

1 AN ACT relating to elections.

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

3 ➔Section 1. KRS 116.025 is amended to read as follows:

4 (1) Every person who is a resident of this state and the precinct in which he or she
5 offers to vote on or before the day ~~of~~^{preceding the closing of the registration books}
6 ~~for~~ any primary, general, or special election, who possesses on the day of any
7 election the qualifications set forth in Section 145 of the Constitution, exclusive of
8 the durational residency requirements, who is not disqualified under that section or
9 under any other statute, and who is registered as provided in this chapter, may vote
10 for all officers to be elected by the people and on all public questions submitted for
11 determination at that election, in the precinct in which he or she is qualified to vote.

12 Any person who shall have been convicted of any election law offense which is a
13 felony shall not be permitted to vote until his or her civil rights have been restored
14 by executive pardon.

15 (2) Any person charged with or indicted for a crime, whether or not in custody for
16 same, who has not yet been convicted of the offense and who is not otherwise
17 ineligible to vote, may vote for all offices to be elected by the people and on all
18 public questions submitted for determination at that election, in the precinct in
19 which he or she is qualified to vote.

20 (3) A registered voter who changes his or her place of residence from one (1) precinct
21 to another within the same county while the registration books are closed shall be
22 permitted to update the voting records and to vote in the present election at the
23 appropriate precinct for the current address as set forth in KRS 116.085(3).

24 (4) Notwithstanding any provision of law to the contrary, any registered voter who
25 changes his or her place of residence from one (1) precinct to another within the
26 same county prior to the closing of the registration books and who fails to transfer
27 his or her registration with the county clerk prior to the date the registration books

1 are closed shall be permitted to vote in the present election at the appropriate
2 precinct for the current address as set forth in KRS 116.085(2).

3 (5) Any registered voter who changes his or her place of residence to a different county
4 while the registration books are closed shall be permitted to vote at the appropriate
5 precinct for his or her former residence in the present election and shall thereafter
6 transfer his or her voter registration.

7 (6) Any registered voter who changes his or her place of residence to a different county
8 and fails to register to vote in the county of current residence prior to the date the
9 registration books are closed shall not be eligible to vote in the present election in
10 the county of current residence or the county of former residence.

11 (7) Any registered voter who changes his or her place of registration to a different state
12 while the registration books are closed in the new state of residence before a
13 presidential election shall be permitted to cast an absentee ballot for President and
14 Vice President only, notwithstanding subsection (1) of this section, by mail or at the
15 county clerk's office of the former residence or other place designated by the county
16 board of elections and approved by the State Board of Elections.

17 ➔Section 2. KRS 116.045 is amended to read as follows:

18 (1) Any person may:

19 (a) Register as a voter during the period registration is open if he or she
20 possesses, or will possess on the day of the next regular election, the
21 qualifications set forth in KRS 116.025; or

22 (b) Register at the precinct on the day of the election as provided in subsection
23 (9) of this section, if he or she has not registered during the period
24 registration is open.

25 (2) The county clerk shall cause all registration to be closed, except for registration
26 under subsection (9) of this section, the fourth Tuesday preceding through the first
27 Monday following any primary or general election, and the twenty-eight (28) days

1 prior to and seven (7) days following any special election. If the last day of
2 registration falls on a state or federal holiday, the period runs until the end of the
3 next day which is not a Saturday or Sunday nor a state or federal holiday. During
4 the period that registration is closed, the county clerk may accept and process
5 registrations. Any voter who registers during the period that registration is closed,
6 except for any registered voter who transfers his or her registration pursuant to KRS
7 116.085(2) or (3), or who registers at the precinct under subsection (9) of this
8 section, shall not be permitted to vote in the upcoming election.

9 (3) In all counties, the county clerk shall receive registrations, transfers, or changes of
10 party affiliation at branch offices at any place in the county during those periods that
11 the registration books are open except for those transfers pursuant to KRS
12 116.085(2) or 116.085(3). However, notice in the manner provided by KRS Chapter
13 424 shall be given at least three (3), but not more than fourteen (14), days in
14 advance of the time and place of any branch registration, and ten (10) days' written
15 notice shall be given to the county executive committee of each major political
16 party in the county in which the branch registration is to be held.

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

19 (a) In person;

20 (b) By mail;

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

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

26 (e) By other methods of registration, or reregistration, approved by the State
27 Board of Elections, including the use of voluntary interested groups and

1 political parties, under the proper supervision and directions of the county
2 clerk, which may include door to door canvassing.

3 **Any person may register to vote in person on the day of any election under**
4 **subsection (9) of this section, but shall not be permitted to change party**
5 **affiliation.**

6 (5) Upon receipt of the form prescribed by the State Board of Elections or the Election
7 Assistance Commission pursuant to the National Voter Registration Act of 1993,
8 properly filled out and signed by the applicant, the county clerk, **or the precinct**
9 **officer in the case of a person registering on the day of the election at the precinct**
10 **under subsection (9) of this section,** shall register the applicant.

11 (6) Any individual or group shall have access to a reasonable number of voter
12 registration forms including the mail-in application form prescribed by the Election
13 Assistance Commission pursuant to the National Voter Registration Act of 1993 in
14 the county clerk's office. The individual or group shall act under the proper
15 supervision and directions of the county clerk and shall return these completed
16 forms to the county clerk for official registration by the county clerk.

17 (7) No later than December 31, 1994, the Transportation Cabinet shall equip all driver's
18 license agencies to comply with the provisions of the National Voter Registration
19 Act of 1993. The Secretary of State shall provide assistance and interpretation to the
20 Transportation Cabinet in determining the requirements of the National Voter
21 Registration Act of 1993.

22 (8) The county clerk shall enter the specific party identification of the voter with a
23 political party, political organization, or political group as defined in KRS 118.015,
24 or independent status, as indicated by the voter on the voter registration form, into
25 the statewide voter registration system. The State Board of Elections shall
26 promulgate regulations under KRS Chapter 13A to provide for tracking of the
27 registration of voters identifying with political organizations and political groups as

1 defined in KRS 118.015, and voters of independent status.

2 **(9) (a) Any person who has not registered prior to the date the registration books**
 3 **are closed under subsection (2) of this section, and who possesses all other**
 4 **qualifications for registration, may register at his or her precinct of**
 5 **residence on the day of an election.**

6 **(b) For purposes of registration under paragraph (a) of this subsection, a**
 7 **person shall not be permitted to change his or her party registration at his**
 8 **or her precinct of residence on the day of an election.**

9 **(c) When a person applies to register to vote at the precinct on election day, the**
 10 **voter shall be permitted to vote in the present election at the appropriate**
 11 **precinct for his or her current address upon affirmation of his or her**
 12 **current address.**

13 **(d) Before being permitted to vote, the voter shall confirm his or her identity as**
 14 **required by KRS 117.227 and shall complete the affidavit that is required to**
 15 **be completed by a voter whose right to vote is challenged. The subscribed**
 16 **oaths shall be delivered to the county clerk and investigated in accordance**
 17 **with KRS 117.245.**

18 ➔Section 3. KRS 116.0452 is amended to read as follows:

19 (1) For the purpose of determining whether a voter registration application is received
 20 during the period in which registration books are open under KRS 116.045(2), an
 21 application shall be deemed timely received:

22 (a) In the case of registration with a motor vehicle driver's license application, if
 23 the valid voter registration form of the applicant is accepted by the
 24 Transportation Cabinet before the registration books are closed;

25 (b) In the case of registration by mail, if the valid voter registration form of the
 26 applicant is legibly postmarked before the registration books are closed;

27 (c) In the case of registration with a voter registration agency, if the valid voter

1 registration form of the applicant is accepted at the voter registration agency
2 before the registration books are closed; ~~and~~

3 (d) *In the case of registration at the precinct on election day, a voter*
4 *registration application shall be deemed timely received if the valid voter*
5 *registration form of the applicant is received by the precinct officer in the*
6 *correct precinct of residence of the voter before the polls close on election*
7 *day; and*

8 (e) In any other case, if the valid voter registration form of the applicant is
9 received by the appropriate county clerk, no later than 4 p.m. local time,
10 before the registration books are closed.

11 (2) The county clerk shall send notice to each applicant of the disposition of the
12 application.

13 (3) The name of a registered voter shall not be removed from the registration books
14 except:

15 (a) Upon request of the voter;

16 (b) As provided by KRS 116.113, upon notice of death, declaration of
17 incompetency, or conviction of a felony; or

18 (c) Upon failure to respond to a confirmation mailing sent pursuant to KRS
19 116.112(3) and failure to vote or appear to vote and, if necessary, correct the
20 registration record of the voter's address in an election during the period
21 beginning on the date of the notice and ending on the day after the date of the
22 second general election for Federal office that occurs after the date of the
23 notice.

24 (4) The identity of the voter registration agency or Transportation Cabinet office
25 through which any particular voter is registered shall not be disclosed to the public,
26 *but the county clerk shall provide the State Board of Elections with a report of*
27 *how many voters registered to vote at the precincts on election day.*

1 ➔Section 4. KRS 116.0455 is amended to read as follows:

2 (1) (a) Each motor vehicle driver's license application, including any renewal
3 application, submitted to the appropriate motor vehicle authority shall serve as
4 a simultaneous^[an] application *for voter registration, or as an update to any*
5 *previous voter registration, and shall contain the following statements:*

6 1. "By signing and submitting this application, you are authorizing the
7 *circuit clerk and the Transportation Cabinet to transmit this*
8 *application to the county clerk and to the State Board of Elections for*
9 *voter registration purposes. YOU MAY DECLINE TO REGISTER.*
10 *YOU MUST DECLINE TO REGISTER IF YOU DO NOT MEET*
11 *THE ELIGIBILITY REQUIREMENTS SET OUT BELOW. No*
12 *information relating to your decision of whether or not to register or*
13 *update a voter registration record may be used for any purpose other*
14 *than voter registration."*;

15 2. "In order to be registered to vote you must:

16 a. *Be a United States citizen;*

17 b. *Be a current resident of Kentucky;*

18 c. *Be at least eighteen (18) years of age on or before the next*
19 *regular election;*

20 d. *Have not been convicted of a felony, or if you have been*
21 *convicted of a felony, your civil rights have been restored by*
22 *executive pardon;*

23 e. *Have not been declared mentally incompetent in a court of law;*
24 *and*

25 f. *Not claim the right to vote anywhere outside Kentucky. Failure*
26 *to decline to register is an attestation that you meet the*
27 *requirements to vote."*; and

1 3. "If you choose to decline to have this motor vehicle driver's
 2 application serve as a simultaneous application for voter registration
 3 or update to an existing voter registration record, or if you do not meet
 4 the eligibility requirements to register to vote, YOU MUST CHECK
 5 THE BOX BELOW confirming your declination."

6 [~~for voter registration unless the applicant fails to sign the voter registration~~
 7 ~~application.~~

8 [~~(b) An application for voter registration submitted under paragraph (a) of this~~
 9 ~~subsection shall be considered as updating any previous voter registration by~~
 10 ~~the applicant.]~~

11 (2) No information relating to the declination[~~failure~~] of an applicant to have any
 12 application in subsection (1)(a) of this section considered as a simultaneous
 13 application for voter registration or an update to a previous voter registration[~~for~~
 14 ~~a motor vehicle driver's license to sign a voter registration application]~~ may be used
 15 for any purpose other than voter registration.

16 (3) (a) The Transportation Cabinet shall include all information contained in a voter
 17 registration application form as part of an application for a motor vehicle
 18 driver's license. The State Board of Elections shall approve the voter
 19 registration portion of the application prior to its implementation by the
 20 Transportation Cabinet and no amendments to the application affecting
 21 voter registration requirements shall be made without the approval of the
 22 State Board of Elections; and

23 (b) The voter registration application portion of an application for a motor vehicle
 24 driver's license shall comply with the requirements of Section 5 of Pub. L.
 25 No.[~~Public Law~~] 103-31, the National Voter Registration Act of 1993.

26 (4) Any change of address form submitted for purposes of a motor vehicle driver's
 27 license shall serve as notification of change of address for voter registration for the

1 registrant involved unless the registrant states on the form that the change of address
2 is not for voter registration purposes.

3 (5) (a) A completed **copy of the** voter registration portion of an application for a
4 motor vehicle driver's license accepted by the Transportation Cabinet shall be
5 transmitted to the county clerk of the county of the applicant's voting
6 residence not later than ten (10) days after the date of acceptance.

7 (b) If a **motor vehicle driver's license application includes a completed** voter
8 registration application **and** is accepted within five (5) days before the last day
9 for registration to vote in an election, the application shall be transmitted to
10 the county clerk of the county of the applicant's voting residence not later than
11 five (5) days after the date of acceptance.

12 (6) The Transportation Cabinet shall provide to the county clerk ~~all~~ declination
13 ~~notifications~~ signed by an applicant if the applicant has declined to **have**
14 **the motor vehicle driver's license application serve as a simultaneous application**
15 **for voter registration or to have an existing voter registration record updated**
16 ~~register to vote~~.

17 ➔Section 5. KRS 116.048 is amended to read as follows:

18 (1) The following agencies are designated as voter registration agencies in accordance
19 with the National Voter Registration Act of 1993:

20 (a) Agencies that provide benefits under public assistance under Title IV-A of the
21 Federal Social Security Act, the Special Supplemental Food Program for
22 Women, Infants, and Children, the Kentucky Medical Assistance Program, or
23 the Food Stamps Program;

24 (b) Armed Forces recruitment offices;

25 (c) Other agencies, as **determined by** the Secretary of State, ~~shall determine~~ **that**
26 **provide** ~~to be providing~~ public assistance; and

27 (d) Other agencies, as **determined by** the Secretary of State, ~~shall determine~~ **that**

1 ~~are~~ state-funded programs primarily engaged in providing services to
2 persons with disabilities.

3 (2) A voter registration agency that provides service or assistance in conducting voter
4 registration shall:

5 (a) **Include in**~~Distribute with~~ each application for its service or assistance, and
6 with each recertification, renewal, or change of address form, the **following**
7 **statements:**

8 **1. "By signing and submitting this application, you are authorizing this**
9 **agency to transmit this application to the county clerk and to the State**
10 **Board of Elections for voter registration purposes. YOU MAY**
11 **DECLINE TO REGISTER. YOU MUST DECLINE TO REGISTER**
12 **IF YOU DO NOT MEET THE ELIGIBILITY REQUIREMENTS**
13 **SET OUT BELOW. No information relating to your decision of**
14 **whether or not to register or update a voter registration record may be**
15 **used for any purpose other than voter registration."**

16 **2. "In order to be registered to vote you must:**

17 **a. Be a United States citizen;**

18 **b. Be a current resident of Kentucky;**

19 **c. Be at least eighteen (18) years of age on or before the next**
20 **regular election;**

21 **d. Have not been convicted of a felony, or if you have been**
22 **convicted of a felony, your civil rights have been restored by**
23 **executive pardon;**

24 **e. Have not been declared mentally incompetent in a court of law;**
25 **and**

26 **f. Not claim the right to vote anywhere outside Kentucky.**

27 **Failure to decline to register is an attestation that you meet the**

- 1 requirements to vote."; and
- 2 3. "If you choose to decline to have this application serve as a simultaneous
- 3 application for voter registration or update to an existing voter registration
- 4 record, or if you do not meet the eligibility requirements to register to vote,
- 5 YOU MUST CHECK THE BOX BELOW confirming your
- 6 declination."~~[office's own voter registration application form that complies~~
- 7 ~~with the requirements of Section 7 of Public Law 103-31, the National Voter~~
- 8 ~~Registration Act of 1993];~~
- 9 (b) Provide an~~[a]~~ additional form that includes:
- 10 1. ~~[The question, "If you are not registered to vote where you live now,~~
- 11 ~~would you like to apply to register to vote here today?";~~
- 12 2. ~~—~~If the agency provides public assistance, the statement, "Applying to
- 13 register or declining to register to vote will not affect the amount of
- 14 assistance that you will be provided by this agency.";
- 15 2.~~[3.~~ Boxes for the applicant to check to indicate whether the applicant would
- 16 like to register or declines to register to vote (failure to check either box
- 17 being deemed to constitute a declination to register for purposes of
- 18 paragraph (c) of this subsection), together with the statement in close
- 19 proximity to the boxes and in prominent type, "IF YOU DO NOT
- 20 CHECK EITHER BOX, YOU WILL BE CONSIDERED TO HAVE
- 21 DECIDED NOT TO REGISTER TO VOTE AT THIS TIME.";
- 22 4. The statement, "If you would like help in filling out the voter
- 23 registration portion of the application form, we will help you. The
- 24 decision whether to seek or accept help is yours. You may fill out the
- 25 application form in private."; and
- 26 3~~[5].~~ The statement, "If you believe that someone has interfered with your
- 27 right to register or to decline to register to vote or to update your

1 *existing voter registration record*, your right to privacy in deciding
 2 whether to register or in applying to register to vote, or your right to
 3 choose your own political party or other political preference, you may
 4 file a complaint with _____.", the blank being filled by
 5 the name, address, and telephone number of the appropriate official to
 6 whom a complaint should be addressed; and

7 (c) Provide to each applicant who does not decline to *use the agency application*
 8 *as an application to* register to vote *or to update an existing voter*
 9 *registration record* the same degree of assistance with regard to the
 10 completion of the registration application form as is provided by the office
 11 with regard to the completion of its own forms, unless the applicant refuses
 12 assistance.

13 (3) (a) At each voter registration agency, the following services shall be made
 14 available:

15 1. Distribution of mail voter registration forms *should the applicant*
 16 *decline to have the application serve as a simultaneous application for*
 17 *voter registration and request a mail voter registration form*;
 18 2. Assistance to applicants in completing *the* voter registration *portion of*
 19 *the* application *form*~~[forms]~~, unless the applicant refuses assistance; and
 20 3. Acceptance of completed~~[voter registration]~~ application forms *that do*
 21 *not include a declination of the application serving as a simultaneous*
 22 *application to register to vote or update an existing voter registration*
 23 *record* for transmittal to the county clerk of the county of the applicant's
 24 voting residence.

25 (b) If a voter registration agency designated under subsection (1)(d) of this section
 26 provides services to a person with a disability at the person's home, the agency
 27 shall provide the services described in paragraph (a) of this subsection at the

1 person's home.

2 (4) A person who provides services described in subsection (3) of this section shall not:

3 (a) Seek to influence an applicant's political preference or party registration;

4 (b) Display any material indicating the person's political preference or party
5 allegiance;

6 (c) Make any statement to an applicant or take any action the purpose or effect of
7 which is to discourage the applicant from registering to vote; or

8 (d) Make any statement to an applicant or take any action the purpose or effect of
9 which is to lead the applicant to believe that a decision to register or not to
10 register to vote has any bearing on the availability of services or benefits.

11 (5) **The voter registration portion of any application used by any agency that has**
12 **been designated as a voter registration agency under subsection (1) of this section**
13 **shall comply with the requirements of Section 5 of Pub. L. No. 103-31, the**
14 **National Voter Registration Act of 1993.**

15 **(6)** The State Board of Elections may designate requirements for record keeping and
16 document retention it deems necessary to comply with the National Voter
17 Registration Act of 1993 and the provisions of this chapter.

18 ~~(7)~~~~(6)~~ (a) A completed registration application accepted at a voter registration
19 agency shall be transmitted to the county clerk of the county of the applicant's
20 voting residence or the State Board of Elections not later than ten (10) days
21 after the date of acceptance.

22 (b) If a registration application is accepted within five (5) days before the last day
23 for registration to vote in an election, the application shall be transmitted to
24 the county clerk of the county of the applicant's voting residence or the State
25 Board of Elections not later than five (5) days after the date of acceptance.

26 **(8) The agency shall provide to the county clerk all declination notifications signed**
27 **by an applicant if the applicant has declined to have the agency application serve**

1 *as a simultaneous application for voter registration or to have an existing voter*
2 *registration record updated.*

3 ➔Section 6. KRS 117.085 is amended to read as follows:

- 4 (1) (a) All requests for a mail-in absentee ballot shall be requested through a secure
5 online portal established by the State Board of Elections, except for:
- 6 1. Voters identified in KRS 117.077;
 - 7 2. Disabled voters; and
 - 8 3. Covered voters in paragraph (i) of this subsection;
- 9 who have the additional option of requesting a mail-in absentee ballot
10 application through the county clerk.
- 11 (b) Acquiring a mail-in absentee ballot by means of the online portal shall require
12 the voter to input personally identifiable information for verification.
- 13 (c) For those voters who do not have the means of accessing the online portal, the
14 county clerk shall fulfill a request for a mail-in absentee ballot by taking the
15 voter's information over the telephone or in person and directly inputting that
16 information into the secure online portal.
- 17 (d) The online portal shall have the capacity to ensure the identity of the voter
18 through proof of identification as required under KRS 117.227 or by means of
19 KRS 117.228.
- 20 (e) If a voter qualifies to receive a mail-in absentee ballot, the online portal shall
21 transmit the mail-in absentee ballot request to the county clerk of the county in
22 which the voter is registered to vote.
- 23 (f) The online portal shall not be open or permit any mail-in ballot requests to
24 occur more than forty-five (45) days immediately preceding the day of a
25 primary or an election. The online portal shall close at 11:59 p.m. local time,
26 fourteen (14) days immediately preceding the day of a primary or an election.
- 27 (g) Except as otherwise provided in KRS 117.077, the mail-in absentee ballot

1 may be requested by the voter or the spouse, parents, or children of the voter,
2 but shall be restricted to the use of the voter.

3 (h) Except as otherwise provided in KRS 117.077 and covered voters in
4 paragraph (i) of this subsection, a qualified voter may apply to cast his or her
5 vote by mail-in absentee ballot if the completed application is received
6 fourteen (14) days before the election, and if the voter is:

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

1 8. Not able to appear at the polls on election day or the days in-person
 2 absentee voting is conducted on the account of age, disability, or illness,
 3 and who has not been declared mentally disabled by a court of
 4 competent jurisdiction; or

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

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

16 (j) Any voter who is disabled may use an accessible mail-in absentee ballot portal
 17 to request a mail-in absentee ballot, the standards of which shall be set by the
 18 State Board of Elections pursuant to administrative regulations promulgated
 19 under KRS Chapter 13A.

20 (2) In-person absentee voting shall be conducted 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 during normal business hours for at least the twelve (12) working days,
 23 including two (2) Saturdays immediately preceding the Sunday, before~~on the~~
 24 ~~Thursday, Friday, and Saturday immediately preceding the day of~~ a primary or an
 25 election. Any voter who is qualified to vote on election day in the county of his or
 26 her residence may choose to cast an in-person absentee ballot while in-person
 27 absentee voting is being conducted during the days listed in this subsection. The

1 voter who elects to vote in-person absentee shall provide proof of identification as
2 defined in KRS 117.001 or meet the requirements of KRS 117.228 and 117.229.

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

12 (4) Any individual qualified to appoint challengers for the day of an election may also
13 appoint challengers to observe all in-person absentee voting, and those challengers
14 may exercise the same privileges as challengers appointed for observing voting on
15 the day of an election at a regular polling place.

16 (5) For those voters who are eligible to receive a mail-in absentee ballot by means other
17 than the secure online portal pursuant to subsection (1) of this section, the county
18 clerk shall type the name of the voter permitted to vote by mail-in absentee ballot on
19 the mail-in absentee ballot application for that person's use and no other. The mail-
20 in absentee ballot application shall be in the form prescribed by the State Board of
21 Elections, which shall include the voter affirmation form as prescribed in KRS
22 117.228(1)(c) and shall contain the following information: name, residential
23 address, precinct, party affiliation, statement of the reason the person seeks to vote
24 by mail-in absentee ballot~~cannot vote in person on election day~~, statement of
25 where the voter shall be on election day when applicable, statement of compliance
26 with residency requirements for voting in the precinct, an instructional statement
27 prescribing the requirements for providing a copy of the voter's proof of

1 identification or voter affirmation when applicable, and the voter's mailing address
2 for a mail-in absentee ballot. The mail-in absentee ballot application form shall be
3 verified and signed by the voter, and the voter shall provide a copy of his or her
4 proof of identification, as defined in KRS 117.001, or the executed voter
5 affirmation as described in KRS 117.228(1)(c). A notice of the actual penalty
6 provisions in KRS 117.995(2) and (5) shall be printed on the mail-in absentee ballot
7 application form.

8 (6) For those voters eligible to receive a mail-in absentee ballot, if the county clerk
9 finds that the voter has completed and submitted an application for a mail-in
10 absentee ballot as provided in this section, is properly registered as stated in his or
11 her mail-in absentee ballot application, and qualifies to receive a mail-in absentee
12 ballot by mail, the county clerk shall mail to the voter a mail-in absentee ballot, two
13 (2) official envelopes for returning the mail-in absentee ballot, and instructions for
14 voting.

15 (7) Mail-in absentee ballots shall be mailed to a voter's residential address located in
16 the county in which the voter is registered, except for:

- 17 (a) Qualified voters who apply pursuant to the requirements of subsection (1)(h)1.
18 to 6. of this section; or
19 (b) Qualified voters covered under KRS 117.077.

20 (8) The county clerk shall:

- 21 (a) Transmit a mail-in absentee ballot to the voter who is eligible to receive a
22 mail-in absentee ballot within four (4) days of receipt or within four (4) days
23 of the ballots being available;
24 (b) Cause mail-in absentee ballots to be printed fifty (50) days prior to each
25 primary or regular election, and forty-five (45) days prior to a special election;
26 and
27 (c) Complete a postal form for a certificate of mailing for mail-in absentee ballots

1 mailed within the fifty (50) states, and it shall be stamped by the postal service
2 when the mail-in absentee ballots are mailed. Unless a postal form for a
3 certificate of mailing is required, the county clerk may use methods of
4 tracking the mail-in absentee ballots by means of a printed barcode or other
5 label that is unique to the individual voter issued by the State Board of
6 Elections pursuant to administrative regulations promulgated under KRS
7 Chapter 13A.

8 (9) A mail-in absentee ballot may be transmitted by facsimile machine or by the
9 electronic transmission system established under KRS 117A.030(4) to a covered
10 voter as defined in KRS 117A.010. The covered voter shall be notified of the
11 options for transmittal of the mail-in absentee ballot, and the mail-in absentee ballot
12 shall be transmitted by the method chosen for receipt by the resident of Kentucky
13 who is a covered voter.

14 (10) The outer envelope of the mail-in absentee ballot shall bear the words "Absentee
15 Ballot", the address and official title of the county clerk, a printed barcode or other
16 label that is unique to the individual voter issued by the State Board of Elections,
17 and adequate space for the voter's signature, voting address, precinct number, and
18 signatures of two (2) witnesses if the voter signs the form with the use of a mark
19 instead of the voter's signature. A detachable flap on the secrecy envelope shall
20 provide space for the voter's signature, voting address, precinct number, signatures
21 of two (2) witnesses if the voter signs the form with the use of a mark instead of the
22 voter's signature and notice of penalty provided in KRS 117.995(5). The county
23 clerk shall type the voter's address and precinct number in the upper left hand corner
24 of the outer envelope and of the detachable flap on the secrecy envelope
25 immediately below the blank space for the voter's signature. The secrecy envelope
26 shall be blank. If applicable, the county clerk shall retain the voter's mail-in ballot
27 application, which shall include the photographed copy of the voter's proof of

1 identification or the voter affirmation as prescribed by KRS 117.228(1)(c), and the
2 postal form required by subsection (8) of this section for twenty-two (22) months
3 after the primary or election.

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

17 (12) Any voter qualified for a mail-in absentee ballot who does not receive a requested
18 mail-in absentee ballot within a reasonable amount of time shall contact the county
19 clerk, who shall reissue a second mail-in absentee ballot. The county clerk shall
20 keep a record of the mail-in absentee ballots issued and returned by mail, hand-
21 delivered, or placed in a secure drop-box or receptacle, and the in-person absentee
22 voting and federal in-person provisional absentee voting that is conducted, to verify
23 that only the first voted ballot is counted. Upon the return of any mail-in absentee
24 ballot after the first mail-in absentee ballot is returned, the county clerk shall mark
25 on the outer envelope of the sealed ballot the words "Canceled because ballot
26 reissued."

27 (13) Any covered voter as defined in KRS 117A.010 who has received a mail-in

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

16 (14) The State Board of Elections shall promulgate administrative regulations to:

17 (a) Ensure election officials have real-time knowledge of which voters have
18 requested mail-in absentee ballots; and

19 (b) Provide procedures to be followed if a voter attempts to vote more than once
20 at a primary or an election.

21 (15) Notwithstanding the provisions of the Kentucky Open Records Act, KRS 61.870 to
22 61.884, and except for when the identification of the voter is provided to the county
23 board of elections under KRS 117.087, the information contained in an application
24 for a mail-in absentee ballot shall not be made public until after the close of
25 business hours on the election day for which the application applies. Except for
26 necessary election officials and for election-related duties as prescribed by law, the
27 name of the person who votes by means of a mail-in absentee ballot shall not be

1 disclosed. This subsection shall not prohibit at any time the disclosure, upon
2 request, of the total number of applications for mail-in absentee ballots that have
3 been filed, or the disclosure to the Secretary of State or the State Board of Elections,
4 if requested or if otherwise required by law, of any information in an application for
5 a mail-in absentee ballot.

6 ➔Section 7. KRS 117.087 is amended to read as follows:

7 (1) The challenge of a mail-in absentee ballot shall be in writing and in the hands of the
8 county clerk before 8 a.m. on the day preceding any primary, regular election, or
9 special election day.

10 (2) The county board of elections may appoint a central ballot counting board of not
11 less than three (3) members, who shall be qualified voters and no more than two-
12 thirds (2/3) of whom shall be members of the same political party, to process,
13 review, and count the ballots at the direction of the county board of elections.

14 (3) (a) Beginning at 8 a.m. on any primary, regular election, or special election day,
15 the county board of elections or central counting board shall meet at the
16 county clerk's office to process and review the mail-in absentee ballots
17 returned. Candidates or their representatives shall be permitted to be present.
18 The county board of elections or central counting board may meet up to
19 fourteen (14) days prior to the day of a primary or election to review and
20 process the mail-in absentee ballots cast in the county. No person shall
21 publicize any tallies or counts of these ballots, or any partial election results,
22 until 7 p.m.~~[6 p.m.]~~ local time, on the day of a primary or an election. The
23 county board of elections or central counting board shall meet as often as
24 necessary during these fourteen (14) days to process and review returned mail-
25 in absentee ballots, including expediting any signature cures.

26 (b) The county board of elections or counting board chair or the chair's designee
27 shall provide each board member with a list of all voters who have returned a

1 mail-in absentee ballot by mail. If a list of all voters who have returned a mail-
2 in absentee ballot by mail is not provided to the board, the name of each voter
3 who cast an absentee ballot by mail shall be read aloud. The county board of
4 elections shall authorize representatives of the news media to observe the
5 processing and review of the ballots to determine their acceptance or rejection.

6 (c) Acceptance or rejection of the mail-in absentee ballots shall be determined as
7 follows:

8 1. The county board of elections or the central counting board shall open
9 the boxes containing absentee ballots returned by mail, hand delivered,
10 or deposited in a drop-box or receptacle, and remove the envelopes one
11 (1) at a time. All mail-in absentee ballots returned shall have their
12 barcode or unique label scanned to note official receipt;

13 2. As each envelope is removed, it shall be examined to ascertain whether
14 the outer envelope and the detachable flap are in proper order and have
15 been signed by the voter, except if:

16 a. The detachable flap and outer envelope for the voter have been
17 signed by a person having power of attorney for the voter, and that
18 person has completed the voter assistance form required by KRS
19 117.255; or

20 b. The voter has signed the detachable flap and outer envelope with
21 the use of a mark instead of the voter's signature, the county board
22 of elections or the central counting board shall verify that the mark
23 was made in the presence of two (2) witnesses;

24 3. Ballots with unsigned detachable flaps or outer envelopes shall be
25 rejected automatically;

26 4. Ballots that have not been sent by the county clerk to a qualified voter,
27 but are received by the county board of elections or the central counting

- 1 board shall be rejected automatically;
- 2 5. The members of the county board of elections, or the members of the
3 central counting board, shall compare the signatures on the outer
4 envelope and the detachable flap with the signature of the voter that
5 appears on the voter's signature of record, which record shall include the
6 signature on the voter's identity document as defined in KRS 186.010,
7 the voter's mail-in absentee ballot application, or the voter's registration
8 card. If a signature match cannot be made, the county board of elections,
9 central counting board, or the county clerk shall make a reasonable effort
10 to contact the voter and provide notice to the voter with a timeframe and
11 manner in which the voter may cure his or her signature relative to the
12 mail-in absentee ballot signature. All signature cures shall be completed
13 before the closing of the polls on the day of a primary or an election;
- 14 6. If the outer envelope and the detachable flap are found to be in order, the
15 members of the county board of elections or the members of the central
16 counting board shall verify the voter's name from the list of persons who
17 were sent mail-in absentee ballots, but if a list has not been provided to
18 the board, the name of the voter shall be read aloud;
- 19 7. If the vote of the voter is not rejected on a challenge as provided in
20 subparagraph 8. of this paragraph or as otherwise provided in this
21 subsection, the members of the county board of elections or the
22 members of the central counting board shall remove the detachable flap
23 and place the secrecy envelope unopened in a ballot box which has been
24 provided for the purpose;
- 25 8. When the name of a voter who cast a mail-in absentee ballot is
26 processed and reviewed by the members of the county board of elections
27 or the members of the central counting board, the vote of the voter may

1 be challenged by any board member or by the written challenge provided
2 in subsection (1) of this section and the challenge may be determined
3 and the vote accepted or rejected by the board as if the voter was present
4 and voting in person; but if the outer envelope and the detachable flap
5 are regular, and each substantially comply with the provisions of this
6 chapter, they shall be considered as showing that the voter is prima facie
7 entitled to vote. If the vote of a voter is rejected pursuant to the
8 challenge, the secrecy envelope shall not be opened, but returned to the
9 outer envelope upon which the chair or member shall write on the
10 envelope the word "rejected";

11 9. If irregularities are discovered in the review and processing of the mail-
12 in absentee ballot, the county board of elections or the central counting
13 board shall immediately report to the county attorney or the Office of the
14 Attorney General; and

15 10. The ballot box into which all accepted mail-in absentee ballots are
16 placed shall be locked with three (3) locks and the keys to the box shall
17 be retained by at least three (3) members of the central counting board, if
18 one (1) has been appointed, or by the members of the county board of
19 elections. The box shall remain locked until the ballots are counted.

20 (d) The State Board of Elections shall promulgate administrative regulations
21 under KRS Chapter 13A establishing the form of the notice required under
22 this subsection for the curing of signatures.

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

26 1. Review and process any mail-in absentee ballots returned using the
27 procedures in subsection (3) of this section; and

- 1 2. Count, or the county board of elections may oversee the count by the
2 central counting board, the accepted mail-in absentee ballots and total
3 and record the in-person absentee votes cast.
- 4 (b) During the review, processing, and counting of the absentee ballots and votes,
5 candidates or their representatives shall be permitted to be present, and the
6 county board of elections shall authorize representatives of the news media to
7 observe.
- 8 (c) No person shall publicize any tallies or counts of these ballots, or any partial
9 election results, until 7 p.m.~~[6 p.m.]~~ local time, on the day of a primary or an
10 election.
- 11 (5) After the challenges have been made and all the blank secrecy envelopes have been
12 placed in a ballot box, the box shall be thoroughly shaken or shuffled to redistribute
13 the absentee ballots in the box to ensure secrecy of the vote. The board shall open
14 the ballot box, remove the absentee ballots from the secrecy envelopes, and count
15 the ballots.
- 16 (6) The board shall unlock any voting equipment used to cast in-person absentee
17 ballots, as provided for in KRS 117.086, and a total of all in-person absentee ballots
18 shall be made and recorded on the form provided by the State Board of Elections.
- 19 (7) The county board of elections, the county clerk, and all individuals permitted to be
20 present for the counting of absentee ballots pursuant to subsection (4) of this section
21 shall not make public the absentee ballot results determined as provided in this
22 section until 7 p.m.~~[6 p.m.]~~ prevailing time on the day of a primary or an election.
- 23 ➔Section 8. KRS 117.225 is amended to read as follows:
- 24 (1) Any person desiring to vote on election day shall give his or her name and address
25 to the clerk of the election and shall provide proof of identification as defined in
26 KRS 117.001.
- 27 (2) A voter who votes in person at a precinct polling place that is located at a state-

1 licensed care facility where the voter resides is not required to provide proof of
2 identification, as defined in KRS 117.001, before voting in a primary or an election.

3 (3) If the voter's name is listed on the precinct list furnished by the State Board of
4 Elections as provided in KRS 117.025, the voter provides proof of identification,
5 the voter is exempt pursuant to subsection (2) of this section, or the voter otherwise
6 satisfies the requirements of KRS 117.228, and if no challenge is made, then he or
7 she shall sign his or her name on the precinct list in the space opposite his or her
8 printed name. The voter's signature shall constitute the voter's verification that the
9 voter is a properly registered and qualified voter. **If the person's name is not listed**
10 **on the precinct list furnished by the State Board of Elections, the precinct officer**
11 **shall offer the person the opportunity to register to vote as provided by Section 2**
12 **of this Act, and the voter shall indicate his or her party registration on the form.**

13 The voter shall then retire alone to cast his or her vote on the ballot provided. The
14 county board of elections may provide to each precinct the original registration form
15 of each voter entitled to vote in that precinct. These forms shall be used to compare
16 signatures in those precincts to which the forms are provided.

17 (4) If supplemental paper ballots are used, as provided in KRS 118.215, after voting
18 using the voting equipment, the voter shall take the supplemental paper ballot with
19 the stub intact and retire alone to the voting booth provided for voting paper ballots.
20 After voting the supplemental paper ballot, the voter shall remove the numbered
21 stub, hand the stub to an election officer and deposit the voted supplemental paper
22 ballot in the locked supplemental paper ballot box in the presence of a precinct
23 election officer.

24 ➔Section 9. KRS 117.365 is amended to read as follows:

25 Upon the first day a grand jury convenes after a primary, regular election, or special
26 election, the county clerk shall present to the grand jury all voter assistance forms, all
27 voter and election official affirmations, **all applications for voter registration that are**

1 **completed at the precinct,** and all applications for absentee ballots which shall have been
2 completed in the immediately preceding primary, regular election, or special election. The
3 county clerk may photocopy applications for absentee ballots, voter and election official
4 affirmations, **applications for voter registration that are completed at the precinct,** and
5 voter assistance forms, certify them as true copies of the originals, and present the grand
6 jury with those certified copies instead of the originals. The county clerk shall retain all
7 applications for absentee ballots, voter and election official affirmations, **all applications**
8 **for voter registration that are completed at the precinct,** and one (1) copy of each voter
9 assistance form as part of the records of the office and shall produce certified copies of
10 any or all of them, when required, to any subsequent grand jury.

11 ➔Section 10. KRS 118.035 is amended to read as follows:

12 (1) The polls shall be opened on the day of a primary, special election, or regular
13 election at 6 a.m., prevailing time, and shall remain open until each voter who is
14 waiting in line at the polls at **7 p.m.**~~[6 p.m.]~~, prevailing time, has voted. At **7 p.m.**~~[6~~
15 ~~p.m.]~~, prevailing time, if voters are waiting at the polls to vote, the precinct election
16 sheriff shall announce that a voter wishing to vote must immediately get in line.
17 When all voters waiting at the polls at that time are in line, the precinct election
18 sheriff shall then determine which voter is the last in line, and that voter shall be the
19 last voter permitted to vote. The precinct election sheriff shall wait in line with the
20 last voter who shall be permitted to vote until that voter has voted and shall inform
21 a voter who subsequently arrives at the polls that no one shall be permitted to vote
22 after the last voter in line at **7 p.m.**~~[6 p.m.]~~, prevailing time. After the last voter
23 waiting in line at **7 p.m.**~~[6 p.m.]~~, prevailing time, has voted, the polls shall then be
24 closed.

25 (2) As provided in Section 148 of the Constitution of Kentucky, any person entitled to a
26 vote at any election in this state shall, if he has made application for leave prior to
27 the day he appears before the county clerk to request an application for or to execute

1 an absentee ballot, be entitled to absent himself from any services or employment in
2 which he is then engaged or employed for a reasonable time, but not less than four
3 (4) hours on the day he appears before the clerk to request an application for or to
4 execute an absentee ballot, during normal business hours of the office of the clerk
5 or to cast his ballot on the day of the election between the time of opening and
6 closing the polls. The employer may specify the hours during which an employee
7 may absent himself.

8 (3) No person shall be penalized for taking a reasonable time off to vote, unless, under
9 circumstances which did not prohibit him from voting, he fails to vote. Any
10 qualified voter who exercises his right to voting leave under this section but fails to
11 cast his vote, under circumstances which did not prohibit him from voting, may be
12 subject to disciplinary action.

13 (4) Any person selected to serve as an election officer shall be entitled to absent himself
14 from any services or employment in which he is then engaged or employed for a
15 period of an entire day to attend training or to serve as an election officer. The
16 person shall not, because of so absenting himself, be liable to any penalty. The
17 employer may specify the hours during which the employee may absent himself. No
18 person shall refuse an employee the privilege hereby conferred, or discharge or
19 threaten to discharge an employee or subject an employee to a penalty, because of
20 the exercise of the privilege.