

1 AN ACT relating to elections.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 45A IS CREATED TO
4 READ AS FOLLOWS:

5 *(1) All costs and expenses related to election administration shall be paid for with*
6 *public funds.*

7 *(2) An employee of a governmental body shall not solicit, take, or otherwise accept*
8 *any private contribution, donation, or anything of value to assist with election*
9 *administration within this state unless entered into as a lawful contract for goods*
10 *and services.*

11 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 65 IS CREATED TO
12 READ AS FOLLOWS:

13 *(1) All costs and expenses related to election administration shall be paid for with*
14 *public funds.*

15 *(2) An employee of a governmental body of a city, county, urban-county government,*
16 *consolidated local government, unified local government, or charter county*
17 *government shall not solicit, take, or otherwise accept any private contribution,*
18 *donation, or anything of value to assist with election administration within this*
19 *state unless entered into as a lawful contract for goods and services.*

20 *(3) An employee of a governmental body of a city, county, urban-county government,*
21 *consolidated local government, unified local government, or charter county*
22 *government charged by this state to administer elections occurring within this*
23 *state, who receives a communication related to election laws and election*
24 *administration from any federal executive branch agency shall disclose, in*
25 *writing and within five (5) business days, the substance of the communication to*
26 *the General Assembly and the Governor, and shall include a copy of the original*
27 *communication, if available.*

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

3 *An employee of a governmental body charged by this state to administer elections*
4 *occurring within this state who receives a communication related to election laws and*
5 *election administration from any federal executive branch agency shall disclose, in*
6 *writing and within five (5) business days, the substance of the communication to the*
7 *General Assembly and the Governor, and shall include a copy of the original*
8 *communication, if available.*

9 ➔Section 4. KRS 116.045 is amended to read as follows:

- 10 (1) Any person may register as a voter during the period registration is open if he or she
11 possesses, or will possess on the day of the next regular election, the qualifications
12 set forth in KRS 116.025.
- 13 (2) The county clerk shall cause all registration to be closed the fourth Tuesday
14 preceding through the first Monday following any primary or general election, and
15 the twenty-eight (28) days prior to and seven (7) days following any special
16 election. If the last day of registration falls on a state or federal holiday, the period
17 runs until the end of the next day which is not a Saturday or Sunday nor a state or
18 federal holiday. During the period that registration is closed, the county clerk may
19 accept and process registrations. Any voter who registers during the period that
20 registration is closed, except for any registered voter who transfers his or her
21 registration pursuant to KRS 116.085(2) or (3), shall not be permitted to vote in the
22 upcoming election.
- 23 (3) In all counties, the county clerk shall receive registrations, transfers, or changes of
24 party affiliation at branch offices at any place in the county during those periods that
25 the registration books are open except for those transfers pursuant to KRS
26 116.085(2) or 116.085(3). However, notice in the manner provided by KRS Chapter
27 424 shall be given at least three (3), but not more than fourteen (14), days in

1 advance of the time and place of any branch registration, and ten (10) days' written
2 notice shall be given to the county executive committee of each major political
3 party in the county in which the branch registration is to be held.

4 (4) Any person may register to vote or may change his or her party affiliation in any of
5 the following ways:

6 (a) In person;

7 (b) By mail;

8 (c) By means of the federal post card application, if the person is a resident of
9 Kentucky and a member of the Armed Forces, or a dependent of members of
10 the Armed Forces, or overseas citizen;

11 (d) By mail-in application form prescribed by the Election Assistance
12 Commission pursuant to the National Voter Registration Act of 1993; or

13 (e) By other methods of registration, or reregistration, approved by the State
14 Board of Elections, including the use of voluntary interested groups and
15 political parties, under the proper supervision and directions of the county
16 clerk, which may include door to door canvassing.

17 (5) Upon receipt of the form prescribed by the State Board of Elections or the Election
18 Assistance Commission pursuant to the National Voter Registration Act of 1993,
19 properly filled out and signed by the applicant, the county clerk shall register the
20 applicant.

21 (6) Any individual or group shall have access to a reasonable number of voter
22 registration forms including the mail-in application form prescribed by the Election
23 Assistance Commission pursuant to the National Voter Registration Act of 1993 in
24 the county clerk's office. The individual or group shall act under the proper
25 supervision and directions of the county clerk and shall return these completed
26 forms to the county clerk for official registration by the county 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 **(9) For purposes of voter registration, a county clerk or employee of a governmental**
 13 **body of any city, county, urban-county government, consolidated local**
 14 **government, unified local government, or charter county government shall not**
 15 **accept any private monetary funds to assist with voter registration activities**
 16 **unless accepted as part of a valid contract for goods and services.**

17 ➔Section 5. 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; **and**

26 **(c) Shall be prohibited from accepting any private monetary funds for election**
 27 **administration unless accepted as part of a valid contract for goods and**

1 services.

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

1 September 15 of each year in which the lists are received.

2 (6) Two (2) members shall be appointed by the Governor from a separate list of at least
3 four (4) names submitted by the Kentucky County Clerk's Association of each of
4 the two (2) political parties that polled the largest vote in the last preceding regular
5 election for state officials. Each of the two (2) members appointed under this
6 subsection shall be former county clerks and shall be voting members. The lists
7 required under this subsection shall be submitted to the Governor by July 15, 2019,
8 and every four (4) years thereafter. The appointments made by the Governor under
9 this subsection shall be made by August 15, 2019, and every four (4) years
10 thereafter.

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

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

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

23 ➔Section 6. KRS 117.995 is amended to read as follows:

24 (1) Any person appointed to serve as an election officer but who shall knowingly and
25 willfully fail to serve and who is not excused by the county board of elections for
26 the reasons specified in this chapter shall be guilty of a violation and shall be
27 ineligible to serve as an election officer for a period of five (5) years.

- 1 (2) Any county clerk or member of the county board of elections who knowingly and
2 willfully violates any of the provisions of this chapter, including furnishing
3 applications for absentee ballots, applications for federal provisional absentee
4 ballots, and mail-in absentee ballots to persons other than those specified by the
5 provisions of this chapter, and failure to type the name of the voter on the
6 application form as required by the provisions of this chapter, shall be guilty of a
7 Class D felony.
- 8 (3) Any officer who willfully fails to prepare or furnish ballots, federal provisional
9 ballots, federal provisional absentee ballots, or absentee ballots or fails to allow a
10 qualified voter to cast his or her vote using voting equipment as required of the
11 voter by this chapter shall be guilty of a Class A misdemeanor.
- 12 (4) Any election officer who knowingly and willfully violates any of the provisions of
13 this chapter, including failure to enforce the prohibition against electioneering
14 established by KRS 117.235, shall be guilty of a Class A misdemeanor for the first
15 offense and a Class D felony for each subsequent offense.
- 16 (5) Any person who violates KRS 117.0861, or who signs a name other than his or her
17 own on an application for an absentee ballot, the verification form for the ballot, an
18 emergency absentee ballot affidavit, a voter or election official affirmation, or any
19 person who votes an absentee ballot other than the one issued in his or her name, or
20 any person who applies for the ballot for the use of anyone other than himself or
21 herself or the person designated by the provisions of this chapter, or any person who
22 makes a false statement on an application for an absentee ballot or on an emergency
23 absentee ballot affidavit shall be guilty of a Class D felony.
- 24 (6) Any person who violates any provision of KRS 117.235 or 117.236 related to
25 prohibited activities during absentee voting or on election day, after he or she has
26 been duly notified of the provisions by any precinct election officer, county clerk,
27 deputy county clerk, or other law enforcement official, shall, for each offense, be

1 guilty of a Class A misdemeanor.

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

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

11 (9) Any local or state election official, including the Secretary of State, employees of
12 the Secretary, and members of the State Board of Elections and their staff, who
13 knowingly and willfully uses the voter registration roster in violation of KRS
14 117.025(3)(a) shall, for each offense, be guilty of a Class A misdemeanor.

15 **(10) Any person who knowingly and willfully violates subsection (2) of Section 1 of**
16 **this Act or subsection (2) of Section 2 of this Act shall, for a first offense, be**
17 **guilty of a Class D felony. For a second or subsequent offense, the person shall**
18 **be guilty of a Class C felony.**

19 **(11) Any person who knowingly and willfully violates subsection (3) of Section 2 or**
20 **Section 3 of this Act shall be guilty of a violation and fined five thousand dollars**
21 **(\$5,000) for each communication not properly disclosed.**

22 ➔Section 7. KRS 48.630 is amended to read as follows:

23 (1) An unbudgeted appropriation shall not be allotted without prior review and action
24 by the Interim Joint Committee on Appropriations and Revenue as provided for in
25 this section.

26 (2) Except as otherwise provided in this section, any request for allotment of
27 unbudgeted appropriations from any fund source shall be made in writing by the

- 1 head of the budget unit and transmitted simultaneously to the state budget director
2 and the Interim Joint Committee on Appropriations and Revenue.
- 3 (3) The state budget director may recommend a proposed revision to a specified
4 appropriation in any branch budget bill to the Interim Joint Committee on
5 Appropriations and Revenue by the seventh day of each month.
- 6 (4) If the Interim Joint Committee on Appropriations and Revenue fails to review and
7 act upon the proposed revision by the last day of the month, the proposed revision
8 shall be deemed to have been reviewed and favorably acted upon.
- 9 (5) The Interim Joint Committee on Appropriations and Revenue shall review the
10 proposed expenditure of the unbudgeted appropriation for conformance with the
11 purposes of the proposed appropriation and the enacted branch budget bill and any
12 other relevant statute, by the last day of each month.
- 13 (6) If the Interim Joint Committee on Appropriations and Revenue disapproves of the
14 proposed revision of the enacted appropriation, the budget adjustment shall be
15 invalid unless it is:
- 16 (a) Revised to comply with the objections of the committee; or
17 (b) The committee is informed, in writing, in detail, within thirty (30) days of the
18 committee's disapproval, that a determination has been made not to comply
19 with the objections of the committee.
- 20 (7) If an emergency unbudgeted appropriation revision is required due to a declared
21 natural disaster, calamity, or impending deficit in an enacted appropriation as
22 certified by the Governor, the state budget director may effect an emergency revised
23 appropriation, with the approval of the secretary of the Finance and Administration
24 Cabinet, and with concurrent notification to the Interim Joint Committee on
25 Appropriations and Revenue of the action and its justification.
- 26 (8) If a budget unit not listed in any enacted branch budget bill receives unanticipated
27 restricted funds or federal funds, the secretary of the Finance and Administration

1 Cabinet, upon written request from the agency head with appropriate documentation
2 of the amount, source, purpose, necessity, and use of the moneys, may authorize the
3 credit and expenditure of these funds for statutory purposes, upon recommendation
4 of the state budget director and review and action by the Interim Joint Committee
5 on Appropriations and Revenue pursuant to the conditions and procedures
6 prescribed by this section. The secretary shall cause to be established a separate
7 discrete restricted funds or federal funds account, as appropriate, for the receipt and
8 disbursement of these funds and shall establish the maximum sum which may be
9 credited and expended from the authorized account.

10 (9) Institutions of higher education shall be exempt from all conditions and procedures
11 in this section with respect to the authority of the state budget director and the
12 secretary of the Finance and Administration Cabinet to review and approve
13 unbudgeted restricted funds or federal funds or revisions to appropriations in excess
14 of any enacted branch budget bill; however, in the event of a revision, an institution
15 of higher education shall report unbudgeted restricted funds and federal funds to the
16 state budget director and the Interim Joint Committee on Appropriations and
17 Revenue.

18 (10) Unbudgeted appropriations for expenditure in the judicial branch budget and the
19 legislative branch budget shall be exempt from all conditions and procedures in this
20 section, except that each branch head, or its designee, shall report unbudgeted
21 restricted funds and federal funds to the Interim Joint Committee on Appropriations
22 and Revenue and transmit an informational copy to the state budget director.

23 **(11) Unbudgeted federal appropriations for expenditures related to election**
24 **administration shall be prohibited.**

25 **(12)**~~(11)~~ The Legislative Research Commission shall maintain records of the findings
26 of the Interim Joint Committee on Appropriations and Revenue and the
27 determinations and reports of actions by the state budget director and transmit these

1 records to the General Assembly when next convened.

2 ➔Section 8. This Act may be cited as the Stop Outside Influence Over Elections

3 Act of 2022.