

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 twenty-one (21)~~the fourth~~
12 ~~Tuesday preceding through the first Monday following any primary or general~~
13 ~~election, and the twenty-eight (28)~~ days prior to and seven (7) days following any
14 primary or regular or special election. If the last day of registration falls on a state
15 or federal holiday, the period runs until the end of the next day which is not a
16 Saturday or Sunday nor a state or federal holiday. During the period that registration
17 is closed, the county clerk may accept and process registrations. Any voter who
18 registers during the period that registration is closed, except for any registered voter
19 who transfers his or her registration pursuant to KRS 116.085(2) or (3), shall not be
20 permitted to vote in the upcoming primary or 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 to each principal or assistant
14 principal of every public high school, each area vocational school, and upon
15 request, private schools, who shall designate a person in each school who shall be
16 responsible for informing students and school personnel of the availability of the
17 registration forms and assist them in properly registering. The completed forms
18 shall be returned to the county clerk, for official registration by the county clerk.

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

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

1 methods of presentation shall be developed.

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

- 3 (1) The State Board of Elections, or county board of elections or county clerk, if
4 applicable, shall establish a voter registration purge program using the change-of-
5 address information supplied by the United States Postal Service through its
6 licensees or other sources to identify voters whose addresses may have changed.
- 7 (2) If it appears from information provided by the postal service or other sources that a
8 voter has moved to a different address in the same county in which the voter is
9 currently registered, the State Board of Elections shall provide to the county board
10 of elections the information necessary to change the registration records to show the
11 new address and the State Board of Elections shall send to the new address a notice
12 of the change by forwardable mail on a form prescribed by the State Board of
13 Elections and a postage prepaid, pre-addressed return form by which the voter may
14 verify or correct the address information. If the county board of elections or county
15 clerk requests authorization from the State Board of Elections to send address
16 confirmation notices as provided in this subsection, the State Board of Elections
17 shall grant the request.
- 18 (3) (a) If it appears from information provided by the postal service or other sources
19 that a voter has moved to a different address not in the same county, the State
20 Board of Elections shall send to the address from which the voter was last
21 registered, by forwardable mail, a notice on a form prescribed by the State
22 Board of Elections, with a postage prepaid and pre-addressed return card on
23 which the voter may state his current address.
- 24 (b) If a county board of elections or county clerk requests authorization from the
25 state board to send address confirmation notices as provided in this
26 subsection, the state board shall grant the request.
- 27 (4) The State Board of Elections, county board of elections, or the county clerk ^{state}

1 ~~or county boards of elections~~ shall not remove the name of a voter from the
 2 registration records on the ground that the voter has changed his residence unless
 3 the voter:

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

6 (b) 1. Has failed to respond to the notice described in subsection (3) of this
 7 section; and

8 2. Has not voted or appeared to vote and, if necessary, correct the
 9 registration records of the voter's address in an election during the period
 10 beginning on the date of the notice and ending on the day after the date
 11 of the second general election for Federal office that occurs after the date
 12 of the notice.

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

16 (5) The State Board of Elections shall establish an inactive list of all voters who are
 17 mailed~~[fail to respond to]~~ the notice described in subsection (3) of this section .
 18 *From this inactive list, the State Board of Elections shall send via United States*
 19 *Postal Service, by July 31 of each calendar year, and to every registered voter on*
 20 *its inactive voter list, written correspondence from the Secretary of State's office*
 21 *that prompts the inactive voter to confirm in writing to the State Board of*
 22 *Elections whether the inactive voter has moved out of Kentucky and is ineligible*
 23 *to vote in Kentucky. For the inactive voter's benefit, the written correspondence*
 24 *shall include a return letter pre-addressed to the State Board of Elections which*
 25 *includes an affirmation of intent, to be attested by the voter's signature, the he or*
 26 *she requests to be removed from the voter file. For those persons who fail to*
 27 *respond to the notice described in subsection (3) of this section and who*~~[and]~~ do

1 not vote or appear to vote in an election during the period beginning on the date of
2 the notice and ending on the day after the date of the second general election for
3 federal office that occurs after the date of the notice, **the voter shall be removed**
4 **from the registration books.** [~~If a county board of elections requests authorization~~
5 ~~from the state board to establish an inactive list of voters for its county, the state~~
6 ~~board shall grant the request.~~]

7 (6) The State Board of Elections, **county board of elections, or county clerk** shall
8 complete, not later than ninety (90) days prior to the date of a primary or
9 **regular** [~~general~~] election, any program the purpose of which is to systematically
10 remove the names of ineligible voters from the registration records.

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

17 (8) (a) The State Board of Elections, [~~and~~] county **board** [~~boards~~] of elections, **or**
18 **county clerk** shall maintain for at least two (2) years and shall make available for
19 public inspection and, where available, photocopying at a reasonable cost, all
20 records concerning the implementation of programs and activities conducted for the
21 purpose of ensuring the accuracy and currency of the registration records, except to
22 the extent that the records relate to the declination to register to vote or the identity
23 of a voter registration agency through which any particular voter is registered.

24 (b) The records maintained pursuant to paragraph (a) of this subsection shall
25 include lists of the names and addresses of all persons to whom notices
26 described in subsection (3) are sent, and information concerning whether each
27 person has responded to the notice as of the date that inspection of the records

1 is made.

2 ➔SECTION 5. A NEW SECTION OF KRS CHAPTER 117 IS CREATED TO
3 READ AS FOLLOWS:

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

6 *(1) A United States postal service worker or any other person who is allowed by law*
7 *to transmit United States mail if the worker or other person is engaged in official*
8 *duties;*

9 *(2) A family member of the voter, who shall be a person related to the voter as set-*
10 *forth in KRS 6.611(16)(a), or as established by marriage, adoption, or legal*
11 *guardianship.*

12 *(3) A person who shares the same residence of the voter; or*

13 *(4) A caregiver who provides medical or healthcare assistance to the voter in a*
14 *residence, nursing care institution, hospice facility, assisted living center, assisted*
15 *living facility, assisted living home, residential care institution, adult day*
16 *healthcare facility or adult foster care home.*

17 ➔Section 6. KRS 117.015 is amended to read as follows:

18 (1) There shall be a State Board of Elections that is an independent agency of state
19 government, which shall administer the election laws of the state and supervise
20 registration and purgation of voters within the state. The board:

21 (a) May promulgate administrative regulations necessary to properly carry out its
22 duties; and

23 (b) Shall promulgate administrative regulations establishing a procedure for
24 elections officials to follow when an election has been suspended or delayed
25 as described in KRS 39A.100.

26 (2) The board shall consist of the following:

27 (a) The Secretary of State, who shall be ~~an ex officio, nonvoting member, and~~

- 1 ~~who shall also serve as~~ the chief election official for the Commonwealth;
- 2 (b) Two (2) **voting** members appointed by the Governor as provided in subsection
- 3 (6) of this section; **and**
- 4 (c) Six (6) voting members appointed by the Governor as provided in subsection
- 5 (5) of this section~~;~~ **and**
- 6 ~~(d) An executive director appointed in accordance with KRS 117.025, who may~~
- 7 ~~vote only to break a tie regarding selection of the chair of the board].~~
- 8 (3) **The Secretary of State shall**~~[A chair of the board, who is a then-current voting~~
- 9 ~~member of the board, shall be elected as chair of the board by a majority of the~~
- 10 ~~voting members who serve on the board. The chair shall]~~ preside at the meetings of
- 11 the board and vote on matters before the board.
- 12 (4) The members shall serve for a term of four (4) years or until their successors are
- 13 appointed. Members shall be at least twenty-five (25) years of age and qualified
- 14 voters of this state. No appointed member shall be a candidate for public office or
- 15 have been a candidate for public office for two (2) years prior to his or her
- 16 appointment, except as provided in subsection (2)(b) of this section. No member of
- 17 the board shall have been convicted of any election law offense.
- 18 (5) Two (2) members shall be appointed by the Governor from a separate list of at least
- 19 five (5) names submitted by the state central executive committee of each of the two
- 20 (2) political parties that polled the largest vote in the last preceding election for state
- 21 officials. The list shall be submitted to the Governor by February 15 of 1992, and
- 22 the appointments of the Governor shall be made by April 1 of the same year. Two
- 23 (2) separate lists shall be submitted to the Governor by August 15 of 1990 and every
- 24 four (4) years thereafter, and two (2) appointments shall be made from these lists by
- 25 September 15 of each year in which the lists are received.
- 26 (6) Two (2) members shall be appointed by the Governor from a separate list of at least
- 27 four (4) names submitted by the Kentucky County Clerk's Association of each of

1 the two (2) political parties that polled the largest vote in the last preceding regular
2 election for state officials. Each of the two (2) members appointed under this
3 subsection shall be former county clerks~~[- and shall be voting members]~~. The lists
4 required under this subsection shall be submitted to the Governor by July 15, 2019,
5 and every four (4) years thereafter. The appointments made by the Governor under
6 this subsection shall be made by August 15, 2019, and every four (4) years
7 thereafter.

8 (7) Vacancies shall be filled in the same manner as provided for original appointments,
9 and the person appointed to fill the vacancy shall be of the same political party as
10 his or her predecessor.

11 (8) The board shall meet as often as necessary to carry out its duties and shall keep a
12 record of its acts, orders, findings, and proceedings. A majority of the board shall
13 constitute a quorum.

14 (9) The members of the board shall be paid a reasonable sum to be fixed by the
15 secretary of the Personnel Cabinet, with the approval of the secretary of the Finance
16 and Administration Cabinet, and in addition, their expenses in attending board
17 meetings. The compensation shall be paid out of the State Treasury upon requisition
18 signed by the chair of the board and approved by the secretary of the Finance and
19 Administration Cabinet.

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

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

24 (2) (a) The board shall consist of the county clerk, the sheriff, and two (2) members
25 appointed by the State Board of Elections under paragraph (d) of this
26 subsection. Appointments shall occur in 2021, and every four (4) years
27 thereafter.~~[not later than July 1 following the election of persons to statewide~~

1 ~~office,]~~ for a term of four (4) years and until their successors are appointed.

2 **All appointments under this paragraph shall be made no later than July 1**
3 **of the year in which the term expires.**

4 (b) The sheriff shall not serve on the board during any year in which he or she is a
5 candidate, but shall recommend to the board a temporary replacement to serve
6 in his or her place. If the sheriff cannot serve because he or she is sick,
7 injured, or otherwise incapacitated, he or she may recommend a temporary
8 replacement to serve in his or her place until the sheriff may resume his or her
9 duties or a vacancy in office is declared.

10 (c) The county clerk may, at his or her option, continue to serve on the board
11 during a year in which he or she is a candidate. If the clerk elects not to serve,
12 he or she shall recommend a temporary replacement to serve in his or her
13 place. If the county clerk cannot serve because he or she is sick, injured, or
14 otherwise incapacitated, he or she may recommend a temporary replacement
15 to serve in his or her place until the county clerk may resume his or her duties
16 or a vacancy in office is declared.

17 (d) 1. Notwithstanding the provisions of KRS 61.080, service on the board of
18 elections shall be compatible with the holding of any other county or city
19 office.

20 2. The members shall be at least twenty-one (21) years of age, qualified
21 voters in the county from which they are appointed, and shall not have
22 been convicted of any election law offense.

23 3. One (1) member shall be appointed from a list of five (5) names
24 submitted by the county executive committee of each political party as
25 defined in KRS 118.015. If there are two (2) or more contending
26 executive committees of the same political party in any county, the one
27 recognized by the written certificate of the chair of the state central

- 1 committee of the political party shall be the one authorized to submit the
2 lists.
- 3 4. If the State Board of Elections does not receive the list as required by
4 subparagraph 3. of this paragraph for each political party for each county
5 by the deadline established in paragraph (a) of this subsection or within
6 one (1) month of a vacancy, then the chair of the state central
7 committees for the political parties may submit lists of five (5) names of
8 qualified residents from the remaining counties by August 1 ***of the year***
9 ***in which the term expires***~~[following the election of persons to statewide~~
10 ~~office]~~ or within two (2) months of a vacancy.
- 11 5. If the State Board of Elections does not receive a list from either the
12 county executive committee under subparagraph 3. of this paragraph or
13 the chair of the state executive committee under subparagraph 4. of this
14 paragraph, then the State Board of Elections shall appoint a qualified
15 resident from the county at its next regularly scheduled meeting in
16 September ***of the year in which the term expires***~~[following the election~~
17 ~~of persons to statewide office]~~ or within three (3) months of a vacancy.
- 18 6. A member appointed by the State Board of Elections may be removed
19 by the State Board of Elections for cause.
- 20 7. A member appointed by the State Board of Elections may be removed
21 by the State Board of Elections upon a request approved by a two-thirds
22 (2/3) vote of the full membership of the county executive committee that
23 submitted the member's name. The county executive ***committee*** shall
24 provide conclusive evidence of the committee's membership and
25 evidence of the committee's two-thirds (2/3) vote before the State Board
26 of Elections removes any member appointed by the State Board of
27 Elections.

- 1 8. If an appointee is temporarily unable to act, a temporary appointee shall
2 be named by the State Board of Elections. A temporary appointee shall
3 serve until the original appointee notifies the State Board of Elections
4 that he or she is able to resume his or her term.
- 5 9. A member appointed by the State Board of Elections shall not serve on
6 the board if he or she is a candidate for public office, and the member
7 shall resign upon filing papers to become a candidate for public office or
8 shall be removed from office by the State Board of Elections. A member
9 who resigns or is removed because of his or her candidacy shall not
10 resume his or her term following the completion of the candidacy.
- 11 10. Vacancies and temporary vacancies shall be filled in the same manner as
12 provided for original appointments, and the person appointed to fill the
13 vacancy or temporary vacancy shall be of the same political party as his
14 or her predecessor.
- 15 (e) Compensation and payment of actual expenses of members shall be set by the
16 fiscal court either as an amount payable on an annual basis, or as an amount
17 payable on a per diem basis of not less than fifteen dollars (\$15) nor more than
18 one hundred dollars (\$100) for each day the board meets.
- 19 (3) A majority of the board shall constitute a quorum. The county clerk shall serve as
20 chair of the meetings and may vote. In case of a tie, the chair may cast an additional
21 vote. Records shall be kept of all proceedings, and the records shall be public and
22 kept at the office of the county clerk.
- 23 (4) The board shall meet as follows:
- 24 (a) During years in which a primary or regular election is scheduled, the board
25 shall meet at least once every other month and may meet more frequently if
26 necessary upon the call of the chair or upon written agreement of two (2) or
27 more members of the board. The call shall provide notice as prescribed by

1 KRS 61.823.

2 (b) During years in which no primary or regular election is scheduled, the board
3 shall meet at the call of the chair or upon written agreement of two (2) or more
4 members of the board. The call shall provide notice as prescribed by KRS
5 61.823.

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

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

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

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

25 **(b)** If a special election is ordered to be held in a year in which no elections are
26 scheduled, the county executive committee of each political party in each
27 county in the territory affected by the special election shall, not later than

1 twenty-eight (28) days preceding the date of the special election, submit a
2 written list of nominees for precinct election officers to serve in the special
3 election in a manner consistent with the provisions of subsection (2) of this
4 section. The county board of elections in each county in the territory affected
5 by the special election shall, not later than twenty-one (21) days preceding the
6 date of the special election, appoint precinct election officers to serve in the
7 special election in a manner consistent with the provisions of subsections (4),
8 (5), and (6) of this section.

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

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

1 administrative regulation *promulgated under KRS Chapter 13A*~~[the form of the~~
2 ~~list]~~.

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

5 (4) (a) If lists are submitted *by the county executive committee under subsection (2)*
6 *of this section*, the county board of elections shall select one (1) judge at each
7 voting place from each political party's list, and the county board shall select
8 the sheriff from one (1) political party's list and the clerk from the other.

9 (b) If no lists are submitted *by the county executive committees under subsection*
10 *(2) of this section*, the two (2) members of the county board of elections who
11 are appointed by the State Board of Elections may submit lists; and the county
12 board *of elections* shall select the sheriff and one (1) judge from one (1) list
13 and the clerk and the other judge from the remaining list.

14 (c) If no lists are submitted *by the county executive committees under subsection*
15 *(2) of this section, or by the county board of elections under paragraph (b)*
16 *of this subsection*, the county *clerk*~~[board]~~ shall select the sheriff and one (1)
17 judge from the membership of one (1) party and the clerk and the other judge
18 from the membership of the remaining party. *If no members of one (1) of the*
19 *two (2) political parties are available or willing to serve as a judge, the*
20 *county clerk shall:*

21 *1. Select one (1) voter of independent status, and either one (1) member*
22 *of any political organization or one (1) member of any political group*
23 *to serve as a judge at a voting place; and*

24 *2. Not select two (2) judges with the same political affiliation.*

25 (d) The county board *of elections* shall, when possible, also appoint an adequate
26 number of alternate precinct election officers from names on the lists which
27 were submitted but which were not selected by the county board as precinct

1 election officers. If alternate precinct election officers are not appointed from
 2 the lists of nominees who were not selected as precinct election officers, the
 3 county board of elections shall submit its method of selecting alternate
 4 precinct election officers to the State Board of Elections for its approval. **If no**
 5 **lists are submitted to the county board of elections as provided in this**
 6 **subsection, the county clerk shall select an adequate number of alternate**
 7 **precinct election officers.**

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

11 **(f) Nothing in this subsection shall prevent the selection of voters of**
 12 **independent status, members of any political organization, or members of**
 13 **any political group to serve as a precinct election officer in a precinct in**
 14 **which the officer resides or as otherwise provided in this subsection.**

15 (5) If, after all reasonable efforts have been made, **neither** the county board of elections
 16 **nor the county clerk** is ~~able~~^{unable} to find two (2) qualified officers for each
 17 precinct who are affiliated with the two (2) political parties having representation on
 18 the State Board of Elections, **voters of independent status, members of any**
 19 **political organization, or members of any political group,** the county board **of**
 20 **elections** shall submit a list of emergency election officer appointments to the State
 21 Board of Elections. The county board **of elections** shall also present, in writing, its
 22 efforts to recruit and appoint election officers as prescribed in subsection (4) of this
 23 section. ~~The list of emergency appointments may include qualified voters not~~
 24 ~~affiliated with the two (2) parties represented on the state board.~~ The **State Board**
 25 **of Elections** ~~[state board]~~, after its review, may approve any or all of the emergency
 26 appointments submitted by the county board **of elections** or may direct the county
 27 board to take other action. Any emergency appointment shall be made for the next

1 ensuing election only.

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

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

12 (8) The State Board of Elections may require the county board of elections to submit its
13 list of precinct officers for review. The State Board of Elections may, after a
14 hearing, direct the removal of any election officer who the board finds would not
15 fairly administer the state election laws. The **State Board of Elections shall provide**
16 **for the method and manner of the hearing by administrative regulation**
17 **promulgated under KRS Chapter 13A, and**~~[state board]~~ shall replace any officer so
18 removed.~~[The board shall provide for the method and manner of the hearing by~~
19 **administrative regulation.**

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

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

- 1 **(c)** An election officer shall not be a candidate for office during the election year.
- 2 **(d)** An election officer shall not be the spouse, parent, brother, sister, or child of a
3 candidate who is to be voted for at the election in the precinct in which the
4 election officer will serve on election day. An election officer shall not have
5 changed his **or her** voter registration party affiliation **after December 31**
6 **immediately preceding**~~[for one (1) year prior to]~~ his **or her** appointment **to**
7 **serve for the primary, or after the second Tuesday in August to serve for the**
8 **regular election.**
- 9 **(e)** An election officer may be removed, for cause, at any time up to five (5) days
10 before an election. Vacancies shall be filled by the county board **of elections**
11 **or the county clerk** with alternate precinct election officers and **if the vacancy**
12 **occurs in the appointment of a judge,** the person appointed to fill the vacancy
13 shall be of the same political **affiliation**~~[party]~~ as the vacating officer, except
14 for emergency appointments made as provided in subsection (5) of this
15 section.
- 16 (10) If the county board of elections **or the county clerk** fails to appoint election officers,
17 or if any officer is not present at the precinct at the time for commencing the
18 election, or refuses to act, and if no alternate is available, the officer in attendance
19 representing the political party of the absentee shall appoint a suitable person to act
20 in his **or her** place for that election. If both representatives of the same political
21 party are absent, qualified voters present affiliating with that party shall elect, viva
22 voce, suitable persons to act in their places.
- 23 (11) **Election officers may serve a minimum of six and one-half (6-1/2) hours per**
24 **election day provided a successor election officer is available and meets all the**
25 **requirements of this section. The successor election officer shall serve in the**
26 **same capacity and be of the same political affiliation as the departing election**
27 **officer. Immediately prior to the time of transfer of the duties of the election**

1 officer, both officers shall sign a certificate on a form prescribed by the State
 2 Board of Elections in administrative regulations promulgated under KRS
 3 Chapter 13A stating:

4 (a) The names of both the departing election officers and the successor election
 5 officers and their designation as clerk, judge, or sheriff;

6 (b) The number of voters up to the time of transfer, as shown on the public
 7 counters;

8 (c) The number or other unique designation of the voting equipment in use at
 9 the time of the transfer;

10 (d) Any irregularities observed by the departing election officer serving as
 11 sheriff;

12 (e) Any recommendations of the departing election officer for improving the
 13 election process;

14 (f) Any records transferred to the successor officer are true and accurate to the
 15 best of the departing officer's knowledge and belief;

16 (g) All keys to the voting equipment have been transferred to the successor
 17 judges; and

18 (h) Any other information required by the State Board of Elections as
 19 established in administrative regulations promulgated under KRS Chapter
 20 13A.

21 (12) Each election officer servng all hours the polls are open shall be paid a minimum
 22 of sixty dollars (\$60) per election day served. Each election officer serving for six
 23 and one-half (6-1/2) hours shall be paid a minimum of thirty dollars (\$30) per
 24 election day. The~~], and such an additional amount as compensation as may be~~
 25 ~~determined by the~~ county board of elections, with the approval of the governing
 26 body which would be responsible for funding the election officers' pay, may pay an
 27 additional amount as compensation for each election in which the election officer

1 serves, to be paid by the county. For delivering the election packets to the polls, the
 2 precinct election officers shall ***additionally*** receive~~[in addition]~~ the mileage
 3 reimbursement provided for state employees, for each mile necessarily traveled in
 4 the delivery of the packets to the polls, or a flat fee if the fee equals or exceeds that
 5 amount. For delivering election returns, the precinct election judges shall
 6 ***additionally*** receive~~[in addition]~~ the mileage reimbursement provided for state
 7 employees for each mile necessarily traveled ***in the***~~[from the place of voting to and~~
 8 ~~from the place of]~~ delivery ***of election returns***, or a flat fee if the fee equals or
 9 exceeds that amount. The fee paid to the precinct election judges for delivering
 10 election returns shall be paid by the county.

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

12 Subject to KRS 117.0551 to 117.0555:

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

18 (a) The Commonwealth;

19 (b) A county or urban-county;

20 (c) A congressional district;

21 (d) A state senatorial district;

22 (e) A state representative district;

23 (f) A justice of the peace or county commissioner's district established under
 24 KRS Chapter 67; or

25 (g) An aldermanic ward established under KRS 83.440.

26 (2) The county board of elections shall have the authority to draw precinct lines so as to
 27 enable more than one (1) precinct to vote at one (1) location. The county board of

1 elections shall review election precinct boundaries as often as necessary. Without
2 exception, they shall review the boundaries of all election precincts exceeding seven
3 hundred (700) votes cast in the last regular election prior to each primary election,
4 and the State Board of Elections may require a written report at least sixty (60) days
5 prior to the candidate filing deadline set forth in KRS 118.165(1) and (2) on each
6 election precinct exceeding seven hundred (700) votes cast in the last regular
7 election. Consideration to the division of said election precincts should be based on
8 the anticipated growth factor within the specified boundaries; however, the county
9 board of elections shall not be prohibited from dividing election precincts in excess
10 of seven hundred (700) votes cast in the last regular election or less than seven
11 hundred (700) votes cast in the last regular election if they elect to do so. However,
12 the State Board of Elections may, in its discretion, withhold from a county the
13 expenses of an election under KRS 117.345 for any precinct containing more than
14 one thousand five hundred (1,500) registered voters, excluding those precincts
15 utilizing optical scan voting equipment~~[machines]~~ and those periods of time in
16 which the precinct boundaries have been frozen under KRS 117.056.

17 (3) No election precinct shall be created, divided, abolished, or consolidated or the
18 boundaries therein changed prior to any primary~~[election]~~ to comply with the
19 provisions of KRS 117.055 to 117.0555 and KRS 117.0557 later than the last date
20 prescribed by election law generally for filing notification and declaration forms
21 with the county clerk or Secretary of State. No election precinct shall be created,
22 divided, abolished, or consolidated or the boundaries therein changed prior to any
23 regular~~[general]~~ election to comply with the provisions of KRS 117.055 to
24 117.0555 and KRS 117.0557 later than the last date prescribed by election law
25 generally for filing certificates or petitions of nomination with the county clerk or
26 Secretary of State.

27 (4) The county board of elections shall designate the name or number and the

1 boundaries of the election precincts. Each precinct shall contain, as nearly as
 2 practicable, an equal number of voters, based on the number of registered voters in
 3 the county.

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

9 (6) If the county board of elections fails to perform any of the duties required by KRS
 10 117.055 to 117.0555 and KRS 117.0557:

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

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

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

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

21 (1) ~~In the case of a precinct comprised of a small number of registered voters, }The~~
 22 county board of elections may, pursuant to KRS 117.055, **designate a single voting**
 23 **location for more than one (1) precinct if the voting location is equipped with**
 24 **voting equipment capable of providing or accepting separate ballots without**
 25 **endangering the integrity of the ballots or without violating any other election**
 26 **law**~~utilize the facilities of another precinct as a voting location. Additionally, the~~
 27 county board of elections may petition the State Board of Elections to allow the

1 ~~precinct election officers of the larger precinct to serve as precinct election officers~~
 2 ~~for the precinct that is the subject of the petition. The petition shall designate both~~
 3 ~~the smaller precinct and the larger precinct with which it is to be included, the type~~
 4 ~~of voting machine or machines to be used, and whether supplemental paper ballots~~
 5 ~~are to be used. The petition shall contain a full explanation of the reasons why~~
 6 ~~inclusion is desirable].~~

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

11 (a) One *(1)* voting *equipment*~~[machine] may be *used*[utilized] for *more than one*~~
 12 *(1) precinct if ballots are tabulated for each separate precinct, and if*~~both~~
 13 ~~precincts if the State Board of Elections certifies that] separate ballots may be~~
 14 ~~placed upon *any*[the] voting *equipment*[machine] to be used without~~
 15 ~~endangering the integrity of the ballots or without violating any other election~~
 16 ~~law. Otherwise, separate voting *equipment*[machines] shall be used for each~~
 17 ~~precinct. In the instance of a precinct which has a small number of voters such~~
 18 ~~that the use of[—a] separate voting *equipment*[machine] would be cost-~~
 19 ~~prohibitive, the county clerk may make application to the State Board of~~
 20 ~~Elections to use supplemental paper ballots under KRS 118.215 to conduct the~~
 21 ~~voting for the small precinct on *any primary or* election day. If the use of~~
 22 ~~supplemental paper ballots is approved by the State Board of Elections, at the~~
 23 ~~close of voting on *any primary or* election day, the locked supplemental paper~~
 24 ~~ballot box shall be transported to the county board of elections along with the~~
 25 ~~federal provisional ballot receptacle, and ballots shall be counted by the~~
 26 ~~county board of elections as provided by KRS 117.275(10) to (14);~~

27 (b) Separate precinct voter rosters shall be maintained for each precinct, and steps

1 shall be taken to ~~ensure~~^{insure} that voters cast their ballot in their duly
2 authorized precinct; and

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

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

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

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

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

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

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

17 **(f) The plan for additional precinct officers at the voting location, the manner**
18 **in which they will be assigned, and whether the voting location will be fully**
19 **staffed with election officials;**

20 **(g) The plan for how the county clerk will publicize the location for where the**
21 **voting shall occur, in addition to how each location shall be noted**
22 **conspicuously to residents of the county as a "Countywide Voting Center";**
23 **and**

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

26 **(4) If the petition submitted under subsection (3) of this section is approved by the**
27 **State Board of Elections, the precinct election officers designated to serve as**

1 election officers for more than one (1) precinct shall meet the eligibility
 2 requirements of Section 8 of this Act, except that the election officer shall not be
 3 required to reside in the precinct to which they are assigned.

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

- 5 (1) Except as otherwise provided in KRS 117.077 and covered voters in paragraph (b)
 6 of this subsection, all requests for a mail-in absentee ballot shall be requested
 7 through a secure online portal established by the State Board of Elections.
 8 Acquiring a mail-in absentee ballot by means of the online portal shall require
 9 the voter to input personally identifiable information for verification. The county
 10 clerk may, at his or her discretion, fulfill a request for a mail-in absentee ballot
 11 by taking the voter's information over the telephone or in person and directly
 12 inputting that information into the secure online portal. The online portal shall
 13 have the capacity to ensure the identity of the voter through proof of
 14 identification as required under Section 31 of this Act and as defined in Section
 15 41 of this Act. If a voter qualifies to receive a mail-in absentee ballot, the online
 16 portal shall transmit the mail-in absentee ballot request to the county clerk of the
 17 county in which the voter is registered to vote. The online portal shall close at
 18 11:59 p.m. local time, ten (10) days immediately preceding the day of a primary
 19 or an election. ~~[All requests for an application for a mail-in absentee ballot may be~~
 20 ~~transmitted by telephone, facsimile machine, by mail, by electronic mail, or in~~
 21 ~~person. The county clerk shall transmit all applications for a mail-in absentee ballot~~
 22 ~~to the voter by mail, electronic mail, or in person at the option of the voter, except~~
 23 ~~as provided in paragraph (b) of this subsection.]~~ Except as otherwise provided in
 24 KRS 117.077, the mail-in absentee ballot~~[application]~~ may be requested by the
 25 voter or the spouse, parents, or children of the voter, but shall be restricted to the
 26 use of the voter.

- 27 (a) Except as otherwise provided in KRS 117.077 and covered voters in

1 paragraph (b) of this subsection, a qualified voter may apply to cast his or
2 her vote by mail-in absentee ballot if the completed application is received ten
3 (10) days~~[not later than the close of business hours seven (7) days]~~ before the
4 election, and if the voter is:

- 5 1. A resident of Kentucky who is a covered voter as defined in KRS
6 117A.010;
- 7 2. A student who temporarily resides outside the county of his or her
8 residence;
- 9 3. Incarcerated in jail and charged with a crime, but has not been convicted
10 of the crime;
- 11 4. Changing or has changed his or her place of residence to a different state
12 while the registration books are closed in the new state of residence
13 before an election of electors for President and Vice President of the
14 United States, in which case the voter shall be permitted to cast a mail-in
15 absentee ballot for electors for President and Vice President of the
16 United States only;
- 17 5. Temporarily residing outside the state but still eligible to vote in this
18 state;
- 19 6. Prevented from voting in person at the polls on election day and from
20 casting an in-person absentee ballot in the county clerk's office on all
21 days in-person absentee voting is conducted because his or her
22 employment location requires him or her to be absent from the county of
23 his or her residence all hours and all days in-person absentee voting is
24 conducted in the county clerk's office;
- 25 7. A participant in the Secretary of State's crime victim address
26 confidentiality protection program as authorized by KRS 14.312; or
- 27 8. Not able to appear at the polls on election day on the account of age,

1 disability, or illness, and who has not been declared mentally disabled by
2 a court of competent jurisdiction.

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

12 (c) In-person absentee voting shall be conducted in the county clerk's office or
13 other place designated by the county board of elections and approved by the
14 State Board of Elections during normal business hours for at least the twelve
15 (12) working days and the Saturday immediately before the election. A
16 county board of elections may permit in-person absentee voting to be
17 conducted~~[on a voting machine]~~ for a period longer than the period
18 prescribed in this paragraph~~[the twelve (12) working days before the~~
19 election].

20 (d) Except as otherwise provided for those voters described in paragraphs (e),
21 (f), and (g) of this subsection, a qualified voter may, at any time during
22 normal business hours on those days in-person absentee voting is conducted in
23 the county clerk's office, make application in person to the county clerk to
24 vote~~[on a voting machine]~~ in the county clerk's office or other place
25 designated by the county board of elections and approved by the State Board
26 of Elections, if the voter provides proof of identification as defined in Section
27 41 of this Act~~[KRS 117.375]~~ or meets the requirements of KRS 117.228 and

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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 paragraph (a) of this subsection, but who will be absent from the county of his or her residence on election day.

(e) **The requirements listed in paragraph (d) of this subsection shall not apply**

1 on the Wednesday, Thursday, Friday, or Saturday immediately preceding
 2 the day of a primary or an election. Any voter who is qualified to vote on
 3 election day in the county of his or her residence may choose to cast an in-
 4 person absentee ballot while in-person absentee voting is being conducted
 5 during the days listed in this paragraph.

6 (f) Voters who change their place of residence to a different state while the
 7 registration books are closed in the new state of residence before a presidential
 8 election shall be permitted to cast an in-person absentee ballot for President
 9 and Vice President only, by making application in person to the county clerk
 10 to vote on a voting machine in the county clerk's office or other place
 11 designated by the county board of elections and approved by the State Board
 12 of Elections, up to the close of normal business hours on the day before the
 13 election. Voters who qualify to vote under this section may be permitted to
 14 vote in-person absentee without application on the Wednesday, Thursday,
 15 Friday, or Saturday immediately preceding the day of a primary or an
 16 election.

17 (g)~~(f)~~ Any member of the county board of elections, any precinct election
 18 officer appointed to serve in a precinct other than that in which he or she is
 19 registered, any alternate precinct election officer, any deputy county clerk, any
 20 staff for the State Board of Elections, and any staff for the county board of
 21 elections may vote~~[-on a voting machine]~~ in the county clerk's office or other
 22 place designated by the county board of elections, and approved by the State
 23 Board of Elections, up to the close of normal business hours on the day before
 24 the election. The application form for those persons shall be prescribed by the
 25 State Board of Elections and, in the case of application by precinct election
 26 officers, shall contain a verification of appointment signed by a member of the
 27 county board of elections. If an alternate precinct election officer or a precinct

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

9 **Voters who qualify to vote under this section may be permitted to vote in-**
10 **person absentee without application on the Wednesday, Thursday, Friday,**
11 **or Saturday immediately preceding the day of a primary or an election.**

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

24 ~~(i)~~~~(h)~~ Any individual qualified to appoint challengers for the day of an election
25 may also appoint challengers to observe all in-person absentee voting
26 performed at the county clerk's office or other place designated by the county
27 board of elections, and approved by the State Board of Elections, and those

1 challengers may exercise the same privileges as challengers appointed for
2 observing voting on the day of an election at a regular polling place.

3 (2) **For those voters who are eligible to receive a mail-in absentee ballot by KRS**
4 **117.077 or subsection (1)(b) of this section,** the county clerk shall type the name of
5 the voter permitted to vote by mail-in absentee ballot on the mail-in absentee ballot
6 application~~[form]~~ for that person's use and no other. The mail-in absentee ballot
7 application~~[form]~~ shall be in the form prescribed by the State Board of Elections,
8 which shall include the voter affirmation form as prescribed in KRS 117.228(1)(c)~~;~~
9 ~~shall bear the seal of the county clerk,~~ and shall contain the following information:
10 name, residential address, precinct, party affiliation, statement of the reason the
11 person cannot vote in person on election day, statement of where the voter shall be
12 on election day, statement of compliance with residency requirements for voting in
13 the precinct, an instructional statement prescribing the requirements for providing a
14 copy of the voter's proof of identification or voter affirmation when applicable, and
15 the voter's mailing address for a mail-in absentee ballot. The mail-in absentee ballot
16 application form shall be verified and signed by the voter, and the voter shall
17 provide a copy of his or her proof of identification, as defined in **Section 41 of this**
18 **Act**~~[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)}~~ **For those voters eligible to receive a mail-in absentee ballot under KRS**
22 **117.077, subsection (1)(b) of this section, or by means of the online portal,** if
23 the county clerk finds that the voter **has presented a completed application**
24 **for a mail-in absentee ballot as provided in this section,** is properly
25 registered as stated in his or her mail-in absentee ballot application~~[form]~~ and
26 qualifies to receive a mail-in absentee ballot by mail, **the county clerk**~~he or~~
27 ~~she~~ shall mail to the voter a mail-in absentee ballot, two (2) official

1 envelopes for returning the mail-in absentee ballot, and instructions for voting.

2 ~~(4)(b)~~ *Mail-in absentee ballots shall be mailed to a voter's residential address*

3 *located in the county in which the voter is registered, except for:*

4 *(a) Qualified voters who apply pursuant to the requirements of subsection*

5 *(1)(a)1. to 8. of this section;*

6 *(b) Qualified voters covered under KRS 117.077; and*

7 *(c) A voter who is a student who temporarily resides outside the county of his or*

8 *her residence, if the student voter requests that the mail-in absentee ballot*

9 *be sent to the student's residential address located in the county in which*

10 *the voter is registered.*

11 (5) The county clerk shall:

12 (a) Complete a postal form for a certificate of mailing for mail-in absentee ballots

13 mailed within the fifty (50) states, and it shall be stamped by the postal service

14 when the mail-in absentee ballots are mailed;

15 (b) Transmit a mail-in absentee ballot to the voter who is eligible to receive a

16 mail-in absentee ballot within three (3) days of receipt or within three (3)

17 days of the ballots being available; and

18 (c) Cause mail-in absentee ballots to be printed fifty (50) days prior to each

19 primary or regular election, and forty-five (45) days prior to a special

20 election.

21 (6) A mail-in absentee ballot may be transmitted by facsimile machine or by the

22 electronic transmission system established under KRS 117A.030(4) to a covered

23 voter as defined in KRS 117A.010. The covered voter shall be notified of the

24 options for transmittal of the mail-in absentee ballot, and the mail-in absentee ballot

25 shall be transmitted by the method chosen for receipt by the resident of Kentucky

26 who is a covered voter.

27 ~~[(4) Mail-in absentee ballots which are requested prior to the printing of the mail-in~~

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

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

10 ~~(7)~~~~(6)~~ The outer envelope shall bear the words "Absentee Ballot", ~~and~~ the address
 11 and official title of the county clerk, **a printed barcode or other label that is unique**
 12 **to the individual voter issued by the State Board of Election,** and **adequate**~~shall~~
 13 ~~provide~~ space for the voter's signature, voting address, precinct number, and
 14 signatures of two (2) witnesses if the voter signs the form with the use of a mark
 15 instead of the voter's signature. A detachable flap on the secrecy envelope shall
 16 provide space for the voter's signature, voting address, precinct number, signatures
 17 of two (2) witnesses if the voter signs the form with the use of a mark instead of the
 18 voter's signature and notice of penalty provided in KRS 117.995(5). The county
 19 clerk shall type the voter's address and precinct number in the upper left hand corner
 20 of the outer envelope and of the detachable flap on the secrecy envelope
 21 immediately below the blank space for the voter's signature. The secrecy envelope
 22 shall be blank. **If applicable,** the county clerk shall retain the voter's mail-in ballot
 23 application~~form~~, which shall include the photographed copy of the voter's proof
 24 of identification or the voter affirmation as prescribed by KRS 117.228(1)(c), and
 25 the postal form required by subsection ~~(5)~~~~(3)~~ of this section for **twelve (12)**
 26 **months after the day of a primary or an election**~~twenty-two (22) months after the~~
 27 ~~primary or election].~~

1 ~~(8)~~~~(7)~~ **Except as otherwise provided in subsection (10) of this section,** any person
2 who has received a mail-in absentee ballot~~[by mail]~~ but who knows at least seven
3 (7) days before the date of the election that he or she will be in his or her county of
4 residence on election day and who has not voted pursuant to the provisions of KRS
5 117.086 shall cancel his or her mail-in absentee ballot and vote in person. The voter
6 shall return the mail-in absentee ballot to the county clerk's office **by mail, hand**
7 **delivery, or to a secure drop-box or receptacle,** no later than seven (7) days prior to
8 the date of the election. Upon the return of the mail-in absentee ballot, the county
9 clerk shall mark on the outer envelope of the sealed ballot or the unmarked ballot
10 the words "Canceled because voter appeared to vote in person." Sealed envelopes so
11 marked shall not be opened. The county clerk shall remove the voter's name from
12 the list of persons who were sent mail-in absentee ballots, and the voter may vote in
13 the precinct in which he or she is properly registered.

14 ~~(9)~~~~(8)~~ Any voter qualified for a mail-in absentee ballot who does not receive a
15 requested mail-in absentee ballot within a reasonable amount of time shall contact
16 the county clerk, who shall reissue a second mail-in absentee ballot. The county
17 clerk shall keep a record of the mail-in absentee ballots issued and returned by mail,
18 **hand-delivery, or to a secure drop-box or receptacle, and** the in-person absentee
19 voting and federal in-person provisional absentee voting that is
20 **conducted**~~[performed on the voting machine]~~ in the county clerk's office or other
21 place designated by the county board of elections and approved by the State Board
22 of Elections, to verify that only the first voted ballot~~[to be returned by the voter]~~ is
23 counted. Upon the return of any mail-in absentee ballot after the first mail-in
24 absentee ballot is returned, the county clerk shall mark on the outer envelope of the
25 sealed ballot the words "Canceled because ballot reissued."

26 ~~(10)~~~~(9)~~ Any covered voter as defined in KRS 117A.010 who has received a mail-in
27 absentee ballot but who knows that he or she will be in the county on election day

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

15 ~~(11)~~[(10)] Notwithstanding the provisions of the Kentucky Open Records Act, KRS
 16 61.870 to 61.884, the information contained in an application for a mail-in absentee
 17 ballot shall not be made public until after the close of business hours on the election
 18 day for which the application applies, except for when the identification of the
 19 voter is provided to the county board of elections under Section 14 of this Act.
 20 This subsection shall not prohibit at any time the disclosure, upon request, of the
 21 total number of applications for mail-in absentee ballots that have been filed, or the
 22 disclosure to the Secretary of State or the State Board of Elections, if requested or if
 23 otherwise required by law, of any information in an application for a mail-in
 24 absentee ballot.

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

26 (1) (a) The voter returning his or her absentee ballot to the county clerk by mail,
 27 hand delivery, or to a secure drop-box or receptacle, shall mark his or her

1 ballot, seal it in the secrecy envelope, and then seal the outer envelope~~[-, and~~
2 ~~mail it to the county clerk as provided in this chapter].~~

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

19 **(c) The State Board of Elections shall purchase and provide secure drop-boxes**
20 **and provide them to the county clerks based on the clerk's request and**
21 **availability of each requesting county being guaranteed at least one (1)**
22 **drop-box. A county board of elections may choose to use a receptacle for**
23 **ballot drop-offs other than the drop-boxes provided by the State Board of**
24 **Elections, but the county board of elections shall seek the State Board of**
25 **Elections' approval of the receptacle before any mail-in absentee ballot**
26 **shall be allowed to be deposited inside the receptacle. Any county board of**
27 **elections choosing to use a receptacle shall inform the State Board of**

1 *Elections of the number of receptacles to be used, the type of each*
 2 *receptacle to be used, and the receptacle location. The county board of*
 3 *elections shall also inform the State Board of Elections the number of drop-*
 4 *boxes to be used and the location of each drop-box. Any drop-box or*
 5 *receptacle located outside of the county clerk's office shall be placed in a*
 6 *well-lit, easily accessible location, secured to ensure immobility while in*
 7 *use, under video surveillance at all times, tamper resistant, and*
 8 *conspicuously noted as a mail-in absentee ballot drop-off location. A drop*
 9 *box or receptacle located inside the county clerk's office shall be under*
 10 *direct supervision of the staff of the county clerk at all times and be*
 11 *accessible to the public. Each receptacle or drop-box shall be emptied by the*
 12 *county clerk at least once each business day or more frequently, as needed,*
 13 *to reasonably secure and accommodate the volume of the voter-delivered*
 14 *mail-in absentee ballots. Once the county clerk empties the receptacle or*
 15 *drop-box of the mail-in absentee ballots contained therein, the mail-in*
 16 *absentee ballots shall be processed in a manner consistent with subsection*
 17 *(6) of this section.*

18 (2) Any voter who shall be absent from the county on election day, but who does not
 19 qualify to receive a mail-in absentee ballot under the provisions of KRS 117.085,
 20 and all voters qualified to vote prior to the election under the provisions of KRS
 21 117.085, shall vote at the main office of the county clerk or other place designated
 22 by the county board of elections, and approved by the State Board of Elections,
 23 prior to the day of election. The county clerk may provide for ~~such~~ voting by the
 24 voting equipment in general use in the county either at the precinct, the equipment
 25 as may be used to tabulate absentee ballots, or any other voting equipment *or voting*
 26 *system* approved by the State Board of Elections for use in Kentucky, except as
 27 follows:

- 1 (a) Any voter qualifying to vote~~[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,]~~ who receives assistance to vote shall complete the voter
4 assistance form required by KRS 117.255;
- 5 (b) Any voter qualifying to vote~~[in the county clerk's office or other place~~
6 ~~designated by the county board of elections, and approved by the State Board~~
7 ~~of Elections,]~~ whose qualifications are challenged on grounds other than
8 inability to provide proof of identification by any clerk or deputy shall
9 complete an "Oath of Voter" affidavit; and
- 10 (c) Any voter qualifying to vote~~[in the county clerk's office or other place~~
11 ~~designated by the county board of elections and approved by the State Board~~
12 ~~of Elections,]~~ who is unable to provide proof of identification as defined in
13 Section 41 of this Act~~[KRS 117.375]~~, may cast an in-person absentee ballot or
14 federal provisional in-person absentee ballot in accordance with KRS 117.228
15 or 117.229.
- 16 (3) When the county clerk uses general voting equipment as provided for in subsection
17 (2) of this section, each voter casting his or her vote at the county clerk's office or
18 other place designated by the county board of elections, and approved by the State
19 Board of Elections, shall sign an "Absentee Ballot Signature Roster."
- 20 (4) The county clerk shall designate a location within the clerk's~~[his or her]~~ office
21 where the ballots shall be cast secretly. The county clerk, with the approval of the
22 State Board of Elections, may establish locations other than the clerk's~~[his or her]~~
23 main office in which the voters may execute their ballots. Public notice of the
24 locations shall be given pursuant to KRS Chapter 424, and similar notice by mail
25 shall be given to the county chairs of the two (2) political parties whose candidates
26 polled the largest number of votes in the county at the last regular election.
- 27 (5) The State Board of Elections shall promulgate administrative regulations under

1 KRS Chapter 13A to provide for casting ballots in accordance with subsection (2)
2 of this section.

3 (6) **Upon receipt of a mail-in ballot**, the county clerk shall **scan the barcode or label**
4 **that is unique to the individual voter to note the receipt of the mail-in absentee**
5 **ballot**, deposit all of the mail-in absentee ballots in a locked ballot box immediately
6 upon receipt without opening the outer envelope. The ballot box shall be locked
7 with three (3) locks. The keys to the box shall be retained by the three (3) members
8 of the central absentee ballot counting board, if one is appointed, or by the members
9 of the board of elections, and the box shall remain locked until the ballots are
10 **reviewed or** counted **under Section 14 of this Act**. All voting equipment on which
11 ballots are cast as permitted in subsection (2) of this section shall also remain
12 locked and the keys shall be retained by the three (3) members of the central
13 absentee ballot counting board, if one is appointed, or by the members of the board
14 of elections, and the equipment shall remain locked until the ballots are counted.
15 **Any additional mail-in absentee ballots received as permitted in subsection (1) of**
16 **this section shall also be secured in a locked ballot box and maintained as**
17 **provided in this subsection until counted.**

18 (7) The county clerk shall keep separate lists for each election of all persons who:
19 (a) Return their **mail-in** absentee ballots~~[by mail]~~;
20 (b) Cast their ballots in the county clerk's office or other place designated by the
21 county board of elections and approved by the State Board of Elections; and
22 (c) Cast their federal provisional in-person absentee ballots under subsection
23 (2)(c) of this section.

24 The county clerk shall send a copy of each list to the State Board of Elections after
25 any primary or election day. Notwithstanding the provisions of the Kentucky Open
26 Records Act, KRS 61.870 to 61.884, each list of all persons who return their **mail-**
27 **in** absentee ballots~~[by mail]~~ or who cast their ballots in the clerk's office or other

1 designated and approved place shall not be made public until after the close of
 2 business hours on the primary or election day for which the list applies, **except**
 3 **when provided to the county board of elections under Section 14 of this Act.** The
 4 county clerk and the Secretary of State shall keep a record of the number of votes
 5 cast by each method listed in paragraphs (a) to (c) of this subsection, which are cast
 6 in any primary or election as a part of the official returns of the primary or election.

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

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

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

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

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

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

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

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

8 (2) The county board of elections~~[shall count the absentee ballots returned by mail and~~
 9 ~~the votes cast on the 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 of~~
 11 ~~Elections. Federal provisional in-person absentee ballots shall be processed in~~
 12 ~~accordance with KRS 117.229. The board]~~ may appoint a central ballot counting
 13 board of not less than three (3) members, who shall be qualified voters and no more
 14 than two-thirds (2/3) of whom shall be members of the same political party, to
 15 review and count the ballots at the direction of the county board of elections.

16 (3) (a) Beginning at 8 a.m. on either the day preceding or on any primary, regular
 17 election, or special election day, the county board of elections or central
 18 counting board shall meet at the county clerk's office to review~~[count]~~ the
 19 mail-in absentee ballots returned~~[by mail and the ballots cast on the voting~~
 20 ~~machine in the county clerk's office or other place designated by the county~~
 21 ~~board of elections and approved by the State Board of Elections]~~. Candidates
 22 or their representatives shall be permitted to be present. The county board of
 23 elections or central counting board may meet up to ten (10) days prior to the
 24 day of a primary or election to review the mail-in absentee ballots cast in the
 25 county. No person shall publicize any tallies or counts of these ballots, or
 26 any partial election results, until 6 p.m. local time, on the day of a primary
 27 or an election.

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

6 The county board of elections shall authorize representatives of the news
 7 media to observe the ~~review~~~~counting~~ of the ballots **to determine their**
 8 **acceptance or rejection.**

9 **(c) Acceptance or rejection of the mail-in absentee ballots shall be determined**
 10 **as follows:**

11 **1.** The county board **of elections or the central counting board** shall open
 12 the boxes containing absentee ballots returned by mail, **hand delivered,**
 13 **or deposited in a drop box or receptacle,** and remove the envelopes one
 14 (1) at a time;~~[-]~~

15 **2.** As each envelope is removed, it shall be examined to ascertain whether
 16 the outer envelope and the detachable flap are in proper order and have
 17 been signed by the voter, **except if:**~~[-]~~

18 **a.** ~~[A person having power of attorney for the voter and who signs~~
 19 ~~]The detachable flap and outer envelope for the voter **have been**~~
 20 **signed by a person having power of attorney for the voter, the**
 21 **county board of elections or the central counting board** shall
 22 **verify that the person having power of attorney has**
 23 **completed**~~complete~~ the voter assistance form required by KRS
 24 117.255; ~~or~~~~[-]~~

25 **b.** The **voter has signed the detachable flap and outer envelope with**
 26 **the use of a mark instead of the voter's signature, the county**
 27 **board of elections or the central counting board shall verify that**

1 the mark was made in the presence~~[signatures]~~ of two (2)
 2 witnesses;~~[are required if the voter signs the form with the use of~~
 3 a mark instead of the voter's signature.]

4 3. Ballots with unsigned detachable flaps or outer envelopes~~[All~~
 5 unsigned mail-in absentee ballots] shall be rejected automatically;~~[.]~~

6 4. Ballots that have not been sent by the county clerk to a qualified voter,
 7 but are received by the county board of elections or the central
 8 counting board shall be rejected automatically;

9 5. The members~~[chair]~~ of the county board of elections, or the members of
 10 the central counting board, shall compare the signatures on the outer
 11 envelope and~~[.]~~ the detachable flap with the signature of the voter that
 12 appears on the voter's signature of record, which record shall include
 13 the signature on the voter's identity document as defined in KRS
 14 186.010, voter's mail-in absentee ballot application, or the voter's
 15 registration card. If a signature match cannot be made, the county
 16 board of elections, central counting board, or the county clerk shall
 17 make a reasonable effort to contact the voter and provide the voter
 18 with a timeframe and manner in which the voter may cure his or her
 19 signature relative to the mail-in absentee ballot signature. All
 20 signature cures shall be completed before the closing of the polls on
 21 the day of a primary or an election.

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

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

7 **8.**[~~(4)~~] When the name of a voter who cast a mail-in absentee ballot is
 8 **reviewed**[~~read aloud~~] by the **members of the county board of elections**
 9 **or the members of the central counting board**[~~chair~~], the vote of the
 10 voter may be challenged by any board member or by the written
 11 challenge provided in subsection (1) of this section and the challenge
 12 may be determined and the vote accepted or rejected by the board as if
 13 the voter was present and voting in person; but if the outer envelope and
 14 the detachable flap are regular, and each substantially comply with the
 15 provisions of this chapter, they shall be considered as showing that the
 16 voter is prima facie entitled to vote. If the vote of a voter is rejected
 17 pursuant to the challenge, the secrecy envelope shall not be opened, but
 18 returned to the outer envelope upon which the chair **or member** shall
 19 write on the envelope the word "rejected[~~;~~"]; **and**

20 **9. The ballot box into which all accepted mail-in absentee ballots are**
 21 **placed shall be locked with three (3) locks and the keys to the box shall**
 22 **be retained by the three (3) members of the central counting board, if**
 23 **one (1) has been appointed, or by the members of the county board of**
 24 **elections. The box shall remain locked until the ballots are counted.**

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

1 1. Review any mail-in absentee ballots returned by mail that have not
 2 been reviewed using the procedures in subsection (3) of this section;
 3 and

4 2. Count, or the county board of elections may oversee the count by the
 5 central counting board, the accepted mail-in absentee ballots and total
 6 and record the in-person absentee votes cast on the voting machines in
 7 the county clerk's office or other place designated by the county board
 8 of elections and approved by the State Board of Elections.

9 (b) During the review and counting of the absentee ballots and votes,
 10 candidates or their representatives shall be permitted to be present, and the
 11 county board of elections shall authorize representatives of the news media
 12 to observe.

13 (c) The county board of election or the central counting board may meet up to
 14 ten (10) days prior to the day of a primary or election to count the mail-in
 15 absentee ballots cast in the county. No person shall publicize any tallies or
 16 counts of these ballots, or any partial election results, until 6 p.m. local
 17 time, on the day of a primary or an election.

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

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

27 (7) The county board of elections, the county clerk, and all individuals permitted to be

1 present for the counting of absentee ballots pursuant to subsection ~~(4)~~~~(2)~~ of this
2 section shall not make public the absentee ballot results determined as provided in
3 this section until ~~after~~ 6 p.m. prevailing time on the day of a primary or an
4 election.

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

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

1 local government or containing a city of the first class shall be required to operate a
2 pilot program.

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

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

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

22 (7) Notwithstanding the provisions of KRS 117.085, 117.086, or 117.0863 or any other
23 statute to the contrary, a blind or visually impaired individual residing in a county
24 containing a consolidated local government or containing a city of the first class that
25 is operating a pilot program shall be permitted to vote in the location within the
26 county of his or her registration as provided under subsection (6) of this section, on~~f~~
27 a~~t~~ voting equipment~~machine~~ designed to permit blind or visually impaired

1 individuals to vote without assistance, at any time during which absentee voting is
2 conducted in the clerk's office or other place designated by the county board of
3 elections during normal business hours on at least any of the twelve (12) working
4 days and the Saturday immediately before the primary or election~~[-, and]~~. The
5 county board of elections may permit the voting to be conducted on a voting
6 machine for a period longer than the twelve (12) working days and the Saturday
7 immediately before the primary or election prescribed above. An application for
8 those blind or visually impaired individuals wishing to vote on~~[-a]~~ voting
9 equipment~~[machine]~~ approved for use by blind or visually impaired individuals
10 shall be prescribed by the State Board of Elections and shall include the individual's
11 sworn statement that the individual is blind or visually impaired.

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

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

26 (10) Nothing in this section shall impair the right of any qualified voter under KRS
27 117.255 to receive assistance and vote according to the procedures specified in that

1 section.

2 →Section 16. KRS 117.105 is amended to read as follows:

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

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

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

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

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

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

26 No~~{make of}~~ voting **system**~~{machine}~~ shall be approved for use **on or after the effective**
 27 **date of this Act by the State Board of Elections, either upon initial examination or**

- 1 reexamination, unless the system has been certified under Section 43 of this Act and~~it~~
 2 is so constructed that it shall:
- 3 (1) Ensure~~It will insure~~ secrecy to the voter in the act of voting so that no person can
 4 see or know for whom any other voter has voted or is voting, except for those
 5 voters requiring assistance under Section 34 of this Act~~;~~
- 6 (2) ~~It provides facilities that will~~ Permit votes to be cast for any candidate entitled to
 7 have his or her name printed upon the ballots at any primary, regular election, or
 8 special ~~or primary~~ election, and for or against any public question entitled to be
 9 placed upon the ballots~~;~~
- 10 (3) ~~It will,~~ Except at a primary ~~elections~~, permit a voter to vote for all the candidates
 11 of one (1) party or for one (1) or more candidates of every party having candidates
 12 entitled to be voted for, or for one (1) or more independent, political organization,
 13 or political group candidates~~;~~
- 14 (4) ~~It will~~ Permit a voter to vote for as many persons for an office as the voter~~he~~ is
 15 lawfully entitled to vote for, and no more~~;~~
- 16 (5) ~~It will~~ Prevent a voter from voting for more persons for any office than the voter
 17 is entitled to vote for, and from voting for the same person, or for or against the
 18 same question, more than once~~;~~
- 19 (6) ~~It will~~ Permit a voter to vote for or against any question the voter~~he~~ may have
 20 the right to vote on, but no other~~;~~
- 21 (7) Provide for a nonpartisan ballot;
- 22 (8)~~(7)~~ Be capable of being~~It may be~~ adjusted for use in a primary ~~elections~~ so
 23 that a voter may not vote for any person except those seeking nomination as
 24 candidates of the voter's~~his~~ party, as candidates for a nonpartisan office, or as
 25 candidates for an office of the Court of Justice~~;~~
- 26 (9)~~(8)~~ Permit each voter to vote for all the candidates for presidential electors of
 27 any party by one (1) operation;

- 1 **(10) Permit each voter to vote, in any regular or special election, for any person for**
 2 **whom the voter desires to vote whose name does not appear upon the ballot by**
 3 **providing a method of write-in voting;**
- 4 **(11) Be safe, efficient, and accurate in the conduct of elections, and**~~[It will]~~ correctly
 5 register and accurately count all votes cast for each person, and for or against each
 6 public question;~~[-]~~
- 7 **(12) Provide each voter an opportunity to verify votes recorded on the permanent**
 8 **paper ballot, either visually or using assistive voting technology, by producing a**
 9 **voter-verified paper audit trail; provide each voter an opportunity to change votes**
 10 **or correct any error before the voter's ballot is cast and counted; and provide a**
 11 **voter who spoils his or her ballot another ballot as provided under this chapter;**
- 12 **(13) Use an individual, discrete, permanent, paper ballot cast by the voter for**
 13 **tabulating purposes;**
- 14 **(14) Preserve the paper ballot as an official record available for use in any audit or**
 15 **recount;**
- 16 **(15) Be suitably designed for the purpose used, constructed of a durable material, and**
 17 **safely transportable;**
- 18 **(16)**~~(9)~~ ~~[It can]~~ Be **capable of determining**~~[determined]~~ whether the **voting**
 19 **equipment**~~[machine]~~ has been unlocked and operated **or adjusted in any manner**
 20 after once being locked;~~[-]~~
- 21 **(17)**~~(10)~~ **Have a public counter with a register which is visible from the outside of the**
 22 **counter or device that**~~[It]~~ will show at all times during an election how many
 23 persons have voted; ~~[by a device hereinafter referred to as a public counter.]~~
- 24 **(18)**~~(11)~~ **Have a protective cumulative**~~[The]~~ counter indicating the number of votes
 25 cast for each person, **and the votes cast**~~[and]~~ for or against each public question
 26 **which** cannot be seen, **reset**, or tampered with without unlocking a covering device~~[~~
 27 ~~that cannot be unlocked]~~ by a key **or other security apparatus** that **cannot**

1 unlock~~[unlocks]~~ any other part of the equipment, and which prevents changes to
 2 the cumulative counter once the system has been put into operation on the day of
 3 any election;~~[machine. When such counters are so exposed the machine can no~~
 4 ~~longer be placed into condition for operation without the use of a special key, which~~
 5 ~~key shall not have been in the possession of the election officers at the polling~~
 6 ~~places; but if this requirement has the effect of eliminating from consideration any~~
 7 ~~other make of machine such requirement shall not apply.]~~

8 (19) Provide for the tabulating of votes at the precinct as required under Section 36 of
 9 this Act;

10 (20)~~(12)~~ Provide locks or other security apparatus by which the operation of the
 11 voting equipment~~[The operating device and operating mechanism]~~ may be locked
 12 before the time for opening the polls and after the time for closing the polls;~~[-]~~

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

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

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

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

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

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

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

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

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

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

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

22 →Section 20. KRS 117.145 is amended to read as follows:

23 (1) At least forty-five (45)~~[fifteen (15)]~~ days before any special election, and at least
 24 fifty (50) days before any primary or regular election, the county clerk of each
 25 county shall cause to be printed and ready for use ballots listing~~[ballot labels for]~~
 26 each candidate who, and each question which, is entitled to be voted upon in such
 27 primary or election. The ballots~~[ballot labels]~~ shall be printed on clear white paper

1 or other material, ~~[which shall be furnished by the printer. They shall be printed]~~ in
2 black ink, in plain, clear type clearly legible to a person with normal vision, and~~[~~
3 ~~shall be of a size to fit the ballot frames. The labels]~~ shall include the necessary
4 party designations. **The quality of the paper and the size of the ballots shall be**
5 **established by the State Board of Elections in administrative regulations**
6 **promulgated under Chapter 13A.**

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

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

23 **(4) Each county clerk shall have printed a sufficient number of paper ballots to be**
24 **used for voting for any primary or election. The methods of securing the integrity**
25 **of the ballots from the time of certification of each candidate and each question**
26 **to be voted upon in any primary or election until the conclusion of the primary or**
27 **election, and the method of tracking all voted, unvoted, or spoiled ballots shall be**

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

3 ~~(5)~~~~(4)~~ No later than the Friday preceding a special or regular election, the county
 4 clerk shall equip the voting equipment~~[machines]~~ with the necessary supplies for
 5 the purpose of write-in votes. The county clerk shall also provide~~[attach]~~ a pencil,~~[~~
 6 ~~or]~~ pen, or ballot marking device for~~[to]~~ the voting equipment~~[machine]~~ for write-
 7 in purposes.

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

15 ➔Section 21. KRS 117.155 is amended to read as follows:

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

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

27 (1) Upon completing the preparation of the voting systems, including any voting

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

23 (2) Not later than four (4) business days preceding the date set ~~by the county board of~~
24 ~~elections~~ to conduct in-person absentee voting in accordance with KRS
25 117.085(1)(c), the county clerk shall notify the members of the county board of
26 elections that the voting equipment~~[machines]~~ designated for use during in-person
27 absentee voting are ready for use. The board shall thereupon convene at the office of

1 the county clerk, not later than three (3) business days preceding the date set ~~by the~~
2 ~~county board of elections~~ to conduct absentee voting, and examine the **voting**
3 **equipment**~~[machines]~~ to determine whether the requirements of KRS 117.155 have
4 been met. The county board of elections shall publish notice, in accordance with
5 KRS 424.130(1)(d), at least twenty-four (24) hours in advance of the time when the
6 absentee voting **equipment is**~~[machines are]~~ to be examined by the board. If found
7 in proper order, the members of the county board of elections shall endorse their
8 approval in the book in which the county clerk has entered **the unique designation**
9 **or** the identification number of the **voting equipment**~~[machines]~~ designated for use
10 during **in-person** absentee voting.

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

15 ➔Section 23. KRS 117.175 is amended to read as follows:

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

1 cards shall be delivered to each election clerk by the county clerk at the time that other
2 election supplies are delivered and the election clerk shall post the ***instruction*** card at the
3 polling place.

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

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

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

1 shall cause any voting equipment~~[the machine]~~ to be arranged in the voting place
 2 so that the front of the equipment~~[machine]~~, on which~~[-appear]~~ the ballots appear,
 3 if applicable~~[ballot labels]~~ and the operating devices, will not be visible, when
 4 being operated, to any person other than the voter.

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

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

- 12 (a) A sufficient number of ballots, and supplemental paper ballots if approved, for
 13 the registered voters of each precinct;
- 14 (b) A sufficient number of voting booths for voting federal provisional ballots,
 15 and supplemental paper ballots if approved;
- 16 (c) A sufficient amount of string and rubber stamps for marking "Spoiled" and
 17 "Unused" ballots;
- 18 (d) A locked ballot box or receptacle for federal provisional ballots, and a
 19 separate locked ballot box for supplemental paper ballots if approved, for each
 20 precinct; and
- 21 (e) A sufficient number of federal provisional voter ballots, voter affirmations,
 22 and election official affirmations.

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

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

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

23 ➔ Section 27. KRS 117.215 is amended to read as follows:

24 (1) If, during the conduct of an election,~~[a]~~ **voting equipment, or any part of a voting**
 25 **system, no longer operates**~~[machine becomes in a state of disrepair so that it cannot~~
 26 ~~be operated]~~ in a manner that will comply with the provisions of this chapter, the
 27 election officers shall lock or seal the **voting equipment**~~[machine in such a manner~~

1 as] to prevent further voting thereon and record the numbers shown by the public
 2 counter. Then the election officers shall secure from the county clerk[—a] reserve
 3 voting equipment[~~machine~~],[~~which shall be~~] prepared and made ready for use as
 4 provided in KRS 117.205, and[~~thereupon~~] proceed to conduct the election. When
 5 the polls are closed both the original and reserve voting equipment[~~machines~~] shall
 6 be examined and the votes thereon registered shall be counted as provided in KRS
 7 117.275, and the aggregate number of votes cast on all voting equipment[~~both~~
 8 ~~machines~~] for each candidate and on each question shall be certified as the result of
 9 the primary or election in that precinct.

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

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

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

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

27 (3) If the voter's name is listed on the precinct list furnished by the State Board of

1 Elections as provided in KRS 117.025, the voter provides proof of identification,
2 the voter is exempt pursuant to subsection (2) of this section, or the voter otherwise
3 satisfies the requirements of KRS 117.228, and if no challenge is made, then he or
4 she shall sign his or her name on the precinct list in the space opposite his or her
5 printed name. The voter's signature shall constitute the voter's verification that the
6 voter is a properly registered and qualified voter. The voter shall then retire alone to
7 cast his or her vote on the ballot provided~~[voting machine]~~. The county board of
8 elections may provide to each precinct the original registration form of each voter
9 entitled to vote in that precinct. These forms shall be used to compare signatures in
10 those precincts to which the forms are provided.

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

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

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

- 23 (a) For the purpose of voting;
- 24 (b) By authority of the election officers to keep order and enforce the law;
- 25 (c) With the express approval of the county board of elections to repair or replace
26 voting equipment that is malfunctioning, and to provide additional voting
27 equipment; or

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

1 **13A.**

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

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

27 Except as otherwise provided, election officers shall confirm the identity of each voter by

1 proof of identification as defined in **Section 41 of this Act**~~[KRS 117.375]~~. The election
 2 officer confirming the identity shall sign the precinct voter roster and list the method of
 3 proof of identification.

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

- 5 (1) Except as provided in subsection (4) of this section, on the day of a primary, an
 6 election, or during in-person absentee voting, if a voter is unable to provide proof of
 7 identification as required under KRS 117.225, and as defined under **Section 41 of**
 8 **this Act**~~[KRS 117.375]~~, a voter may cast a ballot if the individual:
- 9 (a) Is eligible to vote under KRS 116.025;
 - 10 (b) Is entitled to vote in that precinct; and
 - 11 (c) In the presence of the election officer, executes a voter's affirmation, on a
 12 form prescribed and furnished by the State Board of Elections pursuant to
 13 administrative regulations promulgated under KRS Chapter 13A, affirming:
 - 14 1. The voter is a citizen of the United States;
 - 15 2. The voter's date of birth to the best of the voter's knowledge and belief;
 - 16 3. The voter is qualified to vote in this precinct under KRS 116.025;
 - 17 4. The voter's name, and that the voter is generally known by that name, or
 18 the name is as stated on his or her voter registration card;
 - 19 5. The voter has not voted and will not vote in any other precinct;
 - 20 6. The voter's current residential address, including the street address
 21 number and, if different from the voter's current address, the voter's
 22 residential address prior to the close of the registration books under KRS
 23 116.045, and the date the voter moved;
 - 24 7. The voter understands that making a false statement on the affirmation is
 25 punishable under penalties of perjury; and
 - 26 8. The voter has one (1) of the following impediments to procure proof of
 27 identification as defined in **Section 41 of this Act**~~[KRS 117.375]~~:

- 1 a. Lack of transportation;
- 2 b. Inability to obtain his or her birth certificate or other documents
- 3 needed to show proof of identification;
- 4 c. Work schedule;
- 5 d. Lost or stolen identification;
- 6 e. Disability or illness;
- 7 f. Family responsibilities;
- 8 g. The proof of identification has been applied for, but not yet
- 9 received; or
- 10 h. The voter has a religious objection to being photographed.

11 (2) In addition to the requirements of subsection (1) of this section, to cast a ballot, the
12 voter who is unable to provide proof of identification shall provide to an election
13 officer:

- 14 (a) The voter's Social Security Card;
- 15 (b) Any identification card issued by a county in this state which has the name of
- 16 the voter stated and has been approved in writing by the State Board of
- 17 Elections pursuant to administrative regulations promulgated under KRS
- 18 Chapter 13A;
- 19 (c) Any identification card with the voter's photograph and the name of the voter
- 20 stated;
- 21 (d) Any food stamp identification card, electronic benefit transfer card, or
- 22 supplemental nutrition assistance card, that is issued by this state and has the
- 23 name of the voter stated; or
- 24 (e) A credit or debit card with the name of the voter stated.

25 (3) After the election officer obtains the affirmation from the voter required by
26 subsection (1) of this section, and after the voter provides the documents under
27 subsection (2) of this section, the voter shall sign the precinct signature roster and

1 shall proceed to cast his or her vote in a ballot completion area.

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

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

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

15 On the day of a primary, an election, or during in-person absentee voting when a federal
16 elective office is on the ballot, if a voter is unable to provide proof of identification, as
17 required under KRS 117.225 and as defined under Section 41 of this Act~~[KRS 117.375]~~,
18 or the voter fails to meet the requirements of KRS 117.228, the voter may cast a
19 provisional ballot for the federal elective office of President, Vice President, United
20 States Senator, and United States House of Representative if the individual conforms to
21 the provisional voting requirements in accordance with the Help America Vote Act of
22 2002.

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

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

27 (2) When the officers of an election disagree as to the qualifications of a voter or if his

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

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

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

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

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

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

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

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

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

19 (5) A voter who requires voting assistance on a permanent basis because of blindness
20 or other physical disability may apply to the county board of elections for
21 certification. Application may be made when registering to vote or completing the
22 voter assistance form by indicating that the reason for obtaining assistance is
23 permanent. The county board of elections shall determine whether the applicant
24 requires assistance on a permanent basis. The county board of elections shall notify
25 the county clerk of persons certified as requiring permanent voting assistance and
26 the county clerk shall enter the certification on the voter's registration record. The
27 State Board of Elections shall indicate on the precinct roster of voters those voters

1 who are certified to receive assistance permanently without signing the voter
2 assistance form at the precinct.

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

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

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

17 ~~(8)~~~~(9)~~ If the **voting equipment**~~[machine]~~ is so constructed as to require adjustment
18 after one (1) person has voted before another person may vote, the judges of
19 election shall adjust it after each person has voted.

20 ~~(9)~~~~(10)~~ The election officers shall constantly maintain a watch in order to prevent any
21 person from voting more than once.

22 ~~(10)~~~~(11)~~ For voters voting as federal provisional voters, or if supplemental paper
23 ballots have been approved as provided in KRS 118.215, the voter shall vote his or
24 her federal provisional or supplemental ballot in privacy in a voting booth provided
25 for that purpose by the county clerk. If the voter spoils his or her **federal provisional**
26 **or supplemental** ballot, the voter shall return the spoiled **federal provisional or**
27 **supplemental** paper ballot to an election officer who shall stamp the ballot

1 "Spoiled," initial, and place the spoiled *federal provisional or supplemental* ballot
 2 in an envelope provided for that purpose. The voter shall be issued a second federal
 3 provisional or supplemental paper ballot. Upon completion of voting, the voter shall
 4 remove the numbered stub from the *federal provisional or supplemental* ballot,
 5 hand the stub to an election officer and deposit the voted *federal provisional or*
 6 *supplemental* ballot in the appropriate locked ballot box or locked receptacle in the
 7 presence of an election officer.

8 ~~(11)~~~~(12)~~ The election sheriff shall be responsible for reporting violations of this
 9 section.

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

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

23 (2) Write-in votes shall be counted only for candidates for election to office who have
 24 filed a declaration of intent to be a write-in candidate with the Secretary of State or
 25 county clerk, depending on the office being sought, on or before the fourth Friday in
 26 October preceding the date of the regular election and not later than the second
 27 Friday before the date of a special election. In the case of a special election

1 administered under KRS 118.730, a declaration of intent to be a write-in candidate
2 shall be filed at least twenty-eight (28) days before the day of the election. The
3 declaration of intent shall be filed no earlier than the first Wednesday after the first
4 Monday in November of the year preceding the year the office will appear on the
5 ballot, and no later than 4 p.m. local time at the place of filing when filed on the last
6 date on which papers may be filed. The declaration of intent shall be on a form
7 prescribed and furnished by the Secretary of State.

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

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

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

14 1. Death;

15 2. Disqualification to hold the office sought;

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

17 4. The nomination of an unopposed candidate.

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

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

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

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

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

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

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

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

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

19 (d) The number or other designation of the voting equipment~~, if~~

20 ~~The~~~~Which~~ certificate, **with any additional certificate previously prepared under**
 21 **Section 8 of this Act,** shall be returned by the judges of election **servng when the**
 22 **polls are closed** to the officials authorized by law to receive it. The judges **servng**
 23 **when the polls are closed** shall compare the number of voters, as shown by the
 24 counter of the voting equipment, with the number of those who have voted as
 25 shown by the protective or **cumulative**~~accumulative~~ counter or device~~, if any~~.

26 (3) Where voting equipment is used which does not print the candidates' names along
 27 with the total votes received on a general return sheet or record for that equipment,

1 the procedure to be followed shall be as follows:

- 2 (a) The judges servicing when the polls are closed, in the presence of the
3 representatives mentioned in subsection (1) of this section, if any, and of all
4 other persons who may be lawfully within the polling place, shall give full
5 view of all the counter numbers;
- 6 (b) The judges servicing when the polls are closed shall enter, in ink, the total
7 votes cast for each candidate, and slate of candidates, and for and against each
8 question on the return sheets; and
- 9 (c) Each precinct election officer servicing when the polls are closed shall sign the
10 return sheets, and a copy of the return sheets shall be posted on the precinct
11 door.
- 12 (4) Where voting equipment is used that prints the candidates' names along with the
13 total votes received on a return sheet or record for that equipment, the precinct
14 election officers servicing when the polls are closed shall sign the return sheets or
15 record for the voting equipment, which shall be posted on the door of the precinct.
- 16 (5) If any officer servicing when the polls are closed shall decline to sign the return
17 sheets, he or she shall state the reason in writing, and a copy thereof, signed by the
18 officer, shall be enclosed with the return sheets.
- 19 (6) Each of the return sheets, if applicable, and the record of the voting equipment shall
20 be enclosed in an envelope. One (1) copy of the return sheets, if applicable, one (1)
21 copy of the record of the voting equipment, and the write-in roll, if any write-in
22 votes were cast in the precinct, shall be directed to the county board of elections of
23 the county in which the election is being held. One (1) copy of the return sheets or
24 record of the voting equipment shall be given to the county clerk of the county in
25 which the election is being held and to each of the local governing bodies of the two
26 (2) dominant political parties, but a local governing body of a dominant political
27 party may decline a copy of the precinct election return by filing a written

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

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

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

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

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

1 to specified elections be retained for twelve (12) months after the day of a primary
 2 or an election~~[twenty-two (22) months]~~, the county clerk shall retain the voted
 3 federal provisional ballots, voter affirmations, election official affirmations, and the
 4 supplemental paper ballots for twenty-two (22) months and the unvoted federal
 5 provisional ballots, the voter affirmations, election official affirmations, and the
 6 supplemental paper ballots for sixty (60) days after each election day, after which
 7 time they shall be destroyed in a manner to render them unreadable by the county
 8 board of elections if no contest or recount action has been filed.

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

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

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

17 (b) By direction of any legislative committee or board authorized and empowered
 18 to investigate and report upon contested elections:~~;~~ and

19 all the data and figures shall be examined by the court, judge, county board of
 20 elections, State Board of Elections, or committee in the presence of the
 21 officer having the custody of the voting equipment, ballots,~~[machine]~~ and
 22 ballot boxes. In the event of a contest of election, the court in which the
 23 contest is pending or the committee before which the contest is being heard
 24 may, upon motion of any party to the contest, issue an order requiring that the
 25 voting equipment, ballots,~~[machines]~~ and ballot boxes shall remain
 26 continuously locked for further time as may be reasonable or necessary, with
 27 due regard for the preparation of the voting equipment~~[machines]~~ for a

1 succeeding primary, regular ***election***, or special election, but in no event shall
 2 the order compel that the ***voting equipment***~~[machines]~~ remain locked to a
 3 time within thirty (30) days next preceding any approaching primary, regular
 4 ***election***, or special election.

5 (2) During the period when the ***voting equipment***~~[machine]~~ and the ballot boxes are
 6 required to be kept locked, the keys thereto shall remain in the possession of the
 7 county board of elections. After that period, it shall be the duty of the county board
 8 of elections to return the keys to the custody of the county clerk.

9 ➔Section 38. KRS 117.305 is amended to read as follows:

10 (1) The canvass and returns provided for in KRS 117.275 shall constitute the official
 11 returns of the precinct, unless before 4 p.m. on the Tuesday following a primary or
 12 regular election, or before 4 p.m. on the day following a special election held for the
 13 purpose of filling a vacancy, the county clerk or county board of elections takes
 14 notice of a discrepancy in the tally of votes cast in any precinct or number of
 15 precincts, or a candidate makes a written request to the county board of elections in
 16 the case of a candidate who has filed with the county clerk, or the Secretary of State
 17 in the case of a candidate who has filed with the Secretary of State, to check and
 18 recanvass the voting ***equipment***~~[machines]~~, valid federal provisional ballots, valid
 19 federal provisional absentee ballots, and absentee ballots of any precinct or any
 20 number of precincts involving ***the candidate's***~~[his or her]~~ race. ***A candidate's***
 21 ***written request for a recanvass shall be insufficient to compel the recanvass***
 22 ***unless the difference between the number of votes received by the requesting***
 23 ***candidate and the number of votes received by any other candidate or candidates***
 24 ***for the same office is less than one percent (1%) of the total votes which were cast***
 25 ***for such office.***

26 ***(2) The county board of elections shall, immediately upon notice of any discrepancy***
 27 ***as described in subsection (1) of this section, or upon receipt of a request for a***

1 re canvass, notify each candidate for the office of the time and place of the
 2 re canvass. At the re canvass, each political party represented on the board may
 3 appoint a representative there to be its governing body, and also each candidate
 4 to be voted for may be present, either in person or by a representative or both. The
 5 county board of elections shall authorize representatives of the news media to
 6 observe the re canvass of the voting equipment in each precinct.

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

16 **(4)** If, after a re canvass, it is found that the original canvass of the returns has been
 17 correctly made from the voting equipment~~[machine]~~, and that there still remains a
 18 discrepancy unaccounted for, this discrepancy shall be noted. If, upon re canvass, it
 19 appears that the original canvass of the returns by the election officers was
 20 incorrect, the returns and all papers being prepared by the board shall be corrected
 21 accordingly.~~[The county board of elections shall, immediately upon receipt of a~~
 22 ~~request for a re canvass, notify each candidate for the office of the time and place of~~
 23 ~~the re canvass. At the re canvass, each political party represented on the board may~~
 24 ~~appoint a representative there to be its governing body, and also each candidate to~~
 25 ~~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 re canvass of the votes cast on the voting machine in each precinct.]~~

1 Nothing in this section shall prohibit an individual from requesting, in addition to a
2 recanvass, a recount as authorized by KRS Chapter 120.

3 ~~(5)~~~~(2)~~ The State Board of Elections shall prescribe and furnish ***the*** forms to be used
4 by county boards of election to report all recanvassed votes. The form, ***promulgated***
5 ***through administrative regulations under KRS Chapter 13A***, shall include the
6 following information:

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

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

17 ~~(6)~~~~(3)~~ The county board of elections shall file its recanvass report as prescribed in
18 administrative regulations promulgated by the State Board of Elections in
19 conformity with KRS Chapter 13A.

20 ~~(7)~~~~(4)~~ The State Board of Elections shall promulgate administrative regulations in
21 accordance with KRS Chapter 13A to establish the proper procedures for
22 conducting a recanvass for each type of voting system approved by the State Board
23 of Elections and in use in Kentucky.

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

- 25 (1) The cost of all elections held in any county shall be allowed by the fiscal court ***or***
26 ***legislative body of any urban-county government, charter county, consolidated***
27 ***local government, or unified local government*** and paid by the county treasurer,

1 except as otherwise provided by law.

2 (2) When the cost of any election has been allowed by the fiscal court or legislative
 3 body of any urban-county government, charter county, consolidated local
 4 government, or unified local government and paid by the county treasurer,~~and~~
 5 within sixty (60) days following the date of the election, the county treasurer shall
 6 certify a statement of the number of precincts in the county, the date, and kind of
 7 election to the State Board of Elections, including an election that was delayed or
 8 postponed in accordance with KRS 39A.100. The certification shall be filed within
 9 ninety (90) days after the election. Upon receipt of the certification and upon being
 10 satisfied as to the correctness thereof, the State Board of Elections shall issue its
 11 warrant upon the State Treasurer in favor of the county treasurer for the amount of
 12 two hundred fifty-five dollars (\$255) for each precinct in the county.

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

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

24 (1) Within three (3) days after any primary or general election, the precinct election
 25 sheriff serving when the polls are closed shall file a report with the
 26 chair~~chairman~~ of the county board of elections and with the local grand jury. The
 27 report shall include any irregularities observed by the sheriff serving when the polls

1 were opened and any irregularities observed by the sheriff serving when the polls
 2 were closed, in addition to~~and~~ any recommendations for improving the election
 3 process made by either sheriff.

4 (2) Within ten (10) days after any primary or general election, the county board of
 5 elections shall file a report with the State Board of Elections and the local grand
 6 jury. The report shall include any irregularities of which the county board has
 7 knowledge and any recommendations for improving the election process. The report
 8 shall also include a breakdown by precinct of the number of voters requiring
 9 assistance to vote and the reasons therefor; the number of special ballots cast by
 10 category; and any other information required by the state board.

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

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

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

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

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

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

21 (b) Election definition and setup;

22 (c) Ballot preparation and results processing;

23 (d) Diagnostics of any type; and

24 (e) Error and warning messages and operator response;

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

- 1 (2) "Automatic tabulating equipment" means apparatus necessary to automatically
 2 examine and count votes as designated on ballots and data processing machines
 3 which can be used for counting ballots and tabulating results;[.]
- 4 (3) [~~"Voting device" means either an apparatus in which paper ballots or ballot cards
 5 are used in connection with an implement by which a voter registers his or her votes
 6 with ink or other substance or by punching, or an apparatus by which such votes are
 7 registered electronically, so that in either case the votes so registered may be
 8 computed and tabulated by means of automatic tabulating equipment.~~
- 9 (4) [~~"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 (5) [~~"Ballot label" means the cards, papers, booklet, pages or other material on which
 12 appear the names of candidates and the questions to be voted on by means of ballot
 13 cards or voting machines.~~
- 14 (6) [~~] "Ballot" or "official ballot" means the official presentation of offices and
 15 candidates to be voted for, including write-in candidates, and all public questions
 16 submitted for determination, and shall include a voting machine ballot[label,
 17 ballot cards], a paper ballot[ballots], an absentee ballot, a federal provisional ballot,
 18 a federal provisional absentee ballot, or a supplemental paper ballot which has been
 19 authorized for the use of voters in any primary,[or] regular election, or special
 20 election by the Secretary of State or the county clerk;[.]~~
- 21 (7) [~~"Voting punch device" means an apparatus in which ballots or ballot cards are
 22 inserted for the piercing of ballots by the voter. The hole may be in the form of a
 23 round dot, rectangle, square, or any other shape that will clearly indicate the intent
 24 of the voter.]~~
- 25 (4) "Ballot box" means any box, bag, or other container that can be locked, sealed,
 26 or otherwise rendered tamper-resistant, for receiving ballots;
- 27 (5)[(8)] "Ballot[Vote] marking device" means any approved device for marking a[

1 paper} ballot[~~with ink or other substance~~] which will enable the ballot to be
 2 tabulated **manually or** by means of automatic tabulating equipment;[~~}]~~

3 **(6) "Election" or "elections" means any primary, regular election, or special**
 4 **election;**

5 **(7) "Federal provisional voter" means a person:**

6 **(a) Who registered to vote;**

7 **(b) Whose name does not appear on the precinct roster;**

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

10 **(d) Who elects to proceed with voting a federal provisional ballot under Section**
 11 **32 of this Act;**

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

15 (9) **"Inner envelope" or "secrecy"**[~~"Secrecy~~] envelope" means **a plain**[~~the~~] envelope
 16 **provided**[~~handed~~] to the voter with **a**[~~his or her~~] ballot into which the voter shall
 17 place his or her voted ballot;[~~cards.~~]

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

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

20 **(12)**[~~(10)~~] "Precinct ballot counter" means an automatic tabulating device used at the
 21 precinct to tabulate and process ballots;[~~}]~~

22 **(13) "Proof of identification" means a document that was issued by:**

23 **(a) The United States or the Commonwealth of Kentucky, and the document**
 24 **contains:**

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

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

27 **(b) The United States Department of Defense, a branch of the uniformed**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 (18) "Voting system" means:

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

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

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

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

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

1 her ballot that:

2 (a) Allows the voter to verify the voter's ballot choices before the casting of the
3 voter's ballot;

4 (b) Is not retained by the voter;

5 (c) Does not contain individual voter information;

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

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

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

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

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

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

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

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

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

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

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

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

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

26 ~~(d) Any city government, county government, urban-county government, charter~~
27 ~~county government, consolidated local government, or unified local~~

1 government, which is located within this state, and the document contains:

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

3 2.—A photograph of the individual to whom the document was issued.

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

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

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

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

9 (d) ~~Who elects to proceed with voting a federal provisional ballot under KRS~~
10 ~~117.229.~~

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

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

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

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

1 approval shall be presented to the legislative body~~[fiscal court]~~ for its approval
 2 before any new voting equipment or voting system is acquired.

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

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

16 (a) The effect that such approval would have on the integrity and security of
 17 elections; and

18 (b) The procedure and cost involved to bring the voting system into compliance
 19 with the amended standards.

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

26 (2) Upon receipt of a request for examination or reexamination of a~~[an electronic]~~
 27 voting system, the State Board of Elections shall require that such voting system be

1 examined or reexamined by three (3) examiners. The State Board of Elections shall
 2 appoint one (1) examiner who is an expert in computer science or ~~electronic~~
 3 voting systems; ~~and~~ one (1) person who is knowledgeable in election procedures,
 4 **election security**, and **election** law in Kentucky; ~~and~~ and one (1) person who is a
 5 present or former county clerk. The three (3) examiners shall submit one (1) written
 6 report on each **voting** system examined or reexamined to the State Board of
 7 Elections. The members of the State Board of Elections shall also examine or
 8 reexamine the **voting** system. A **voting** system shall be approved **and certified** if the
 9 examiners' report states that the **voting** system meets all the requirements of **Section**
 10 **18 of this Act and applicable federal law**, ~~[KRS 117.381]~~ and the State Board of
 11 Elections finds that the **voting** system meets all of the requirements of **Section 18 of**
 12 **this Act and applicable federal law** ~~[KRS 117.381]~~. The report and a letter of
 13 approval shall be filed in the office of the State Board of Elections.

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

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

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

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

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

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

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

1 with the specific ballot cards which were marked in reliance upon such printed
2 material.]

3 **(11)** Except as otherwise required in this chapter that certain records and papers relating
4 to specified elections be retained for **twelve (12) months**~~[twenty-two (22)]~~ months
5 **after the day of a primary or an election, provide that all other**~~[such]~~ documents
6 and records shall be maintained for **a minimum of** thirty (30) days following an
7 election; and

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

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

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

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

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

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

27 2. Deposit the ballot in the ballot box;

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

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

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

1 any person who makes a false statement on an application for an absentee ballot or
2 on an emergency absentee ballot affidavit shall be guilty of a Class D felony.

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

8 (7) Any person who knowingly and willfully prepares or assists in the preparation of an
9 inaccurate or incomplete voter assistance form or fails to complete a voter
10 assistance form when required shall be guilty of a Class A misdemeanor for the first
11 offense and a Class D felony for each subsequent offense; however, if a voter has
12 been permanently certified as requiring voting assistance, there shall be no offense
13 for the failure of the voter to complete the form.

14 (8) The members of a county board of elections who fail to provide the training to
15 precinct election officers required by KRS 117.187(2) shall be subject to removal
16 by the State Board of Elections.

17 (9) Any local or state election official, including the Secretary of State, employees of
18 the Secretary, and members of the State Board of Elections and their staff, who
19 knowingly and willfully uses the voter registration roster in violation of KRS
20 117.025(3)(a) shall, for each offense, be guilty of a Class A misdemeanor.

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

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

23 (1) A "political party" is an affiliation or organization of electors representing a
24 political policy and having a constituted authority for its government and regulation,
25 and whose candidate received at least twenty percent (20%) of the total vote cast at
26 the last preceding election at which presidential electors were voted for;

27 (2) The word "election" used in reference to a state, district, county, or city election,

1 includes the decisions of questions submitted to the qualified voters as well as the
2 choice of officers by them;

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

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

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

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

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

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

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

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

24 3. Records voting data and ballot images in internal and external
25 memory components; and

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

1 **(b) One (1) or more electronic devices that operate independently or as a**
 2 **combination of a ballot marking device and an electronic or automatic vote**
 3 **tabulating device**~~[shall include lever machines and, as far as applicable, any~~
 4 ~~electronic or electromechanical unit and supplies utilized or relied upon by a~~
 5 ~~voter in casting and recording his or her votes in an election];~~

6 **(7) "Voting system" means:**

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

11 **1. Define ballots;**

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

13 **3. Report or display election results;**

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

15 **(b) The practices and associated documentation used to:**

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

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

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

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

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

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

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

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

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

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

- 7 (1) Except as otherwise provided by law, voting in all primaries and elections shall be
8 by secret paper ballot ~~on voting machines~~. **However, voting on voting equipment**
9 **that has been certified by the State Board of Elections and is in use on or before**
10 **the effective date of this Act shall be permitted until a replacement voting system**
11 **as required under Section 18 of this Act has been certified and placed in**
12 **operation.**
- 13 (2) The general laws applying to primaries, regular, and special elections shall apply to
14 primaries, regular, and special elections conducted with the use of voting
15 equipment~~machines~~, and all provisions of the general laws applying to the
16 custody of ballot boxes shall apply, as far as applicable, to the custody of the voting
17 system or voting equipment~~machine~~.
- 18 (3) A primary~~Primaries~~ for the nomination of candidates to be voted for at the next
19 regular election shall be held on the first Tuesday after the third Monday in May of
20 each year.
- 21 (4) The election of all officers of all governmental units shall be held on the first
22 Tuesday after the first Monday in November.
- 23 (5) If the law authorizes the calling of a special election on a day other than the day of
24 the regular election in November, the election shall be held on a Tuesday.
- 25 (6) If the law requires that a special election be held within a period of time during
26 which the voting equipment~~machines~~ must be locked as required by KRS
27 117.295, the special election shall be held on the fourth Tuesday following the

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

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

- 4 (1) Except as provided in subsections (3) and (4) of this section and in KRS 118.115,
5 every political party shall nominate all of its candidates for elective offices to be
6 voted for at any regular election at a primary held as provided in this chapter, and
7 the governing authority of any political party shall have no power to nominate any
8 candidate for any elective office or to provide any method of nominating candidates
9 for any elective office other than by a primary as provided in this chapter.
- 10 (2) Any political organization not constituting a political party as defined in KRS
11 118.015 may make its nominations as provided in KRS 118.325.
- 12 (3) If a vacancy occurs in the nomination of an unopposed candidate or in a nomination
13 made by the primary before the certification of candidates for the regular election
14 made under KRS 118.215, because of death, withdrawal, disqualification to hold
15 the office sought, or severe disabling condition which arose after the nomination,
16 the governing authority of the party may provide for filling the vacancy, but only
17 following certification to the governing authority, by the Secretary of State, that a
18 vacancy exists for a reason specified in this subsection. When such a nomination
19 has been made, the certificate of nomination shall be signed by the chair and
20 secretary of the governing authority of the party making it, and shall be filed in the
21 same manner as certificates of nomination at a primary.
- 22 (4) If a vacancy occurs in the nomination of an unopposed candidate or in a nomination
23 made by the primary before the certification of candidates for the regular election,
24 and if that party's nominee was the only political party candidate for the office
25 sought, the governing authority of each party may nominate a candidate for the
26 regular election, provided that no person has sought that party's nomination by filing
27 a notification and declaration.

1 (5) If a vacancy occurs in the nomination of a candidate under the conditions of
2 subsection (3) or (4) of this section prior to September 15 preceding the day of the
3 regular election, certificates of nomination for replacement candidates shall be filed
4 in the same manner as provided in subsections (3) and (4) not later than 4 p.m. ten
5 (10) days after the vacancy occurs, excluding weekends and legal holidays. If a
6 vacancy occurs in the nomination of a candidate under the conditions of subsection
7 (3) or (4) of this section on or after September 15 preceding the date of the regular
8 election, certificates of nomination for replacement candidates shall be filed in the
9 same manner as provided in subsections (3) and (4) not later than 4 p.m. five (5)
10 days after the vacancy occurs, excluding weekends and legal holidays.

11 (6) If a vacancy in candidacy described in subsection (5) of this section occurs later
12 than the second Thursday preceding the date of the regular election, no certificates
13 of nomination shall be filed and any candidate whose name does not appear on the
14 ballot may seek election by write-in voting pursuant to KRS 117.265.

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

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

22 (1) After the order of the names has been determined as provided in KRS 118.225, the
23 Secretary of State shall certify, to the county clerks of the respective counties
24 entitled to participate in the nomination or election of the respective candidates, the
25 name, place of residence, and party of each candidate or slate of candidates for each
26 office, as specified in the nomination papers or certificates and petitions of
27 nomination filed with him or her, and shall designate the device with which the

1 candidate groups, slates of candidates, or lists of candidates of each party shall be
2 printed, in the order in which they are to appear on the ballot, with precedence to be
3 given to the party that polled the highest number of votes at the preceding election
4 for presidential electors, followed by the political party which received the second
5 highest number of votes, with the order of any other political parties and
6 independents to be determined by lot. Candidates for county offices and local state
7 offices shall be listed in the following order: Commonwealth's attorney, circuit
8 clerk, property valuation administrator, county judge/executive, county attorney,
9 county clerk, sheriff, jailer, county commissioner, coroner, justice of the peace, and
10 constable. The names of candidates for President and Vice President shall be
11 certified in lieu of certifying the names of the candidates for presidential electors.

12 The names shall be certified as follows:

- 13 (a) Not later than the second Monday after the filing deadline for the primary as
14 established in KRS 83A.045, 118.165, and 118A.060;
- 15 (b) Not later than the second Monday following the filing deadline for the regular
16 election, except as provided in paragraph (c) of this subsection; and
- 17 (c) Not later than the Monday after the Friday following the first Tuesday in
18 September preceding a regular election, for those years in which there is an
19 election for President and Vice President of the United States.

20 (2) Except as otherwise provided in subsection (3) of this section, all independent
21 candidates or slates of candidates whose nominating petitions are filed with the
22 county clerk or the Secretary of State shall be listed under the title and device
23 designated by them as provided in KRS 118.315, or if none is designated, under the
24 word "independent," and shall be placed on the ballot in a separate column or
25 columns or in a separate line or lines according to the office which they seek. The
26 order in which independent candidates or slates of candidates shall appear on the
27 ballot shall be determined by lot by the county clerk. If the same device is selected

1 by two (2) groups of petitioners, it shall be given to the first selecting it and the
2 county clerk shall permit the other group to select a suitable device. This section
3 shall not apply to candidates for municipal offices which come under subsection (3)
4 of this section.

5 (3) The ballots used at any election in which city officers are to be elected as provided
6 in subsection (2) of this section shall contain the names of candidates for the city
7 offices grouped according to the offices they seek, and the candidates shall be
8 immediately arranged with and designated by the title of office they seek. The order
9 in which the names of the candidates for each office are to be printed on the ballot
10 shall be determined by lot. Each group of candidates for each separate office for
11 which the candidates are to be elected shall be clearly separated from other groups
12 on the ballot and spaced to avoid confusion on the part of the voter.

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

17 (5) If the county clerk determines that the number of certified candidates or slates of
18 candidates cannot be placed on a ballot which can be accommodated by the voting
19 equipment~~[machines]~~ currently in use by the county, he or she shall so notify the
20 State Board of Elections not later than the last Tuesday in February preceding the
21 primary or the last Tuesday in August preceding the regular election. The State
22 Board of Elections shall meet within five (5) days of the notice, review the ballot
23 conditions, and determine whether supplemental paper ballots are necessary for the
24 election. Upon approval of the State Board of Elections, supplemental paper ballots
25 may be used for nonpartisan candidates or slates of candidates for an office or
26 offices and public questions submitted for a yes or no vote. All candidates or slates
27 of candidates for any particular office shall be placed either on the ~~[machine]~~ ballot

1 or on the supplemental paper ballot. Supplemental paper ballots may also be used
2 to conduct the voting, in the instance of a small precinct as provided in KRS
3 117.066.

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

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

7 (1) For the purpose of determining the order in which the names of candidates or slates
8 of candidates to be voted for by the electors of the entire state shall be certified and
9 printed on the ballots with the designation of the respective offices, the Secretary of
10 State shall prepare lists of the counties of each congressional district of the state.
11 The Secretary of State shall arrange the surnames of all candidates or slates of
12 candidates for each office in alphabetical order for the First Congressional District,
13 and the names shall be certified in this order to the county clerks of all the counties
14 comprising that district. For each succeeding congressional district, taken in
15 numerical order, the name appearing first for each office in the last preceding
16 district shall be placed last, and the name appearing second in the last preceding
17 district shall be placed first, and each other name shall be moved up one (1) place.
18 The lists shall be certified accordingly.

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

26 (3) For all offices for which nomination papers and petitions are filed in the office of
27 the county clerk, the order in which the names of candidates for each office are to

1 be printed on the ballot shall be determined by lot at a public drawing in the office
 2 of the county clerk at 2 p.m., standard time, on the Thursday following the filing
 3 deadline for the primary as established in KRS 83A.045, 118.165, and 118A.060 or
 4 the Thursday following the first Tuesday after the first Monday in June preceding
 5 the regular election.

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

11 (5) If the number of certified candidates or slates of candidates cannot be placed on a
 12 ballot which can be accommodated on voting equipment~~[machines]~~ currently in use
 13 in the county, the county clerk shall notify the State Board of Elections, as provided
 14 in KRS 118.215.

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

16 (1) Except as provided in KRS 118.345, and subject to the provisions of subsections
 17 (2), (3), and (4) of this section, the county clerk of each county shall cause to be
 18 printed on all ballots, including~~[for the voting machines and on]~~ the absentee
 19 ballots, for the regular election the names of the following persons:

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

24 (b) Candidates of a political party, as defined in KRS 118.015, who have been
 25 nominated for an unexpired term in a manner determined by the governing
 26 authority of the party, as provided in KRS 118.115, and whose evidences of
 27 nomination have been filed with the Secretary of State or the appropriate

- 1 county clerk within the time prescribed in this chapter;
- 2 (c) Candidates of a political party, as defined in KRS 118.015, who have been
3 nominated by the governing authority of the party to fill a vacancy in the
4 candidacy of a person nominated at the preceding primary, as provided in
5 KRS 118.105, and whose certificates of nomination have been filed with the
6 Secretary of State or the appropriate county clerk, by at least the date provided
7 by the election law generally for such filing;
- 8 (d) Candidates who have been nominated by a political organization as provided
9 in KRS 118.325 and whose certificates or petitions of nomination have been
10 filed with the Secretary of State or the appropriate county clerk within the
11 time prescribed in this chapter;
- 12 (e) Independent candidates who have been nominated by petition as provided in
13 KRS 118.315, and whose petitions of nomination have been filed with the
14 Secretary of State or the appropriate county clerk within the time prescribed in
15 this chapter;
- 16 (f) Successful nominees of all nonpartisan primaries which shall have been
17 conducted;
- 18 (g) Candidates who have filed a petition of candidacy as shall be required to fill a
19 vacancy which shall appear on the ballot;
- 20 (h) The county clerk shall determine whether the name of any replacement
21 candidate who has been nominated as provided in KRS 118.105(5) may be
22 placed on the ~~the machine~~ ballot ~~or ballot cards~~ and whether any ~~the~~ voting
23 equipment ~~machine~~ may be reprogrammed to count the votes cast for that
24 candidate, or whether the ballot ~~or ballot cards~~ must be reprinted to
25 accommodate votes cast for any replacement candidate, and shall take the
26 appropriate action to accommodate the replacement of any candidate. If the
27 county clerk determines that the name of any replacement candidate cannot be

1 accommodated on the existing ballot~~[or ballot cards]~~ and if there is
2 insufficient time before the election to reprint the entire ballot, the county
3 clerk shall request approval to use supplemental paper ballots for voting for
4 that office only in the same manner as permitted for other situations~~[as~~
5 ~~provided]~~ in KRS 118.215(5), and, if approved, shall have an adequate
6 number of supplemental paper ballots printed for voting for that office and
7 only votes cast for that office by means of the supplemental paper ballots shall
8 be tabulated and recorded by the precinct election officers and county board of
9 elections. All actions by a county clerk, the State Board of Elections, and the
10 Secretary of State which are necessary to provide for voting at a regular
11 election for candidates nominated pursuant to KRS 118.105(5) shall be carried
12 out with all possible speed. When a candidate has been replaced as provided
13 in KRS 118.105(5) after absentee and federal provisional absentee ballots
14 have been printed and distributed for the regular election, neither the precinct
15 election officers nor the county board of elections shall tabulate or record any
16 absentee or federal provisional absentee votes cast for the candidate who was
17 replaced. If ballots are reprinted or supplemental paper ballots are printed, or
18 if voting equipment~~[machines]~~ must be reprogrammed to count the votes cast
19 for a replacement candidate, the costs for the printing and reprogramming
20 shall be paid by the political party who has nominated a replacement
21 candidate, or proportionately by each political party if each party nominates a
22 replacement candidate;

- 23 (i) Candidates for President and Vice President of the United States, of those
24 political parties and organizations who have nominated presidential electors as
25 provided in KRS 118.325, if the certificate of nomination of the electors has
26 been filed with the Secretary of State within the time prescribed in this
27 chapter;

- 1 (j) Candidates for soil and water district supervisors who have been nominated
2 by petition as provided in KRS 262.210; and
- 3 (k) Candidates for city office for which no nonpartisan primary has been
4 conducted in a city which requires nonpartisan city elections.
- 5 (2) Any candidate for city office who is defeated in a partisan or nonpartisan primary
6 shall be ineligible as a candidate for the same office in the regular election.
- 7 (3) Candidates for members of boards of education shall have their names printed on
8 **ballots, including**~~[ballot labels and]~~ absentee ballots, for the regular election only
9 after filing as provided in KRS 160.220.
- 10 (4) Except as provided in KRS 118.105 and 118.115, no candidate's name shall be
11 printed upon **any ballots, including**~~[the ballot labels,]~~ federal provisional ballots,
12 federal provisional absentee ballots, and absentee ballots for any regular election as
13 the nominee of any political party, as defined in KRS 118.015, or under the emblem
14 of any political party, as so defined, except those candidates who have been duly
15 and regularly nominated as nominees of that party at a primary held as provided in
16 this chapter.
- 17 (5) No county clerk shall knowingly cause to be printed, upon the **ballots**~~[ballot labels],~~
18 federal provisional ballots, federal provisional absentee ballots, or absentee ballots
19 for any regular election, the name of any candidate of a political party, as defined in
20 KRS 118.015, who has not been nominated in the manner provided in the laws
21 governing primaries or the name of any candidate who is not in compliance with the
22 restrictions concerning party registration and candidacy provided in of KRS
23 118.315(1).
- 24 (6) The names of candidates for President and Vice President shall be certified in lieu
25 of certifying the names of the candidates for presidential electors.
- 26 (7) When a vacancy occurs in an elective office which is required by law to be filled
27 temporarily by appointment, the officer or body designated by law to make the

1 appointment, or in the case of an office to be filled by appointment from a list of
2 nominations, the officer or body designated by law to make the nominations, shall
3 immediately notify in writing both the county clerk and Secretary of State of the
4 vacancy.

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

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

10 (1) Any political organization not constituting a political party within the meaning of
11 KRS 118.015 but whose candidate received two percent (2%) of the vote of the
12 state at the last preceding election for presidential electors may nominate, by a
13 convention or primary held by the party in accordance with its constitution and
14 bylaws, candidates for any offices to be voted for at any regular election, except the
15 office of member of a board of education, for which nominations shall be made as
16 provided in KRS 160.220. Any political party, as defined in KRS 118.015, and any
17 political organization not constituting such a political party but whose candidate
18 received two percent (2%) of the vote of the state at the last preceding election for
19 presidential electors, may nominate, by a convention or primary held by the party or
20 organization in accordance with its constitution and bylaws, as many electors of
21 President and Vice President of the United States as this state is entitled to elect.

22 (2) The certificate of nomination by such a convention or primary shall be in writing,
23 shall contain the name of each person nominated, his or her residence, and the
24 office to which he or she is nominated, and shall designate a title for the party or
25 principle that such convention or primary represents, together with any simple
26 figure or device by which its list of candidates may be designated on the
27 ballots~~[voting machines]~~. The certificate shall be signed by the presiding officer and

1 secretary of the convention, or by the chair and secretary of the county, city, or
2 district committee, who shall add to their signatures their respective places of
3 residence, and acknowledge the same before an officer duly authorized to
4 administer oaths. A certificate of the acknowledgment shall be appended to the
5 certificate of nomination. In the case of electors of President and Vice President of
6 the United States the certificate of nomination shall state the names of the
7 candidates of the party for President and Vice President.

8 (3) Any person desiring to become a candidate for an office, the nomination to which is
9 to be made by a convention pursuant to subsections (1) and (2) of this section,
10 except for the office of elector of President and Vice President of the United States,
11 shall file a statement with the official designated in KRS 118.165 with whom
12 notification and declaration forms are filed for the office. The form of the statement
13 shall be prescribed by the State Board of Elections. Such statement shall be filed as
14 prescribed by KRS 118.365.

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

22 (5) In case of death, resignation, or removal of any such candidate subsequent to
23 nomination and before the certification of candidates for the regular election made
24 under KRS 118.215, the chair of the state, county, or city district committee shall
25 fill the vacancy, unless a supplemental certificate or petition of nomination is filed.
26 In the case of electors of President and Vice President of the United States, a
27 vacancy may be filled by the chair of the state committee at any time before the

1 meeting of the electors, whether the vacancy occurs before or after the election.

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

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

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

19 (1) No candidate who has been defeated for the nomination for any office in a primary~~[~~
 20 ~~election]~~ shall have his or her name placed on ballots~~[voting machines]~~ in the
 21 succeeding regular election as a candidate for the same office for the nomination to
 22 which he or she was a candidate in the primary~~[election]~~, except that if a vacancy
 23 occurs in the party nomination for which he or she was a candidate in the primary~~[~~
 24 ~~election]~~ his or her name may be placed on the ballots~~[voting machines]~~ for the
 25 regular election as a candidate of that party if he or she has been duly made such
 26 party nominee after the vacancy occurs as provided in KRS 118.105.

27 (2) No person who was a candidate for nomination for any office in a primary~~[election]~~

1 and who, before the succeeding regular election, is declared by the judgment of any
2 court of competent jurisdiction to have violated, in the primary~~[election]~~, any
3 provision of KRS Chapter 121, or to be responsible for such violation by others,
4 shall have his or her name placed on ballots~~[voting machines]~~ for any office to be
5 voted for in the succeeding regular election.

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

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

8 No candidate's name shall appear on any ballot, including any~~[voting machine,]~~ federal
9 provisional ballot, federal provisional absentee ballot, or absentee ballot more than once,
10 except that a candidate's name may appear twice if he or she is a candidate for a primary
11 or a regular election and also a candidate to fill a vacancy in the same office required to
12 be filled at a special election, when the special election to fill a vacancy is scheduled for
13 the regular election day.

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

15 (1) The General Assembly may state the substance of the amendment proposed to the
16 Constitution of Kentucky in the form of a question in a manner calculated to inform
17 the electorate of the substance of the amendment. When an amendment to the
18 Constitution has been proposed by the General Assembly, the Secretary of State
19 shall cause the question calculated to inform the electorate of the substance of the
20 amendment which is prepared by the General Assembly or the Attorney General to
21 be published at least one (1) time in a newspaper of general circulation published in
22 this state, and shall also cause to be published at the same time and in the same
23 manner the fact that the amendment will be submitted to the voters for their
24 acceptance or rejection at the next regular election at which members of the General
25 Assembly are to be voted for. The publication shall be made not later than the first
26 Tuesday in August preceding the election at which the amendment is to be voted on.

27 (2) The Attorney General shall, if the General Assembly has not already done so, state

1 the substance of an amendment to the Constitution of Kentucky which has been
2 proposed by the General Assembly in the form of a question in a manner calculated
3 to inform the electorate of the substance of the amendment, and, not later than
4 fourteen (14) days preceding the first Tuesday in August preceding the next regular
5 election at which members of the General Assembly are to be chosen, shall certify
6 the question to the Secretary of State to be placed on the ballots~~[voting machine]~~.

7 (3) The Secretary of State, not later than the second Monday after the second Tuesday
8 in August preceding the next regular election at which members of the General
9 Assembly are to be chosen in a year in which there is not an election for President
10 and Vice President of the United States, or not later than the Thursday after the first
11 Tuesday in September preceding a regular election in a year in which there is an
12 election for President and Vice President of the United States, shall certify the
13 substance of the amendment, as stated and certified by the General Assembly or by
14 the Attorney General, to the county clerk of each county, and the county clerk shall
15 have the substance of the amendment, as so certified, indicated on the
16 ballots~~[voting machines]~~.

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

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

24 ➔Section 57. KRS 118.591 is amended to read as follows:

25 (1) Any person seeking the endorsement by a political party for the office of President
26 of the United States, or any group organized in this state on behalf of, and with the
27 consent of, the person, may file with the Secretary of State certified petitions signed

- 1 by five thousand (5,000) persons who, at the time they sign, are registered and
2 qualified voters in the Commonwealth and are affiliated, by registration, with the
3 same political party as the candidate for whom petitions are filed.
- 4 (2) The petitions shall be filed by the petitioners with the Secretary of State no later
5 than the first Friday following the first Monday in January preceding a presidential
6 preference primary.
- 7 (3) The petitions shall state:
- 8 (a) The name of the candidate for nomination and the party of which the
9 candidate is a member; and
- 10 (b) The name and address of the chair of the group circulating such petition.
- 11 (4) The Secretary of State shall determine the sufficiency of petitions filed with him or
12 her and shall immediately communicate his or her determination to the chair of the
13 group which has filed the petitions.
- 14 (5) In lieu of the petition requirements of subsections (1) to (4) of this section, a
15 candidate may qualify to appear on the presidential preference primary ballot of the
16 candidate's political party by filing with the Secretary of State, no later than the first
17 Friday following the first Monday in January preceding a presidential preference
18 primary, a notice of candidacy signed by the candidate and either of the following:
- 19 (a) A certification by the *Election Assistance*~~[Federal Election]~~ Commission that,
20 by the filing deadline, the candidate has qualified for matching federal
21 campaign funds; or
- 22 (b) Evidence that, by the filing deadline, the candidate's name is qualified to
23 appear on the presidential preference primary ballot of the candidate's political
24 party in at least twenty (20) other states.
- 25 (6) The Secretary of State shall determine the sufficiency of the documentation
26 provided pursuant to subsection (5) of this section and shall immediately
27 communicate his or her determination to the candidate or the candidates's agent.

1 ➔Section 58. KRS 118A.010 is amended to read as follows:

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

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

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

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

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

9 **1. Define ballots;**

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

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

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

13 **(b) The practices and associated documentation used to:**

14 **1. Identify system components and versions of those components;**

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

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

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

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

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

27 ➔Section 59. KRS 118A.060 is amended to read as follows:

- 1 (1) Except as provided in KRS 118A.100, no person's name shall appear on a ballot,
2 including an ~~label or~~ absentee ballot, for an office of the Court of Justice without
3 first having been nominated as provided in this section.
- 4 (2) Each candidate for nomination shall file a petition for nomination with the Secretary
5 of State not earlier than the first Wednesday after the first Monday in November of
6 the year preceding the year in which the office will appear on the ballot and not later
7 than the first Friday following the first Monday in January preceding the day fixed
8 by law for holding the primary for the office. The petition shall be sworn to before
9 an officer authorized to administer an oath by the candidate and by not less than two
10 (2) registered voters from the district or circuit from which he or she seeks
11 nomination. Signatures for nomination papers shall not be affixed on the document
12 to be filed prior to the first Wednesday after the first Monday in November of the
13 year preceding the year in which the office will appear on the ballot. The petition
14 shall be filed no later than 4 p.m. local time at the place of filing when filed on the
15 last date on which the papers are permitted to be filed.
- 16 (3) The petition for nomination shall be in the form prescribed by the State Board of
17 Elections. The petition shall include a declaration sworn to by the candidate, that he
18 or she possesses all the constitutional and statutory requirements of the office for
19 which the candidate has filed. Titles, ranks, or spurious phrases shall not be
20 accepted on the petition and shall not be printed on the ballots as part of the
21 candidate's name; however, nicknames, initials, and contractions of given names
22 may be acceptable as the candidate's name.
- 23 (4) The Secretary of State shall examine the petition of each candidate to determine
24 whether it is regular on its face. If there is an error, the Secretary of State shall
25 notify the candidate by certified mail within twenty-four (24) hours of filing. The
26 order of names on the ballot for each district or circuit, and numbered division if
27 divisions exist, shall be determined by lot at a public drawing to be held in the

- 1 office of the Secretary of State at 2 p.m., standard time, on the Thursday following
2 the filing deadline for the primary as established in this section and in KRS
3 83A.045 and 118.165.
- 4 (5) Not later than the date set forth in KRS 118.215(1)(a) preceding the primary, and
5 after the order of names on the ballot has been determined as required in subsection
6 (4) of this section, the 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 specified in the petitions for nomination filed with him or
11 her; and
- 12 (b) Designate for the county clerks the office of the Court of Justice with which
13 the names of candidates shall be printed and the order in which they are to
14 appear on the ballot.
- 15 (6) The ballot position of a candidate shall not be changed after the ballot position has
16 been designated by the Secretary of State.
- 17 (7) The county clerks of each county shall cause to be printed on the ~~the~~ ~~ballot labels for~~
18 ~~the voting machines and on the special~~ ballots for the primary the names of the
19 candidates for offices in the Court of Justice.
- 20 (8) The names of the candidates shall be placed on the ballots ~~[voting machine]~~ in a
21 separate column or columns or in a separate line or lines and identified by the words
22 "Judicial Ballot." The words "Vote for one," or "Vote for one in each division,"
23 shall be printed on the ballot in an appropriate location. The office, numbered
24 division if divisions exist, and the candidates shall be clearly labeled. No party
25 designation or emblem of any kind, nor any sign indicating any candidate's political
26 belief or party affiliation, shall be used on the ~~[voting machines or special]~~ ballots.
- 27 (9) The two (2) candidates receiving the highest number of votes for nomination for

1 justice or judge of a district or circuit, or numbered division if divisions exist, shall
2 be nominated. Certificates of nomination shall be issued as provided in KRS
3 118A.190.

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

9 ➔Section 60. KRS 118A.090 is amended to read as follows:

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

15 (2) Not later than the date set forth in KRS 118.215(1)(b) after the filing deadline for
16 the regular election in a year in which there is no election for President and Vice
17 President of the United States, or not later than the date set forth in KRS
18 118.215(1)(c) preceding a regular election in a year in which there is an election for
19 President and Vice President of the United States, and after the order of names on
20 the ballot has been determined as required in subsection (1) of this section, the
21 Secretary of State shall:

22 (a) Certify to the county clerks of the respective counties entitled to participate in
23 the election of the various candidates, the name and place of residence of each
24 candidate for each office, by district or circuit, and numbered division if
25 divisions exist, as certified under KRS 118A.060; and

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

1 appear on the ballot.

2 (3) The ballot position of a candidate shall not be changed after the ballot position has
3 been designated by the Secretary of State. The county clerks of each county shall
4 cause to be printed on the ~~ballot labels for the voting machines and on the special~~
5 ballots for the regular elections the names of the candidates for offices of the Court
6 of Justice.

7 (4) The names of the candidates shall be placed on the ballots~~[voting machine]~~ in a
8 separate column or columns or in a separate line or lines and identified by the words
9 "Judicial Ballot," and in such a manner that the casting of a vote for all of the
10 candidates of a political party will not operate to cast a vote for judicial candidates.
11 The words "Vote for one" or "Vote for one in each division," shall be printed on the
12 ballot in an appropriate location. The office, numbered division thereof if divisions
13 exist, and the candidates therefor shall be clearly labeled. No party designation or
14 emblem of any kind, nor any sign indicating any candidate's political belief or party
15 affiliation, shall be used on any ballot~~[voting machines or special ballots]~~.

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

19 ➔Section 61. KRS 118A.100 is amended to read as follows:

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

26 (2) If in a regular election for judicial office no candidates nominated as provided in
27 KRS 118A.060 are available due to death, incapacity, or withdrawal, and the

1 candidates have not been replaced as provided in KRS 118A.060, the election to fill
2 the regular term shall be conducted in the manner prescribed in subsections (3)
3 through (11) of this section.

4 (3) Each candidate shall file a petition for nomination with the Secretary of State not
5 earlier than the first Wednesday after the first Monday in November of the year
6 preceding the year in which the election for the unexpired term will be held and not
7 later than the first Tuesday after the first Monday in June preceding the day fixed by
8 law for holding the regular election for the unexpired term, if the vacancy occurs
9 prior to the first Tuesday following the first Monday in June. If the vacancy occurs
10 after the first Tuesday following the first Monday in June, each candidate shall file a
11 petition for nomination with the Secretary of State not later than the second Tuesday
12 in August preceding the day fixed by law for holding the regular election for the
13 unexpired term. The petition shall be sworn to by the candidate and by not less than
14 two (2) registered voters from the district or circuit from which he or she seeks
15 nomination, before an officer authorized to administer an oath. Signatures for
16 nomination papers shall not be affixed on the document to be filed prior to the first
17 Wednesday after the first Monday in November of the year preceding the year in
18 which the office will appear on the ballot. The petition shall be filed no later than 4
19 p.m. local time at the place of filing when filed on the last date on which the papers
20 are permitted to be filed.

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

- 1 (5) The Secretary of State shall examine the petition of each candidate to determine
2 whether it is regular on its face. If there is an error, the Secretary of State shall
3 notify the candidate by certified mail within twenty-four (24) hours of filing.
- 4 (6) The order of names on the ballot for each district or circuit, and numbered division
5 if divisions exist, shall be determined by lot at a public drawing to be held in the
6 office of the Secretary of State at 2 p.m., standard time, on the Thursday following
7 the first Tuesday after the first Monday in June preceding the regular election for
8 those petitions for nomination required to be filed no later than the first Tuesday
9 following the first Monday in June. For those petitions for nomination required to
10 be filed no later than the second Tuesday in August, the order of names on the ballot
11 for each district and circuit, and numbered division if divisions exist, shall be
12 determined by lot at a public drawing to be held in the office of the Secretary of
13 State at 2 p.m., standard time, on the Thursday following the second Tuesday in
14 August preceding the regular election.
- 15 (7) Not later than the date set forth in KRS 118.215 and after the order of names on the
16 ballot has been determined as required in subsection (6) of this section, the
17 Secretary of State shall:
- 18 (a) Certify to the county clerks of the respective counties entitled to participate in
19 the election of the various candidates, the name and place of residence of each
20 candidate for each office, by district or circuit, and numbered division if
21 divisions exist, as specified in the petitions for nomination filed with the
22 Secretary of State; and
- 23 (b) Designate for the county clerks the office of the Court of Justice with which
24 the names of candidates shall be printed and the order in which they are to
25 appear on the ballot.
- 26 (8) The ballot position of a candidate shall not be changed after the ballot position has
27 been designated by the county clerk.

- 1 (9) The county clerks of each county shall cause to be printed on the **ballots**,
 2 **including**~~[ballot labels for the voting machines and on the]~~ absentee ballots, for the
 3 regular election the names of the candidates for offices of the Court of Justice.
- 4 (10) The names of the candidates shall be placed on the **ballots**~~[voting machine]~~ in a
 5 separate column or columns or in a separate line or lines and identified by the words
 6 "Judicial Ballot," and in a manner so that the casting of a vote for all of the
 7 candidates of a political party will not operate to cast a vote for judicial candidates.
 8 The words "Vote for one" or "Vote for one in each division," shall be printed on the
 9 appropriate location. The office, numbered division if divisions exist, and the
 10 candidates therefor shall be clearly labeled. No party designation or emblem of any
 11 kind, nor any sign indicating any candidate's political belief or party affiliation, shall
 12 be used on **any ballot**~~[voting machines or special ballots]~~.
- 13 (11) The candidate receiving the highest number of votes cast at the regular election for a
 14 district or circuit, or for a numbered division if divisions exist, shall be elected.
- 15 (12) A judge who elected to retire as a Senior Status Special Judge in accordance with
 16 KRS 21.580 shall not become a candidate or a nominee for any elected office
 17 during the five (5) year term prescribed in KRS 21.580(1)(a)1., regardless of the
 18 number of days served by the judge acting as a Senior Status Special Judge.
- 19 ➔Section 62. KRS 118A.150 is amended to read as follows:
- 20 (1) In certification of candidates for judicial office, no reference shall be made to
 21 political affiliation.
- 22 (2) The Secretary of State shall not knowingly certify to the county clerk of any county
 23 the name of any candidate who has not filed the required nomination or candidacy
 24 papers, nor knowingly fail to certify the name of any candidate who has filed the
 25 required nomination or candidacy papers.
- 26 (3) No county clerk shall knowingly cause to be printed on **any ballots**~~[the ballot~~
 27 ~~labels]~~ or absentee ballots for any election, the name of a candidate for an office of

1 the Court of Justice who has not been certified in the manner specified in this
2 chapter.

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

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

15 (6) If after the certification of candidates who will appear on the ballot, any candidate
16 whose name appears on the ballot shall withdraw or die, neither the precinct
17 election officers nor the county board of elections shall tabulate or record the votes
18 cast for the candidate; and, in a primary ~~election~~, if there are only one (1) or two
19 (2) remaining candidates on the ballot for that office, following the withdrawal or
20 death of the other candidate or candidates, neither the precinct election officers nor
21 the county board of elections shall tabulate or record the votes for the remaining
22 candidate or candidates, and the officer with whom the remaining candidate or
23 candidates has filed his or her nomination papers shall immediately issue and file in
24 his or her office a certificate of nomination for that remaining candidate or
25 candidates and send a copy to the remaining candidate or candidates.

26 (7) If, after the certification of candidates who will appear on the ballot, any candidate
27 whose name appears on the ballot shall withdraw pursuant to KRS 118.212 or die,

1 the county clerk shall provide notices to the precinct election officers who shall see
 2 that a notice is conspicuously displayed at the polling place advising voters of the
 3 change, and that votes for the candidate shall not be tabulated or recorded. If the
 4 county clerk learns of the death or withdrawal at least five (5) days prior to the
 5 election and provides the notices required by this subsection and the precinct
 6 officers fail to post the notices at the polling place, the officers shall be guilty of a
 7 violation, subject to a fine of not less than ten dollars (\$10) nor more than two
 8 hundred fifty dollars (\$250).

9 ➔Section 63. KRS 118A.130 is amended to read as follows:

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

12 ➔Section 64. KRS 119.005 is amended to read as follows:

- 13 (1) A "ballot" or "official ballot" means the **official presentation of offices and**
 14 **candidates to be voted for, including write-in candidates, and all public questions**
 15 **submitted for determination, and shall include a** voting machine ballot~~[label,~~
 16 ~~ballot cards]~~, **a** paper **ballot**~~[ballots]~~, an absentee ballot, a special ballot, a federal
 17 provisional ballot, a federal provisional absentee ballot, or a supplemental paper
 18 ballot which has been authorized for the use of the voters in any primary or regular
 19 or special election by the Secretary of State or the county clerk;
- 20 (2) **"Ballot box" means any box, bag, or other container that can be locked, sealed,**
 21 **or otherwise rendered tamper-resistant, for receiving ballots;**
- 22 (3) **"Voting equipment" means any physical component of a voting system and**
 23 **includes voting machines where voting machines are in operation**~~["Ballot label"~~
 24 ~~means the cards, papers, booklet, pages or other material on which appear the~~
 25 ~~names of candidates and the questions to be voted on by means of ballot cards or~~
 26 ~~voting machines;~~
- 27 (3) ~~"Ballot card" means a tabulating card on which votes may be recorded by a voter by~~

1 use of a voting punch device or by marking with a pen or special marking device];

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

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

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

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

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

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

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

14 (5) "Voting system" means:

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

19 1. Define ballots;

20 2. Cast and count votes;

21 3. Report or display election results;

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

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

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

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

26 3. Maintain records of system errors and defects;

27 4. Determine specific system changes to be made to a system after the

1 *initial qualification of the system; and*
 2 *5. Make available any materials to the voter, such as notices,*
 3 *instructions, forms, or paper ballots*~~[shall include lever machines and,~~
 4 ~~as far as applicable, any electronic or electromechanical unit and~~
 5 ~~supplies utilized or relied upon by a voter in casting and recording his or~~
 6 ~~her vote in an election].~~

7 ➔Section 65. KRS 119.115 is amended to read as follows:

- 8 (1) Any unauthorized person found in possession of any key to a voting machine,
 9 *voting equipment, or voting system* to be used or being used in any primary,
 10 *regular election*~~[general]~~, or special election shall be guilty of a Class A
 11 misdemeanor.
- 12 (2) Any person who, during or before any primary, *regular election*~~[general]~~, or special
 13 election, willfully tampers with or attempts to tamper with, disarrange, deface, or
 14 impair in any manner whatsoever, injures, or destroys any ballot~~[label]~~, or destroys
 15 any~~[such]~~ voting machine, *voting equipment, or voting system* while in use at an
 16 election or at any other time, or who shall, after such *voting* machine, *voting*
 17 *equipment, or voting system* is locked and sealed in order to preserve the record of
 18 the vote, tamper with or attempt to tamper with the record of the vote, or who aids
 19 or abets with intent to destroy or change the record of the vote shall be guilty of a
 20 Class D felony.
- 21 (3) Any election official, or other person entrusted with the custody or control of any
 22 voting machine, *voting equipment, or voting system* who, with intent to cause or
 23 permit any voting machine, *voting equipment, or voting system* to fail to correctly
 24 register *or count* votes cast~~[thereon]~~, tampers with or disarranges such *voting*
 25 machine, *voting equipment, or voting system* in any way, unlawfully opens such
 26 voting machine, *voting equipment, or voting system*, prevents or attempts to
 27 prevent the correct operation of such voting machine, *voting equipment, or voting*

1 system, or causes such voting machine, voting equipment, or voting system to be
 2 used or consents to its being used for any election with knowledge of the fact that
 3 the voting machine, voting equipment, or voting system is not in order, or not
 4 perfectly set and adjusted to correctly register all votes cast~~[thereon]~~, or removes,
 5 changes, or mutilates any ballot~~[label on a voting machine]~~ shall be guilty of a
 6 Class D felony.

7 ➔Section 66. KRS 120.005 is amended to read as follows:

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

- 1 2. Processes the data by means of a computer program;
- 2 3. Records voting data and ballot images in internal and external
- 3 memory components; and
- 4 4. Produces a tabulation of the voting data stored in a removable
- 5 memory component and on a printed copy; or
- 6 (b) One (1) or more electronic devices that operate independently or as a
- 7 combination of a ballot-marking device and an electronic or automatic vote
- 8 tabulating device; and
- 9 (5) "Voting system" means:
- 10 (a) The total combination of physical, mechanical, electromechanical, or
- 11 electronic equipment, including the software, hardware, firmware, and
- 12 documentation required to program, control, and support that equipment,
- 13 that is used to:
- 14 1. Define ballots;
- 15 2. Cast and count votes;
- 16 3. Report or display election results; and
- 17 4. Maintain and produce any audit trail information; and
- 18 (b) The practices and associated documentation used to:
- 19 1. Identify system components and versions of those components;
- 20 2. Test the system during its development and maintenance;
- 21 3. Maintain record records of system errors and defects;
- 22 4. Determine specific system changes to be made to a system after the
- 23 initial qualification of the system; and
- 24 5. Make available any materials to the voter, such as notices,
- 25 instructions, forms, or paper ballots~~[shall include lever machines and,~~
- 26 ~~as far as applicable, any electronic or electromechanical unit and~~
- 27 ~~supplies utilized or relied upon by a voter in casting and recording his~~

1 ~~vote in an election~~].

2 ➔Section 67. KRS 120.017 is amended to read as follows:

- 3 (1) It shall be the duty of precinct election officers at all primaries~~[primary]~~, regular
4 elections, or special elections to immediately report to the county clerk any
5 administrative or clerical error discovered in the process of conducting the polling
6 or tabulation of votes at any such primary or election.
- 7 (2) Upon receipt by the county clerk of notice of error in conducting the polling or
8 tabulation of votes pursuant to subsection (1) of this section, the county clerk shall
9 file an action in the Circuit Court~~[,]~~ within fifteen (15) days of the primary or
10 election, requesting a recount of ballots for the precinct reporting the administrative
11 or clerical error. Simultaneously with the filing of such action, the county clerk shall
12 make written notice by regular mail to all candidates appearing on the ballot of the
13 precinct at issue that such action is being filed. In the case of an election for
14 candidates for offices for the state at large or an election on a statewide public
15 question, the action shall be filed in the Franklin Circuit Court; in the case of other
16 elections, the action shall be filed in the Circuit Court of the county in which the
17 precinct reporting the error is located.
- 18 (3) An action filed in the Circuit Court of competent~~[proper]~~ jurisdiction pursuant to
19 this section shall be heard summarily and without delay. Upon filing of the action,
20 the circuit clerk shall immediately notify the Circuit Judge, and the judge shall at
21 once enter an order directing custody of the voting equipment~~[machine]~~, or voting
22 system, the ballots, ballot boxes, and all papers pertaining to the primary or election
23 from that precinct claiming error, to be transferred to the Circuit Court, and fix a
24 day for the recount proceeding to begin.
- 25 (4) Candidates notified pursuant to subsection (3) of this section shall, upon proper
26 motion, be made parties to the action.
- 27 (5) On the day fixed for the recount, the court shall proceed to recount the ballots if

1 their integrity is satisfactorily shown and shall complete the recount as soon as
2 practicable, and shall file and enter of record the results thereof.

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

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

10 ➔Section 68. KRS 120.095 is amended to read as follows:

11 (1) Any candidate voted for at a primary held under KRS 118.015 to 118.035 and
12 118.105 to 118.255 may request a recount of the ballots by filing a petition with the
13 same court that contest petitions are required to be filed with, within ten (10) days
14 after the day of the primary, or, if the candidate is qualified to bring a contest
15 proceeding under KRS 120.055, by including a request for a recount in his or her
16 petition instituting the contest proceedings. Any candidate who is a contestee in a
17 contest proceeding under KRS 120.055 may request a recount in his or her answer
18 filed in the contest proceeding, but in that case the answer shall be filed within five
19 (5) days after the service of process on the petition. When a request for a recount is
20 made, the State Board of Elections or the county board of elections, whichever
21 would issue the certificate of nomination, shall be made a party defendant. The
22 party requesting the recount shall execute a bond with approved surety for the costs
23 of the recount, in an amount to be fixed by the Circuit Judge. Upon the bond being
24 filed, the clerk shall immediately notify the Circuit Judge of the request and the
25 filing of the bond, and the judge shall at once enter an order directing custody of the
26 voting machines, voting equipment, or voting system, the ballots, boxes, and all
27 papers pertaining to the election to be transferred to the Circuit Court, and fix a day

1 for the recount proceedings to begin. A copy of the order shall be served upon the
2 parties or their counsel in the same manner as notices are required to be served,
3 which shall be deemed sufficient notice of the proceeding. On the day fixed, the
4 court shall proceed to recount the ballots if their integrity is satisfactorily shown and
5 shall complete the recount as soon as practicable, and file and enter of record the
6 results thereof, and direct the state board or county board, whichever would issue
7 the certificate of nomination, to issue a certificate to the party entitled thereto as
8 shown by the recount.

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

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

17 ➔Section 69. KRS 120.165 is amended to read as follows:

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

25 (2) The evidence in chief for the contestant shall be completed within thirty (30) days
26 after service of summons; the evidence for the contestee shall be completed within
27 twenty-five (25) days after filing of answer, and evidence for contestant in rebuttal

1 shall be completed within seven (7) days after the contestee has concluded;
2 provided that for cause the court may grant a reasonable extension of time to either
3 party.

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

7 (4) If it appears from an inspection of the whole record that there has been such fraud,
8 intimidation, bribery, or violence in the conduct of the election that neither
9 contestant nor contestee can be judged to have been fairly elected, the Circuit Court,
10 or an appellate court, on appeal, may adjudge that there has been no election. In that
11 event the office shall be deemed vacant, with the same legal effect as if the person
12 elected had refused to qualify. If one of the parties is adjudged by the court to be
13 elected to the office, he or she shall, on production of a copy of the final judgment,
14 be permitted to qualify or be commissioned.

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

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

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

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

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

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

27 (3) The State Board of Elections shall prescribe **through administrative regulations**

1 *promulgated under KRS Chapter 13A a form*~~{forms}~~ to be used by county boards
 2 of election to report all recanvassed votes. The form shall include the following
 3 information:

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

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

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

16 (5) The State Board of Elections shall promulgate administrative regulations in
 17 accordance with KRS Chapter 13A to establish the proper procedures for
 18 conducting a local option election recanvass for each type of voting system
 19 approved by the State Board of Elections and in use in Kentucky.

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

- 21 (1) Not less than three (3) days before any primary or regular election the county clerk
 22 shall cause to be published in a newspaper a copy of the *ballots*~~{face of the voting
 23 machines, or where an electronic or electromechanical voting system is used, a copy
 24 of the ballot cards}~~ or supplementary material on which appear the names of
 25 candidates or issues to be voted upon. Where the lists of candidates or issues to be
 26 voted upon differ for various precincts within the county, the county clerk shall
 27 cause to be published only one (1) set of data with appropriate notations showing

1 the differences in the various precincts. If supplemental paper ballots have been
2 approved as provided in KRS 118.215, the supplemental paper ballot shall be
3 published at the same time as other material required to be published by this
4 subsection. The cost of publication shall be paid by the county, except that the cost
5 of publishing any voting data required to be published by this subsection that is
6 limited to a city election or a district election other than a school district election
7 shall be paid by the city or the district as the case may be.

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

11 ➔Section 72. KRS 132.017 is amended to read as follows:

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

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

21 2. When a tax rate is levied by a district board of education or other taxing
22 district that is primarily located in a county containing an urban-county
23 government or a consolidated local government, the portion of a tax rate
24 levied by an ordinance, order, resolution, or motion of a district board of
25 education or other taxing district subject to recall as provided for in KRS
26 68.245, 132.023, 132.027, and 160.470, shall go into effect fifty (50)
27 days after its passage.

- 1 (b) During the same forty-five (45) day or fifty (50) day time period provided by
2 paragraph (a) of this subsection, any five (5) qualified voters, who reside in
3 the area where the tax levy will be imposed, may commence petition
4 proceedings to protest the passage of the ordinance, order, resolution, or
5 motion by filing an affidavit with the county clerk. The affidavit shall state:
- 6 1. The five (5) qualified voters constitute the members of the petition
7 committee;
 - 8 2. The petition committee will be responsible for circulating the petition;
 - 9 3. The petition committee will file the petition in the proper form within
10 the same forty-five (45) day or fifty (50) day time period provided by
11 paragraph (a) of this subsection;
 - 12 4. The names and addresses of the petition committee members;
 - 13 5. The address to which all notices to the committee are to be sent; and
14 6. For petition committees filing petitions in response to a tax rate levied
15 by a district board of education or other taxing district that is primarily
16 located in a county containing an urban-county government or a
17 consolidated local government, whether or not the petition committee is
18 willing to incur all of the expenses associated with electronic petition
19 signatures. If the petition committee is not willing to incur all of the
20 expenses, then electronic petition signatures shall not be allowed for the
21 petition.
- 22 (c) Upon receipt of the affidavit, the county clerk shall immediately:
- 23 1. Notify the petition committee of all statutory requirements for the filing
24 of a valid petition under this section;
 - 25 2. Notify the petition committee that the clerk will publish a notice
26 identifying the tax levy being challenged and providing the names and
27 addresses of the petition committee in a newspaper of general circulation

1 within the county, if:

2 a. There is a newspaper within the county in which to publish the
3 notice; and

4 b. The petition committee remits an amount equal to the cost of
5 publishing the notice determined in accordance with the provisions
6 of KRS 424.160 at the time of the filing of the affidavit.

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

10 3. Deliver a copy of the affidavit to the appropriate local governmental
11 entity or district board of education.

12 (d) The petition shall be filed with the county clerk within the same forty-five
13 (45) day or fifty (50) day time period provided by paragraph (a) of this
14 subsection and meet the following requirements:

15 1. All papers of the petition shall be substantially uniform in size and style
16 and shall be assembled in one (1) instrument for filing;

17 2. For a district board of education or other taxing district that is primarily
18 located in a county containing an urban-county government or a
19 consolidated local government, each sheet of the petition may contain
20 the names of voters from more than one (1) voting precinct, and for a
21 district board of education or other taxing district that is not primarily
22 located in a county containing an urban-county government or a
23 consolidated local government, each sheet of the petition shall contain
24 the names of voters from one (1) voting precinct;

25 3. Each nonelectronic petition signature shall be executed in ink or
26 indelible pencil;

27 4. Each electronic petition signature shall comply with the requirements of

- 1 the Uniform Electronic Transactions Act, KRS 369.101 to 369.120;
- 2 5. Each electronic and nonelectronic petition signature shall be followed by
- 3 the printed name, street address, Social Security number or birthdate,
- 4 and the name and number of the designated voting precinct of the person
- 5 signing; and
- 6 6. The petition shall be signed by a number of registered and qualified
- 7 voters residing in the affected jurisdiction equal to at least ten percent
- 8 (10%) of the total number of votes cast in the last preceding presidential
- 9 election. Electronic petition signatures shall be included in determining
- 10 whether the required number of petition signatures has been obtained
- 11 when the expenses associated with the electronic petition signatures
- 12 have been incurred in accordance with paragraph (b)6. of this
- 13 subsection, the electronic petition signatures comply with the
- 14 requirements of this subsection, and the petition was filed in response to
- 15 a tax rate levied by a district board of education or other taxing district
- 16 that is primarily located in a county containing an urban-county
- 17 government or a consolidated local government. The inclusion of an
- 18 invalid electronic or nonelectronic petition signature on a page shall not
- 19 invalidate the entire page of the petition, but shall instead result in the
- 20 invalid petition signature being stricken and not counted.
- 21 (e) Upon the filing of the petition with the county clerk, the ordinance, order,
- 22 resolution, or motion shall be suspended from going into effect until after the
- 23 election referred to in subsection (3) of this section is held, or until the petition
- 24 is finally determined to be insufficient and no further action may be taken
- 25 pursuant to paragraph (i) of this subsection.
- 26 (f) The county clerk shall immediately notify the presiding officer of the
- 27 appropriate local governmental entity or district board of education that the

1 petition has been received and shall, within thirty (30) days of the receipt of
2 the petition, make a determination of whether the petition contains enough
3 signatures of qualified voters to place the ordinance, order, resolution, or
4 motion before the voters.

5 (g) If the county clerk finds the petition to be sufficient, the clerk shall certify to
6 the petition committee and the local governmental entity or district board of
7 education within the thirty (30) day period provided for in paragraph (f) of this
8 subsection that the petition is properly presented and in compliance with the
9 provisions of this section, and that the ordinance, order, resolution, or motion
10 levying the tax will be placed before the voters for approval.

11 (h) If the county clerk finds the petition to be insufficient, the clerk shall, within
12 the thirty (30) day period provided for in paragraph (f) of this subsection,
13 notify, in writing, the petition committee and the local governmental entity or
14 district board of education of the specific deficiencies found. Notification
15 shall be sent by certified mail and shall be published at least one (1) time in a
16 newspaper of general circulation within the county containing the local
17 governmental entity or district board of education levying the tax. If there is
18 not a newspaper within the county in which to publish the notification, then
19 the notification shall be posted at the courthouse door.

20 (i) A final determination of the sufficiency of a petition shall be subject to final
21 review by the Circuit Court of the county in which the local governmental
22 entity or district board of education is located, and shall be limited to the
23 validity of the county clerk's determination. Any petition challenging the
24 county clerk's final determination shall be filed within ten (10) days of the
25 issuance of the clerk's final determination.

26 (j) The local governmental entity or district board of education may cause the
27 cancellation of the election by reconsidering and amending the ordinance,

1 order, resolution, or motion to levy a tax rate which will produce no more
2 revenue from real property, exclusive of revenue from new property as
3 defined in KRS 132.010, than four percent (4%) over the amount of revenue
4 produced by the compensating tax rate defined in KRS 132.010 from real
5 property. The action by the local governmental entity or district board of
6 education shall be valid only if taken within fifteen (15) days following the
7 date the clerk finds the petition to be sufficient.

8 (3) (a) If an election is necessary under the provisions of subsection (2) of this
9 section, the local governmental entity shall cause to be submitted to the voters
10 of the district at the next regular election, the question as to whether the
11 property tax rate shall be levied. The question shall be submitted to the county
12 clerk not later than the second Tuesday in August preceding the regular
13 election.

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

26 (c) In an election held under paragraph (a) or (b) of this subsection, the question
27 shall be so framed that the voter may by his or her vote answer "for" or

1 "against." If a majority of the votes cast upon the question oppose its passage,
2 the ordinance, order, resolution, or motion shall not go into effect. If a
3 majority of the votes cast upon the question favor its passage, the ordinance,
4 order, resolution, or motion shall become effective.

5 (d) If the ordinance, order, resolution, or motion fails to pass pursuant to an
6 election held under paragraph (a) or (b) of this subsection, the property tax
7 rate which will produce four percent (4%) more revenues from real property,
8 exclusive of revenue from new property as defined in KRS 132.010, than the
9 amount of revenue produced by the compensating tax rate defined in KRS
10 132.010, shall be levied without further approval by the local governmental
11 entity or district board of education.

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

17 (4) Notwithstanding any statutory provision to the contrary, if a local governmental
18 entity or district board of education has not established a final tax rate as of
19 September 15, due to the recall provisions of this section, KRS 68.245, 132.027, or
20 160.470, regular tax bills shall be prepared as required in KRS 133.220 for all
21 districts having a tax rate established by that date; and a second set of bills shall be
22 prepared and collected in the regular manner, according to the provisions of KRS
23 Chapter 132, upon establishment of final tax rates by the remaining districts.

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

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

- 1 ➔Section 73. The following KRS sections are repealed:
- 2 117.381 Requirements for approval.
- 3 117.387 Absentee voting by electronic system.