

1 AN ACT relating to elections.

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

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

4 (1) All requests for an application for a mail-in absentee ballot may be transmitted by
5 telephone, facsimile machine,~~[by]~~ mail,~~[by]~~ electronic mail, **secure online portal**
6 **as provided by the State Board of Elections in administrative regulations**
7 **promulgated under KRS Chapter 13A,** or in person. The county clerk shall
8 transmit all applications for a mail-in absentee ballot to the voter by mail, electronic
9 mail, **secure online portal,** or in person at the option of the voter, except as
10 provided in paragraph (b) of this subsection. Except as otherwise provided in KRS
11 117.077, the mail-in absentee ballot application may be requested by the voter or
12 the spouse, parents, or children of the voter, but shall be restricted to the use of the
13 voter.

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

- 18 1. A resident of Kentucky who is a covered voter as defined in KRS
19 117A.010;
- 20 2. A student who temporarily resides outside the county of his or her
21 residence;
- 22 3. Incarcerated in jail and charged with a crime, but has not been convicted
23 of the crime;
- 24 4. Changing or has changed his or her place of residence to a different state
25 while the registration books are closed in the new state of residence
26 before an election of electors for President and Vice President of the
27 United States, in which case the voter shall be permitted to cast a mail-in

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

1 other place designated by the county board of elections and approved by the
2 State Board of Elections during normal business hours for at least the twelve
3 (12) working days, **including at least one (1) Saturday**, before the election. A
4 county board of elections may permit in-person absentee voting to be
5 conducted~~[on a voting machine]~~ for a period longer than the twelve (12)
6 working days before the election.

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

- 14 1. Is a resident of Kentucky who is a covered voter as defined in KRS
15 117A.010, who will be absent from the county of his or her residence on
16 any election day;
- 17 2. Is a student who temporarily resides outside the county of his or her
18 residence;
- 19 3. Has surgery, or whose spouse has surgery, scheduled that will require
20 hospitalization on election day;
- 21 4. Temporarily resides outside the state, but is still eligible to vote in this
22 state and will be absent from the county of his or her residence on any
23 election day;
- 24 5. Is a resident of Kentucky who is a uniformed-service voter as defined in
25 KRS 117A.010 confined to a military base on election day, learns of that
26 confinement within seven (7) days or less of an election, and is not
27 eligible for a mail-in absentee ballot under this subsection;

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

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

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

25 (h) Any individual qualified to appoint challengers for the day of an election may
26 also appoint challengers to observe all in-person absentee voting performed at
27 the county clerk's office or other place designated by the county board of

1 elections, and approved by the State Board of Elections, and those challengers
2 may exercise the same privileges as challengers appointed for observing
3 voting on the day of an election at a regular polling place.

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

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

26 (b) The county clerk shall complete a postal form for a certificate of mailing for
27 mail-in absentee ballots mailed within the fifty (50) states, and it shall be

1 stamped by the postal service when the mail-in absentee ballots are mailed. A
2 mail-in absentee ballot may be transmitted by facsimile machine or by the
3 electronic transmission system established under KRS 117A.030(4) to a
4 covered voter as defined in KRS 117A.010. The covered voter shall be
5 notified of the options for transmittal of the mail-in absentee ballot, and the
6 mail-in absentee ballot shall be transmitted by the method chosen for receipt
7 by the resident of Kentucky who is a covered voter.

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

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

18 (6) The outer envelope shall bear the words "Absentee Ballot" and the address and
19 official title of the county clerk and shall provide space for the voter's signature,
20 voting address, precinct number, and signatures of two (2) witnesses if the voter
21 signs the form with the use of a mark instead of the voter's signature. A detachable
22 flap on the secrecy envelope shall provide space for the voter's signature, voting
23 address, precinct number, signatures of two (2) witnesses if the voter signs the form
24 with the use of a mark instead of the voter's signature, and notice of penalty
25 provided in KRS 117.995(5). The county clerk shall type the voter's address and
26 precinct number in the upper left hand corner of the outer envelope and of the
27 detachable flap on the secrecy envelope immediately below the blank space for the

1 voter's signature. The secrecy envelope shall be blank. The county clerk shall retain
2 the voter's mail-in ballot application form, which shall include the photographed
3 copy of the voter's proof of identification or the voter affirmation as prescribed by
4 KRS 117.228(1)(c), and the postal form required by subsection (3) of this section
5 for twenty-two (22) months after the primary or election.

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

18 (8) Any voter qualified for a mail-in absentee ballot who does not receive a requested
19 mail-in absentee ballot within a reasonable amount of time shall contact the county
20 clerk, who shall reissue a second mail-in absentee ballot. The county clerk shall
21 keep a record of the mail-in absentee ballots issued and returned by mail, the in-
22 person absentee voting and federal in-person provisional absentee voting that is
23 performed~~[on the voting machine]~~ in the county clerk's office or other place
24 designated by the county board of elections and approved by the State Board of
25 Elections, to verify that only the first voted ballot to be returned by the voter is
26 counted. Upon the return of any mail-in absentee ballot after the first mail-in
27 absentee ballot is returned, the county clerk shall mark on the outer envelope of the

- 1 sealed ballot the words "Canceled because ballot reissued."
- 2 (9) Any covered voter as defined in KRS 117A.010 who has received a mail-in
3 absentee ballot but who knows that he or she will be in the county on election day,
4 or who desires to vote in person on election day, and who has not voted pursuant to
5 the provisions of KRS 117.086 shall cancel his or her mail-in absentee ballot and
6 vote in person. The voter shall return the mail-in absentee ballot to the county
7 clerk's office on or before election day. Upon the return of the mail-in absentee
8 ballot, the county clerk shall mark on the outer envelope of the sealed mail-in
9 absentee ballot or the unmarked mail-in absentee ballot the words "Canceled
10 because voter appeared to vote in person." Sealed envelopes so marked shall not be
11 opened. If the covered voter is unable to return the mail-in absentee ballot to the
12 county clerk's office on or before election day, at the time he or she votes in person,
13 the voter~~he or she~~ shall sign a written oath as to his or her qualifications on the
14 form prescribed by the State Board of Elections pursuant to KRS 117.245. The
15 county clerk shall remove the voter's name from the list of persons who were sent
16 mail-in absentee ballots, provide the voter with written authorization to vote at the
17 precinct, and the voter may vote in the precinct in which he or she is properly
18 registered.
- 19 (10) Notwithstanding the provisions of the Kentucky Open Records Act, KRS 61.870 to
20 61.884, the information contained in an application for a mail-in absentee ballot
21 shall not be made public until after the close of business hours on the election day
22 for which the application applies. This subsection shall not prohibit at any time the
23 disclosure, upon request, of the total number of applications for mail-in absentee
24 ballots that have been filed, or the disclosure to the Secretary of State or the State
25 Board of Elections, if requested or if otherwise required by law, of any information
26 in an application for a mail-in absentee ballot.
- 27 ➔Section 2. KRS 117.088 is amended to read as follows:

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

1 a county containing a consolidated local government or containing a city of the first
2 class as are designated by the county board of elections.

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

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

17 (7) Notwithstanding the provisions of KRS 117.085, 117.086,~~or~~ 117.086~~3~~, or any
18 other statute to the contrary, a blind or visually impaired individual residing in a
19 county containing a consolidated local government or containing a city of the first
20 class that is operating a pilot program shall be permitted to vote in the location
21 within the county of his or her registration as provided under subsection (6) of this
22 section, on a voting machine designed to permit blind or visually impaired
23 individuals to vote without assistance, at any time during which absentee voting is
24 conducted in the clerk's office or other place designated by the county board of
25 elections during normal business hours on at least any of the twelve (12) working
26 days, including at least one (1) Saturday, before the election, and the county board
27 of elections may permit the voting to be conducted on a voting machine for a period

1 longer than the twelve (12) working days before the election prescribed above. An
2 application for those blind or visually impaired individuals wishing to vote on a
3 voting machine approved for use by blind or visually impaired individuals shall be
4 prescribed by the State Board of Elections and shall include the individual's sworn
5 statement that the individual is blind or visually impaired.

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

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

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