

KENTUCKY GENERAL ASSEMBLY AMENDMENT FORM
2022 REGULAR SESSION
Unofficial Document

Amend printed copy of **SB 216/SCS 1**

On page 27, after line 17, insert:

"➔Section 8. KRS 117.001 is amended to read as follows:

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

- (1) "Audit log" means a detailed record of all actions and events that have occurred on the voting system, including:
 - (a) Log-in attempts with username and time stamp;
 - (b) Election definition and setup;
 - (c) Ballot preparation and results processing;
 - (d) Diagnostics of any type; and
 - (e) Error and warning messages and operator response;
- (2) "Automatic tabulating equipment" means apparatus necessary to automatically examine and count votes as designated on ballots and data processing machines which can be used for counting ballots and tabulating results;
- (3) "Ballot" or "official ballot" means the official presentation of offices and candidates to be voted for, including write-in candidates, and all public questions submitted for determination, and shall include a voting machine ballot, a paper ballot, an absentee ballot, a federal provisional ballot, a federal provisional absentee ballot, or a supplemental paper ballot which has been authorized for the use of voters in any primary, regular election, or

Amendment No. SFA 1

Rep. Sen. Adrienne Southworth

Committee Amendment _____

Signed: _____

Floor Amendment _____

LRC Drafter: _____

Adopted: _____

Date: _____

Rejected: _____

Doc. ID: XXXX

Not for Filing

- special election by the Secretary of State or the county clerk;
- (4) "Ballot box" means any box, bag, or other container that can be locked, sealed, or otherwise rendered tamper-resistant, for receiving ballots;
- (5) "Ballot marking device" means any approved device for marking a ballot which will enable the ballot to be tabulated manually or by means of automatic tabulating equipment;
- (6) "Election" or "elections" means any primary, regular election, or special election;
- (7) "Federal provisional voter" means a person:
- (a) Who does not appear to be registered to vote;
 - (b) Whose name does not appear on the precinct roster;
 - (c) Who has not provided proof of identification to the precinct election officer before voting in a federal election; and
 - (d) Who elects to proceed with voting a federal provisional ballot under KRS 117.229;
- (8) "Federal provisional ballot" or "federal provisional absentee ballot" means ballots which have been authorized by the Secretary of State or the county clerk to be used by federal provisional voters in any federal primary or election;
- (9) "Inner envelope" or "secrecy envelope" means the envelope provided to the voter with a ballot into which the voter shall place his or her voted ballot;
- (10) "Political group" has the same meaning as in KRS 118.015;
- (11) "Political organization" has the same meaning as in KRS 118.015;
- (12) "Precinct ballot counter" means an automatic tabulating device used at the precinct to tabulate and process ballots;
- (13) "Proof of identification" means a document that was issued by:
- (a) The United States or the Commonwealth of Kentucky, and the document contains:
 - 1. The name of the individual to whom the document was issued; and

2. A photograph of the individual to whom the document was issued;
 - (b) The United States Department of Defense, a branch of the uniformed services, the Merchant Marine, or the Kentucky National Guard, and the document contains:
 1. The name of the individual to whom the document was issued; and
 2. A photograph of the individual to whom the document was issued;
 - (c) A public or private college, university, or postgraduate technical or professional school located within the United States, and the document contains:
 1. The name of the individual to whom the document was issued; and
 2. A photograph of the individual to whom the document was issued; or
 - (d) Any city government, county government, urban-county government, charter county government, consolidated local government, or unified local government, which is located within this state, and the document contains:
 1. The name of the individual to whom the document was issued; and
 2. A photograph of the individual to whom the document was issued;
- (14) "Risk-limiting audit" means ***a manual tally of ballots for randomly-selected portions of a county and randomly-selected races on those ballots. The random selection shall be made by a public and manual random draw conducted with random people performing each draw. No fewer than (2) precincts or machines, totaling votes from at least five percent (5%) of the county's voting population for that election, shall be selected. Three (3) contested races shall be selected, or all of the races on selected ballots if those ballots contain fewer than three (3) contested races***~~[an audit protocol that makes use of statistical principles and methods and is designed to limit to acceptable levels the risk of certifying a preliminary election outcome that constitutes an incorrect outcome];~~
- (15) "Voting booth" or "ballot completion area" means an area in which a voter casts his or her

vote or completes his or her ballot which is designed to ensure the secrecy of the vote;

(16) "Vote center" means a consolidated precinct of the county;

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

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

(a) A direct recording electronic voting machine that:

1. Records votes by means of a ballot display provided with mechanical or electro-operated components that may be actuated by the voter;
2. Processes the data by means of a computer program;
3. Records voting data and ballot images in internal and external memory components; and
4. Produces a tabulation of the voting data stored in a removable memory component and on a printed copy; or

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

(19) "Voting system" means:

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

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

(b) The practices and associated documentation used to:

Amend printed copy of **SB 216/SCS 1**

1. Identify system components and versions of those components;
 2. Test the system during its development and maintenance;
 3. Maintain records of system errors and defects;
 4. Determine specific system changes to be made to a system after the initial qualification of the system; and
 5. Make available any materials to the voter, such as notices, instructions, forms, or paper ballots; and
- (20) "Voter-verified paper audit trail" means a contemporaneous paper record of a ballot printed for the voter to confirm his or her votes before the voter casts his or her ballot that:
- (a) Allows the voter to verify the voter's ballot choices before the casting of the voter's ballot;
 - (b) Is not retained by the voter;
 - (c) Does not contain individual voter information;
 - (d) Is produced on paper that is sturdy, clean, and resistant to degradation; and
 - (e) Is readable in a manner that makes the voter's ballot choices obvious to the voter or any person without the use of computer or electronic code.

➔SECTION 9. A NEW SECTION OF KRS CHAPTER 117 IS CREATED TO READ AS FOLLOWS:

(1) Election results shall not be certified by the county board of elections without an exact match of voter tallies and ballot cast tallies. To certify, the county board of elections shall compare the tallies of voters and compare with the total manual count of the number of cast ballots, spoiled ballots, federal provisional ballots, and supplemental provisional ballots. Ballots shall be counted by hand or by non-electronic manual paper counting equipment to determine the number of ballots.

Unofficial Document

- (2) If the tallies between voters and ballots are an exact match, the results shall be certified by the county board of elections to the county clerk and the Secretary of State as the official result of the election.**
- (3) If the tallies between voters and ballots or among ballots are not an exact match, the county board of elections shall:**
- (a) File a report with the local grand jury in accordance with KRS 117.355;**
- (b) Keep all the tally sheets, papers, or notes in accordance with KRS 117.275(14); and**
- (c) Recommend to the State Board of Elections to certify the election in net result only if the difference in tallied votes exceeds the number of discrepancy within a contest or if the contest is unopposed, or to request resources for further investigation by the board.**
- (4) After the polls are closed, a risk-limiting audit shall be performed. If the risk-limiting audit matches the tallies of voters, ballots, and machines, the election shall be eligible for certification. If the comparisons do not match, then a full recount shall be conducted to certify the election results.**
- (5) Any risk-limiting audit shall be paid for by the State Board of Elections, however, a full recount of ballots shall be billed to the vendor of any machine used that requires a recount.**

➔Section 10. Whereas, it is critically important to protect the integrity and reliability of the electoral process in order to safeguard the fundamental right to vote, and it is a reasonable legislative task to seek improvement and modernization of election procedures without undue delay in notice to the people of the Commonwealth and its election officials tasked with administering the election laws within this state, an emergency is declared to exist, and Sections 8 and 9 of this Act takes effect upon its passage and approval by the Governor

Unofficial Document

or upon its otherwise becoming a law."