AN ACT relating to elections.

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

Section 1. KRS 117.085 is amended to read as follows:

(1) All requests for an application for a mail-in absentee ballot may be transmitted by telephone, facsimile machine, mail, electronic mail, secure online portal as provided by the State Board of Elections in administrative regulations promulgated under KRS Chapter 13A, or in person. The county clerk shall transmit all applications for a mail-in absentee ballot to the voter by mail, electronic mail, secure online portal, or in person at the option of the voter, except as provided in paragraph (b) of this subsection. Except as otherwise provided in KRS 117.077, the mail-in absentee ballot application may be requested by the voter or the spouse, parents, or children of the voter, but shall be restricted to the use of the voter.

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

1. A resident of Kentucky who is a covered voter as defined in KRS 117A.010;
2. A student who temporarily resides outside the county of his or her residence;
3. Incarcerated in jail and charged with a crime, but has not been convicted of the crime;
4. Changing or has changed his or her place of residence to a different state while the registration books are closed in the new state of residence before an election of electors for President and Vice President of the United States, in which case the voter shall be permitted to cast a mail-in
absentee ballot for electors for President and Vice President of the
United States only;

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

6. Prevented from voting in person at the polls on election day and from
casting an in-person absentee ballot in the county clerk's office on all
days in-person absentee voting is conducted because the voter's employment location requires the voter to be absent
from the county of his or her residence all hours and all days in-person
absentee voting is conducted in the county clerk's office;

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

8. Not able to appear at the polls on election day on the account of age,
disability, or illness, and who has not been declared mentally disabled by
a court of competent jurisdiction; or

9. Desirous of casting his or her vote by mail-in absentee ballot as a
matter of convenience.

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

(c) In-person absentee voting shall be conducted in the county clerk's office or
other place designated by the county board of elections and approved by the
State Board of Elections during normal business hours for at least the twelve
(12) working days, **including at least one (1) Saturday**, before the election. A
county board of elections may permit in-person absentee voting to be
conducted [on a voting machine] for a period longer than the twelve (12)
working days before the election.

(d) A qualified voter may, at any time during normal business hours on those
days in-person absentee voting is conducted in the county clerk's office, make
application in person to the county clerk to vote [on a 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, if the voter provides proof of
identification as defined in KRS 117.375 or meets the requirements of KRS
117.228 and 117.229, and the voter:

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

2. Is a student who temporarily resides outside the county of his or her
   residence;

3. Has surgery, or whose spouse has surgery, scheduled that will require
   hospitalization on election day;

4. Temporarily resides outside the state, but is still eligible to vote in this
   state and will be absent from the county of his or her residence on any
   election day;

5. Is a resident of Kentucky who is a uniformed-service voter as defined in
   KRS 117A.010 confined to a military base on election day, learns of that
   confinement within seven (7) days or less of an election, and is not
   eligible for a mail-in absentee ballot under this subsection;
6. Is in her last trimester of pregnancy at the time she wishes to vote under this paragraph. The application form for a voter under this subparagraph shall be prescribed by the State Board of Elections, which shall contain the woman's sworn statement that she is in fact in her last trimester of pregnancy at the time she wishes to vote;

7. Has not been declared mentally disabled by a court of competent jurisdiction and, on account of age, disability, or illness, is not able to appear at the polls on election day; or

8. Is not permitted to vote by a mail-in absentee ballot under subparagraphs 1 to 8 of paragraph (a) of this subsection, but who will be absent from the county of his or her residence on election day; or

9. **Requests to vote in-person absentee as a matter of convenience.**

   (e) Voters who change their place of residence to a different state while the registration books are closed in the new state of residence before a presidential election shall be permitted to cast an in-person absentee ballot for President and Vice President only, by making application in person to the county clerk to vote on a 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, up to the close of normal business hours on the day before the election.

   (f) Any member of the county board of elections, any precinct election officer appointed to serve in a precinct other than that in which he or she is registered, any alternate precinct election officer, any deputy county clerk, any staff for the State Board of Elections, and any staff for the county board of elections may vote on a 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, up to the close of normal business hours on the day before the
election. The application form for those persons shall be prescribed by the
State Board of Elections and, in the case of application by precinct election
officers, shall contain a verification of appointment signed by a member of the
county board of elections. If an alternate precinct election officer or a precinct
election officer appointed to serve in a precinct other than that in which the officer is registered receives his or her appointment while in-person absentee voting is being conducted in the county, the officer may vote on a 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, up to the close of normal business hours on the day before the election. Precinct election officers' verification of appointment shall also contain the date of appointment. The applications shall be restricted to the use of the voter only.

(g) The members of the county board of elections or their designees who provide equal representation of both political parties may serve as precinct election officers, without compensation, for all in-person absentee voting performed on a 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. If the members of the county board of elections or their designees serve as precinct election officers for the in-person absentee voting, they shall perform the same duties and exercise the same authority as precinct election officers who serve on the day of an election. If the members of the county board of elections or their designees do not serve as precinct election officers for in-person absentee voting, the county clerk or deputy county clerks shall supervise the in-person absentee voting.

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

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

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

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

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

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

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

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

(8) Any voter qualified for a mail-in absentee ballot who does not receive a requested
mail-in absentee ballot within a reasonable amount of time shall contact the county
clerk, who shall reissue a second mail-in absentee ballot. The county clerk shall
keep a record of the mail-in absentee ballots issued and returned by mail, the in-
person absentee voting and federal in-person provisional absentee voting that is
performed 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, to verify that only the first voted ballot to be returned by the voter is
counted. Upon the return of any mail-in absentee ballot after the first mail-in
absentee ballot is returned, the county clerk shall mark on the outer envelope of the
sealed ballot the words "Canceled because ballot reissued."

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

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

Section 2. KRS 117.088 is amended to read as follows:
(1) For purposes of this section, "blind or visually impaired individual" means an individual who:

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

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

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

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

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

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

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

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

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

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

(7) Notwithstanding the provisions of KRS 117.085, 117.086, or 117.0863, or any
other statute to the contrary, a blind or visually impaired individual residing in a
county containing a consolidated local government or containing a city of the first
class that is operating a pilot program shall be permitted to vote in the location
within the county of his or her registration as provided under subsection (6) of this
section, on a voting machine designed to permit blind or visually impaired
individuals to vote without assistance, at any time during which absentee voting is
conducted in the clerk's office or other place designated by the county board of
elections during normal business hours on at least any of the twelve (12) working
days, **including at least one (1) Saturday**, before the election, and the county board
of elections may permit the voting to be conducted on a voting machine for a period
longer than the twelve (12) working days before the election prescribed above. An application for those blind or visually impaired individuals wishing to vote on a voting machine approved for use by blind or visually impaired individuals shall be prescribed by the State Board of Elections and shall include the individual's sworn statement that the individual is blind or visually impaired.

(8) Notwithstanding the requirements of KRS 117.381, or any other statute to the contrary, the State Board of Elections may certify, as a part of the pilot project of a county containing a consolidated local government or containing a city of the first class, voting equipment which utilizes audio recordings, voice-activated technology, or vocal recognition technology to record a vote, and may require such accommodations as would permit a blind or visually impaired voter to cast a vote in secret.

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

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