

1 AN ACT relating to elections.

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

3 ➔Section 1. KRS 117.001 is amended to read as follows:

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

- 5 (1) "Audit log" means a detailed record of all actions and events that have occurred on
6 the voting system, including:
- 7 (a) Log-in attempts with username and time stamp;
 - 8 (b) Election definition and setup;
 - 9 (c) Ballot preparation and results processing;
 - 10 (d) Diagnostics of any type; and
 - 11 (e) Error and warning messages and operator response;
- 12 (2) "Automatic tabulating equipment" means apparatus necessary to automatically
13 examine and count votes as designated on ballots and data processing machines
14 which can be used for counting ballots and tabulating results;
- 15 (3) "Ballot" or "official ballot" means the official presentation of offices and candidates
16 to be voted for, including write-in candidates, and all public questions submitted for
17 determination, and shall include a voting machine ballot, a paper ballot, an absentee
18 ballot, a federal provisional ballot, a federal provisional absentee ballot, or a
19 supplemental paper ballot which has been authorized for the use of voters in any
20 primary, regular election, or special election by the Secretary of State or the county
21 clerk;
- 22 (4) "Ballot box" means any box, bag, or other container that can be locked, sealed, or
23 otherwise rendered tamper-resistant, for receiving ballots;
- 24 (5) "Ballot marking device" means any approved device for marking a ballot which will
25 enable the ballot to be tabulated manually or by means of automatic tabulating
26 equipment;
- 27 (6) "Election" or "elections" means any primary, regular election, or special election;

1 **(7)** ***"Election officer" has the same meaning as in Section 2 of this Act;***

2 **(8)**~~[(7)]~~ "Federal provisional voter" means a person:

- 3 (a) Who does not appear to be registered to vote;
- 4 (b) Whose name does not appear on the precinct roster;
- 5 (c) Who has not provided proof of identification to the precinct election officer
- 6 before voting in a federal election; and
- 7 (d) Who elects to proceed with voting a federal provisional ballot under KRS
- 8 117.229;

9 **(9)**~~[(8)]~~ "Federal provisional ballot" or "federal provisional absentee ballot" means

10 ballots which have been authorized by the Secretary of State or the county clerk to

11 be used by federal provisional voters in any federal primary or election;

12 **(10)**~~[(9)]~~ "Inner envelope" or "secrecy envelope" means the envelope provided to the

13 voter with a ballot into which the voter shall place his or her voted ballot;

14 **(11)**~~[(10)]~~ "Political group" has the same meaning as in KRS 118.015;

15 **(12)**~~[(11)]~~ "Political organization" has the same meaning as in KRS 118.015;

16 **(13)**~~[(12)]~~ "Precinct ballot counter" means an automatic tabulating device used at the

17 precinct to tabulate and process ballots;

18 **(14)**~~[(13)]~~ "Proof of identification" means a document that was issued by:

19 (a) The United States or the Commonwealth of Kentucky, and the document

20 contains:

- 21 1. The name of the individual to whom the document was issued; and
- 22 2. A photograph of the individual to whom the document was issued;

23 (b) The United States Department of Defense, a branch of the uniformed services,

24 the Merchant Marine, or the Kentucky National Guard, and the document

25 contains:

- 26 1. The name of the individual to whom the document was issued; and
- 27 2. A photograph of the individual to whom the document was issued;

1 (c) A public or private college, university, or postgraduate technical or
2 professional school located within the United States, and the document
3 contains:

- 4 1. The name of the individual to whom the document was issued; and
- 5 2. A photograph of the individual to whom the document was issued; or

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

- 9 1. The name of the individual to whom the document was issued; and
- 10 2. A photograph of the individual to whom the document was issued;

11 (15)~~[(14)]~~ "Risk-limiting audit" means an audit protocol that makes use of statistical
12 principles and methods and is designed to limit to acceptable levels the risk of
13 certifying a preliminary election outcome that constitutes an incorrect outcome;

14 (16)~~[(15)]~~ "Voting booth" or "ballot completion area" means an area in which a voter
15 casts his or her vote or completes his or her ballot which is designed to ensure the
16 secrecy of the vote;

17 (17)~~[(16)]~~ "Vote center" means a consolidated precinct of the county;

18 (18)~~[(17)]~~ "Voting equipment" means any physical component of a voting system and
19 includes voting machines where voting machines are in operation;

20 (19)~~[(18)]~~ "Voting machine" or "machine" means a part of a voting system that consists
21 of:

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

- 23 1. Records votes by means of a ballot display provided with mechanical or
24 electro-operated components that may be actuated by the voter;
- 25 2. Processes the data by means of a computer program;
- 26 3. Records voting data and ballot images in internal and external memory
27 components; and

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

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

6 (20)~~[(19)]~~ "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, that
10 is used to:

- 11 1. Define ballots;
- 12 2. Cast and count votes;
- 13 3. Report or display election results; and
- 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, instructions,
22 forms, or paper ballots; and

23 (21)~~[(20)]~~ "Voter-verified paper audit trail" means a contemporaneous paper record of a
24 ballot printed for the voter to confirm his or her votes before the voter casts his or
25 her ballot that:

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

- 1 (b) Is not retained by the voter;
- 2 (c) Does not contain individual voter information;
- 3 (d) Is produced on paper that is sturdy, clean, and resistant to degradation; and
- 4 (e) Is readable in a manner that makes the voter's ballot choices obvious to the
- 5 voter or any person without the use of computer or electronic code.

6 ➔Section 2. KRS 118.015 is amended to read as follows:

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

- 8 (1) A "political party" is an affiliation or organization of electors representing a
- 9 political policy and having a constituted authority for its government and regulation,
- 10 and whose candidate received at least twenty percent (20%) of the total vote cast at
- 11 the last preceding election at which presidential electors were voted for;
- 12 (2) The word "election" used in reference to a state, district, county, or city election,
- 13 includes the decisions of questions submitted to the qualified voters as well as the
- 14 choice of officers by them;
- 15 (3) A "ballot" or "official ballot" means the official presentation of offices and
- 16 candidates to be voted for, including write-in candidates, and all public questions
- 17 submitted for determination, and shall include a voting machine ballot, a paper
- 18 ballot, an absentee ballot, a federal provisional ballot, a federal provisional absentee
- 19 ballot, or a supplemental paper ballot which has been authorized for the use of the
- 20 voters in any primary, regular election, or special election by the Secretary of State
- 21 or the county clerk;
- 22 (4) "Ballot box" means any box, bag, or other container that can be locked, sealed, or
- 23 otherwise rendered tamper-resistant, for receiving ballots;
- 24 (5) "Voting equipment" means any physical component of a voting system and includes
- 25 voting machines where voting machines are in operation;
- 26 (6) "Voting machine" or "machine" means a part of a voting system that consists of:
- 27 (a) A direct recording electronic voting machine that:

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

- 1 (8) The word "resident" used in reference to a candidate in a state, district, county, or
 2 city election shall mean actual resident, without regard to the residence of the
 3 spouse of the candidate;
- 4 (9) "Political organization" means a political group not constituting a political party
 5 within the meaning of subsection (1) of this section but whose candidate received
 6 two percent (2%) or more of the vote of the state at the last preceding election for
 7 presidential electors;~~and~~
- 8 (10) "Political group" means a political group not constituting a political party or a
 9 political organization within the meaning of subsections (1) and (9) of this section;
 10 and
- 11 **(11) "Election officer" means any person tasked with election administration within**
 12 **this state, including, but not limited to, the Secretary of State and his or her**
 13 **employees, members of the State Board of Elections and staff, members of county**
 14 **boards of elections and staff, county clerks and staff, precinct election officers,**
 15 **election officials, and poll workers.**

16 ➔Section 3. KRS 119.005 is amended to read as follows:

17 As used in this chapter:

- 18 (1) A "ballot" or "official ballot" means the official presentation of offices and
 19 candidates to be voted for, including write-in candidates, and all public questions
 20 submitted for determination, and shall include a voting machine ballot, a paper
 21 ballot, an absentee ballot, a special ballot, a federal provisional ballot, a federal
 22 provisional absentee ballot, or a supplemental paper ballot which has been
 23 authorized for the use of the voters in any primary or regular or special election by
 24 the Secretary of State or the county clerk;
- 25 (2) "Ballot box" means any box, bag, or other container that can be locked, sealed, or
 26 otherwise rendered tamper-resistant, for receiving ballots;
- 27 **(3) "Election officer" has the same meaning as in Section 2 of this Act;**

1 ~~(4)~~~~(3)~~ "Voting equipment" means any physical component of a voting system and
2 includes voting machines where voting machines are in operation;

3 ~~(5)~~~~(4)~~ "Voting machine" or "machine" means a part of a voting system that consists
4 of:

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

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

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

16 ~~(6)~~~~(5)~~ "Voting system" means:

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

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

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

- 26 1. Identify system components and versions of those components;
- 27 2. Test the system during its development and maintenance;

- 1 3. Maintain records of system errors and defects;
- 2 4. Determine specific system changes to be made to a system after the
- 3 initial qualification of the system; and
- 4 5. Make available any materials to the voter, such as notices, instructions,
- 5 forms, or paper ballots.