

1 AN ACT relating to elections.

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

3 ➔Section 1. KRS 117.087 is amended to read as follows:

- 4 (1) The challenge of a mail-in absentee ballot shall be in writing and in the hands of the  
5 county clerk before 8 a.m. on the day preceding any primary, regular election, or  
6 special election day.
- 7 (2) The county board of elections may appoint a central ballot counting board of not  
8 less than three (3) members, who shall be qualified voters and no more than two-  
9 thirds (2/3) of whom shall be members of the same political party, to process,  
10 review, and count the ballots at the direction of the county board of elections.
- 11 (3) (a) Beginning at 8 a.m. on any primary, regular election, or special election day,  
12 the county board of elections or central counting board shall meet at the  
13 county clerk's office to process and review the mail-in absentee ballots  
14 returned. Candidates or their representatives shall be permitted to be present.  
15 The county board of elections or central counting board may meet up to  
16 fourteen (14) days prior to the day of a primary or election to review and  
17 process the mail-in absentee ballots cast in the county. No person shall  
18 publicize any tallies or counts of these ballots, or any partial election results,  
19 until 7 p.m.~~[6 p.m.]~~ local time, on the day of a primary or an election. The  
20 county board of elections or central counting board shall meet as often as  
21 necessary during these fourteen (14) days to process and review returned mail-  
22 in absentee ballots, including expediting any signature cures.
- 23 (b) The county board of elections or counting board chair or the chair's designee  
24 shall provide each board member with a list of all voters who have returned a  
25 mail-in absentee ballot by mail. If a list of all voters who have returned a mail-  
26 in absentee ballot by mail is not provided to the board, the name of each voter  
27 who cast an absentee ballot by mail shall be read aloud. The county board of

1 elections shall authorize representatives of the news media to observe the  
2 processing and review of the ballots to determine their acceptance or rejection.

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

- 5 1. The county board of elections or the central counting board shall open  
6 the boxes containing absentee ballots returned by mail, hand delivered,  
7 or deposited in a drop-box or receptacle, and remove the envelopes one  
8 (1) at a time. All mail-in absentee ballots returned shall have their  
9 barcode or unique label scanned to note official receipt;
- 10 2. As each envelope is removed, it shall be examined to ascertain whether  
11 the outer envelope and the detachable flap are in proper order and have  
12 been signed by the voter, except if:
  - 13 a. The detachable flap and outer envelope for the voter have been  
14 signed by a person having power of attorney for the voter, and that  
15 person has completed the voter assistance form required by KRS  
16 117.255; or
  - 17 b. The voter has signed the detachable flap and outer envelope with  
18 the use of a mark instead of the voter's signature, the county board  
19 of elections or the central counting board shall verify that the mark  
20 was made in the presence of two (2) witnesses;
- 21 3. Ballots with unsigned detachable flaps or outer envelopes shall be  
22 rejected automatically;
- 23 4. Ballots that have not been sent by the county clerk to a qualified voter,  
24 but are received by the county board of elections or the central counting  
25 board shall be rejected automatically;
- 26 5. The members of the county board of elections, or the members of the  
27 central counting board, shall compare the signatures on the outer

1 envelope and the detachable flap with the signature of the voter that  
2 appears on the voter's signature of record, which record shall include the  
3 signature on the voter's identity document as defined in KRS 186.010,  
4 the voter's mail-in absentee ballot application, or the voter's registration  
5 card. If a signature match cannot be made, the county board of elections,  
6 central counting board, or the county clerk shall make a reasonable effort  
7 to contact the voter and provide notice to the voter with a timeframe and  
8 manner in which the voter may cure his or her signature relative to the  
9 mail-in absentee ballot signature. All signature cures shall be completed  
10 before the closing of the polls on the day of a primary or an election;

11 6. If the outer envelope and the detachable flap are found to be in order, the  
12 members of the county board of elections or the members of the central  
13 counting board shall verify the voter's name from the list of persons who  
14 were sent mail-in absentee ballots, but if a list has not been provided to  
15 the board, the name of the voter shall be read aloud;

16 7. If the vote of the voter is not rejected on a challenge as provided in  
17 subparagraph 8. of this paragraph or as otherwise provided in this  
18 subsection, the members of the county board of elections or the  
19 members of the central counting board shall remove the detachable flap  
20 and place the secrecy envelope unopened in a ballot box which has been  
21 provided for the purpose;

22 8. When the name of a voter who cast a mail-in absentee ballot is  
23 processed and reviewed by the members of the county board of elections  
24 or the members of the central counting board, the vote of the voter may  
25 be challenged by any board member or by the written challenge provided  
26 in subsection (1) of this section and the challenge may be determined  
27 and the vote accepted or rejected by the board as if the voter was present

1 and voting in person; but if the outer envelope and the detachable flap  
 2 are regular, and each substantially comply with the provisions of this  
 3 chapter, they shall be considered as showing that the voter is prima facie  
 4 entitled to vote. If the vote of a voter is rejected pursuant to the  
 5 challenge, the secrecy envelope shall not be opened, but returned to the  
 6 outer envelope upon which the chair or member shall write on the  
 7 envelope the word "rejected";

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

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

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

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

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

25 2. Count, or the county board of elections may oversee the count by the  
 26 central counting board, the accepted mail-in absentee ballots and total  
 27 and record the in-person absentee votes cast.

1 (b) During the review, processing, and counting of the absentee ballots and votes,  
2 candidates or their representatives shall be permitted to be present, and the  
3 county board of elections shall authorize representatives of the news media to  
4 observe.

5 (c) No person shall publicize any tallies or counts of these ballots, or any partial  
6 election results, until 7 p.m.~~[6 p.m.]~~ local time, on the day of a primary or an  
7 election.

8 (5) After the challenges have been made and all the blank secrecy envelopes have been  
9 placed in a ballot box, the box shall be thoroughly shaken or shuffled to redistribute  
10 the absentee ballots in the box to ensure secrecy of the vote. The board shall open  
11 the ballot box, remove the absentee ballots from the secrecy envelopes, and count  
12 the ballots.

13 (6) The board shall unlock any voting equipment used to cast in-person absentee  
14 ballots, as provided for in KRS 117.086, and a total of all in-person absentee ballots  
15 shall be made and recorded on the form provided by the State Board of Elections.

16 (7) The county board of elections, the county clerk, and all individuals permitted to be  
17 present for the counting of absentee ballots pursuant to subsection (4) of this section  
18 shall not make public the absentee ballot results determined as provided in this  
19 section until 7 p.m.~~[6 p.m.]~~ prevailing time on the day of a primary or an election.

20 ➔Section 2. KRS 118.035 is amended to read as follows:

21 (1) The polls shall be opened on the day of a primary, special election, or regular  
22 election at 6 a.m., prevailing time, and shall remain open until each voter who is  
23 waiting in line at the polls at 7 p.m.~~[6 p.m.]~~, prevailing time, has voted. At 7 p.m.~~[6~~  
24 ~~p.m.]~~, prevailing time, if voters are waiting at the polls to vote, the precinct election  
25 sheriff shall announce that a voter wishing to vote must immediately get in line.  
26 When all voters waiting at the polls at that time are in line, the precinct election  
27 sheriff shall then determine which voter is the last in line, and that voter shall be the

1 last voter permitted to vote. The precinct election sheriff shall wait in line with the  
2 last voter who shall be permitted to vote until that voter has voted and shall inform  
3 a voter who subsequently arrives at the polls that no one shall be permitted to vote  
4 after the last voter in line at 7 p.m.~~[6 p.m.]~~, prevailing time. After the last voter  
5 waiting in line at 7 p.m.~~[6 p.m.]~~, prevailing time, has voted, the polls shall then be  
6 closed.

7 (2) As provided in Section 148 of the Constitution of Kentucky, any person entitled to a  
8 vote at any election in this state shall, if he has made application for leave prior to  
9 the day he appears before the county clerk to request an application for or to execute  
10 an absentee ballot, be entitled to absent himself from any services or employment in  
11 which he is then engaged or employed for a reasonable time, but not less than four  
12 (4) hours on the day he appears before the clerk to request an application for or to  
13 execute an absentee ballot, during normal business hours of the office of the clerk  
14 or to cast his ballot on the day of the election between the time of opening and  
15 closing the polls. The employer may specify the hours during which an employee  
16 may absent himself.

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

22 (4) Any person selected to serve as an election officer shall be entitled to absent himself  
23 from any services or employment in which he is then engaged or employed for a  
24 period of an entire day to attend training or to serve as an election officer. The  
25 person shall not, because of so absenting himself, be liable to any penalty. The  
26 employer may specify the hours during which the employee may absent himself. No  
27 person shall refuse an employee the privilege hereby conferred, or discharge or

1           threaten to discharge an employee or subject an employee to a penalty, because of  
2           the exercise of the privilege.