AN ACT relating to polling places.

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

Section 1. KRS 117.087 is amended to read as follows:

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

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

(3) Beginning at 8 a.m. on election day, the board shall meet at the county clerk's office to count the absentee ballots returned by mail and the ballots cast on the voting machine in the county clerk's office or other place designated by the county board of elections and approved by the State Board of Elections. Candidates or their representatives shall be permitted to be present. The county board of elections shall authorize representatives of the news media to observe the counting of the ballots. The board shall open the boxes containing absentee ballots returned by mail and remove the envelopes one (1) at a time. As each envelope is removed, it shall be examined to ascertain whether the outer envelope and the detachable flap are in proper order and have been signed by the voter. A person having power of attorney for the voter and who signs the detachable flap and outer envelope for the voter shall complete the voter assistance form required by KRS 117.255. The signatures of two (2) witnesses are required if the voter signs the form with the use of a mark instead of the voter's signature. All unsigned mail-in absentee ballots shall be
rejected automatically. The chair of the county board of elections shall compare the
signatures on the outer envelope, the detachable flap with the signature of the voter
that appears on the registration card. If the outer envelope and the detachable flap
are found to be in order, the chair shall read aloud the name of the voter. If the vote
of the voter is not rejected on a challenge then made as provided in subsection (4) of
this section, the chair shall remove the detachable flap and place the secrecy
envelope unopened in a ballot box which has been provided for the purpose.

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

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

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

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

Section 2. KRS 118.035 is amended to read as follows:

(1) The polls shall be opened on the day of a primary, special election, or regular election at 6 a.m., prevailing time, and shall remain open until each voter who is waiting in line at the polls at 7 p.m., prevailing time, has voted. At 7 p.m., prevailing time, if voters are waiting at the polls to vote, the precinct election sheriff shall announce that a voter wishing to vote must immediately get in line. When all voters waiting at the polls at that time are in line, the precinct election sheriff shall then determine which voter is the last in line, and that voter shall be the last voter permitted to vote. The precinct election sheriff shall wait in line with the last voter who shall be permitted to vote until that voter has voted and shall inform a voter who subsequently arrives at the polls that no one shall be permitted to vote after the last voter in line at 7 p.m., prevailing time. After the last voter waiting in line at 7 p.m., prevailing time, has voted, the polls shall then be closed.

(2) As provided in Section 148 of the Constitution of Kentucky, any person entitled to a vote at any election in this state shall, if he has made application for leave prior to the day he appears before the county clerk to request an application for or to execute an absentee ballot, be entitled to absent himself from any services or employment in which he is then engaged or employed for a reasonable time, but not less than four (4) hours on the day he appears before the clerk to request an application for or to execute an absentee ballot, during normal business hours of the office of the clerk or to cast his ballot on the day of the election between the time of opening and closing the polls. The employer may specify the hours during which an employee may absent himself.
(3) No person shall be penalized for taking a reasonable time off to vote, unless, under circumstances which did not prohibit him from voting, he fails to vote. Any qualified voter who exercises his right to voting leave under this section but fails to cast his vote, under circumstances which did not prohibit him from voting, may be subject to disciplinary action.

(4) Any person selected to serve as an election officer shall be entitled to absent himself from any services or employment in which he is then engaged or employed for a period of an entire day to attend training or to serve as an election officer. The person shall not, because of so absenting himself, be liable to any penalty. The employer may specify the hours during which the employee may absent himself. No person shall refuse an employee the privilege hereby conferred, or discharge or threaten to discharge an employee or subject an employee to a penalty, because of the exercise of the privilege.