and after it has been well-shaken and  
15 well-intermixed, the chair of the State Board of Elections shall draw  
16 out one (1) name at a time, which shall be announced aloud. This  
17 process shall continue until the required number is obtained; and

18 3. Once completed, provide the results of the recount to the contest  
19 board.

20 The county clerk of any county containing precincts subject to the recount  
21 shall not be eligible to conduct the recount.

22 (9) If it appears the candidates have received an equal number of legal votes cast, the  
23 right to the office shall be determined by lot, in the manner prescribed by the  
24 board, and under the direction of the board.

25 (10) If the board finds the person returned is not legally qualified to receive the office  
26 at the time of his or her election, and if the house in which the contest is pending  
27 concur under subsection (14) of this section, a vacancy shall exist, and a new

1 election shall be ordered to fill the vacancy. If a new election is required, it shall  
2 be immediately ordered by proclamation of the presiding officer of the house  
3 before which the contest is proceeding who shall issue a writ of election. The writ  
4 shall be signed by the officer issuing it, shall designate the day for holding the  
5 election, and shall be directed to the proper sheriff or sheriffs as provided in  
6 Section 86 of this Act.

7 (11) If the board finds a person other than the one returned received the highest  
8 number of legal votes cast, and if the house in which the contest is pending  
9 concur under subsection (14) of this section, he or she shall be adjudged the  
10 person elected and entitled to the office.

11 (12) If the board is unable to decide the person entitled to the office, and if the house  
12 in which the contest is pending concurs under subsection (14) of this section, a  
13 vacancy shall exist, and a new election shall be ordered by that house of the  
14 General Assembly to fill the vacancy. If a new election is required, it shall be  
15 immediately ordered by proclamation of the presiding officer of the house before  
16 which the contest is proceeding who shall issue a writ of election. The writ shall  
17 be signed by the officer issuing it, shall designate the day for holding the election,  
18 and shall be directed to the proper sheriff or sheriffs as provided in Section 86 of  
19 this Act.

20 (13) When a new election is ordered, or the incumbent is adjudged not to be entitled to  
21 the office, his or her power shall immediately cease, and if the office is not  
22 adjudged to another, it shall be deemed vacant.

23 (14) No decision shall be made but by the vote of a majority of the members of the  
24 board. The decision of the board shall not be final or conclusive, except as  
25 provided in subsection (8) of this section, but shall be reported to the house of the  
26 General Assembly by which it was appointed, for its further action.

27 ➔Section 85. KRS 120.155 is amended to read as follows:

- 1 **(1)** Any candidate for election to any state, county, district or city office (except the  
2 office of Governor, Lieutenant Governor, member of the General Assembly, and  
3 those city offices as to which there are other provisions made by law for  
4 determining contest elections), for whom a number of votes was cast equal to not  
5 less than twenty-five percent (25%) of the number of votes cast for the successful  
6 candidate for the office, may contest the election of the successful candidate, by  
7 filing a petition in the Circuit Court of the county where the contestee resides,  
8 unless the officer is one (1) elected by the voters of the whole state, in which case  
9 the petition shall be filed in the Franklin Circuit Court.
- 10 **(2)** **(a)** The petition shall be filed and process issued within thirty (30) days after the  
11 day of election.
- 12 **(b)** **The petition**~~[; it]~~ shall state the grounds of the contest relied on, and no other  
13 grounds shall afterwards be relied upon.
- 14 **(3)** **(a)** The contestee shall file an answer within twenty (20) days after the service of  
15 summons upon him **or her**.
- 16 **(b)** The answer may consist of a denial of the averments of the petition and may  
17 also set up grounds of contest against the contestant; if grounds are so set up  
18 they shall be specifically pointed out and none other shall thereafter be relied  
19 upon by the party.
- 20 **(4)** Any candidate who would have been qualified to bring a contest action under this  
21 section, who is a party to a **requested** recount proceeding under **subsection (1) of**  
22 **Section 69 of this Act**~~[KRS 120.185]~~, may, by filing answer in the recount  
23 proceeding within the time allowed by this section for filing grounds of contest, set  
24 forth grounds of contest against the petitioner in the recount proceeding.
- 25 **(5)** A reply may be filed within ten (10) days after the answer is filed; its affirmative  
26 allegations shall be treated as controverted, and no subsequent pleading shall be  
27 allowed.

1       ➔Section 86. KRS 118.740 is amended to read as follows:

- 2       (1) A copy of a proclamation issued under KRS 118.710 or 118.720, or a writ of  
3       election issued under KRS 118.730 or Section 83 or 84 of this Act shall be  
4       forwarded by mail to the sheriff of each county in the district in which the election  
5       is to be held, at least fifty-six (56) days before the election. The sheriff of each  
6       county in which an election is to be held shall give notice at least forty-nine (49)  
7       days before the day of election. If, from any cause, the sheriff cannot properly act,  
8       he shall immediately hand the writ or proclamation to the person authorized to act  
9       in his place.
- 10      (2) If a special election is administered under KRS 118.730(2), the notice required by  
11      subsection (1) of this section shall include the location of the election.

12      ➔Section 87. The following KRS sections are repealed:

- 13      117.381 Requirements for approval.
- 14      117.387 Absentee voting by electronic system.