

1 AN ACT relating to elections.

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

3 ➔Section 1. KRS 15.243 is amended to read as follows:

- 4 (1) In addition to the other duties and powers of the Attorney General, he ***or she*** shall
5 enforce all of the state's election laws by civil or criminal processes.
- 6 (2) The Attorney General shall:
- 7 (a) Devise and administer programs to observe the conduct of elections;
- 8 (b) Hold public hearings;
- 9 (c) Establish a toll-free telephone service for the purpose of receiving reports of
10 election law violations. The service shall be operated during regular business
11 hours throughout the year and during the hours which any poll in the state is
12 open on the day of any primary, special election, or regular election;
- 13 (d) Initiate investigations or investigate alleged violations of election laws at the
14 request of a registered voter or on his ***or her*** own motion;
- 15 (e) Issue subpoenas for the production of any books, papers, correspondence,
16 memoranda or other records, and compel the attendance of witnesses that he
17 ***or she*** deems relevant to the purposes of any investigation;
- 18 (f) Present evidence of alleged violations to a grand jury; and
- 19 (g) File appropriate complaints in any court of competent jurisdiction.
- 20 (3) (a) The Attorney General shall be required to begin an independent inquiry for
21 any potential irregularities that may have occurred in each election in not
22 fewer than ***twelve (12)***~~five percent (5%)~~ of Kentucky's counties, to be
23 selected at random in a public process, within twenty (20) days following each
24 primary or regular election. No county shall be subject to inquiry under this
25 subsection in two (2) consecutive elections.
- 26 (b) The Attorney General shall report his ***or her*** findings to the grand jury of each
27 county involved and to the chief circuit judge for the circuit in which the

1 county is located.

2 (4) When the Registry of Election Finance concludes there is probable cause to believe
3 a violation of election laws has occurred, it shall forward the matter to the Attorney
4 General for prosecution. In the event the Attorney General or local prosecutor fails
5 to prosecute the matter in a timely fashion, the registry's attorney may petition the
6 Circuit Court to be appointed as a special prosecutor. Upon such motion timely
7 filed, for good cause shown, the court shall enter an order to that effect.

8 (5) When requested by the Attorney General, all state and local agencies and officials,
9 including the Auditor of Public Accounts, Commonwealth's attorneys, county
10 attorneys, Registry of Election Finance, Department of Kentucky State Police,
11 sheriffs' departments and local police shall give all possible assistance to the
12 Attorney General in the performance of his or her duties.

13 ➔Section 2. KRS 117.228 is amended to read as follows:

14 (1) Except as provided in subsection (4) of this section, on the day of a primary, an
15 election, or during in-person absentee voting, if a voter is unable to provide proof of
16 identification as required under KRS 117.225, and as defined under KRS 117.001, a
17 voter may cast a ballot if the individual:

18 (a) Is eligible to vote under KRS 116.025;

19 (b) Is entitled to vote in that precinct; and

20 (c) In the presence of the election officer, executes a voter's affirmation, on a
21 form prescribed and furnished by the State Board of Elections pursuant to
22 administrative regulations promulgated under KRS Chapter 13A, affirming:

23 1. The voter is a citizen of the United States;

24 2. The voter's date of birth to the best of the voter's knowledge and belief;

25 3. The voter is qualified to vote in this precinct under KRS 116.025;

26 4. The voter's name, and that the voter is generally known by that name, or
27 the name is as stated on his or her voter registration card;

- 1 5. The voter has not voted and will not vote in any other precinct;
- 2 6. The voter's current residential address, including the street address
- 3 number and, if different from the voter's current address, the voter's
- 4 residential address prior to the close of the registration books under KRS
- 5 116.045, and the date the voter moved;
- 6 7. The voter understands that making a false statement on the affirmation is
- 7 punishable under penalties of perjury; and
- 8 8. The voter has one (1) of the following impediments to procure proof of
- 9 identification as defined in KRS 117.001:
- 10 a. Lack of transportation;
- 11 b. Inability to obtain his or her birth certificate or other documents
- 12 needed to show proof of identification;
- 13 c. Work schedule;
- 14 d. Lost or stolen identification;
- 15 e. Disability or illness;
- 16 f. Family responsibilities;
- 17 g. The proof of identification has been applied for, but not yet
- 18 received; or
- 19 h. The voter has a religious objection to being photographed.
- 20 (2) In addition to the requirements of subsection (1) of this section, to cast a ballot, the
- 21 voter who is unable to provide proof of identification shall provide to an election
- 22 officer:
- 23 (a) The voter's Social Security Card;
- 24 (b) Any identification card issued by a county in this state which has the name of
- 25 the voter stated and has been approved in writing by the State Board of
- 26 Elections pursuant to administrative regulations promulgated under KRS
- 27 Chapter 13A;

1 (c) Any identification card with the voter's photograph and the name of the voter
2 stated; or

3 (d) Any food stamp identification card, electronic benefit transfer card, or
4 supplemental nutrition assistance card, that is issued by this state and has the
5 name of the voter stated; ~~or~~

6 ~~(e) A credit or debit card with the name of the voter stated].~~

7 (3) After the election officer obtains the affirmation from the voter required by
8 subsection (1) of this section, and after the voter provides the documents under
9 subsection (2) of this section, the voter shall sign the precinct signature roster and
10 shall proceed to cast his or her vote in a ballot completion area.

11 (4) If the voter is personally known to the election officer, the election officer may
12 execute an election officer affirmation, on a form prescribed and furnished by the
13 State Board of Elections pursuant to administrative regulations promulgated under
14 KRS Chapter 13A, affirming the voter's identification as being personally known to
15 him or her. Once the affirmation is executed by the election officer, the voter shall
16 sign the precinct signature roster and shall proceed to cast his or her vote in a ballot
17 completion area. For purposes of this subsection, "personally known" means that
18 the election officer knows the voter's name and that the voter is a resident of the
19 community.

20 (5) The voter affirmation and the election officer affirmations executed under this
21 section shall be processed in the same manner as an oath of voter affidavit as
22 prescribed by KRS 117.245(3) and (4).

23 ➔Section 3. KRS 117.125 is amended to read as follows:

24 ~~[Except for voting equipment that has been certified and in use on or before June 29,~~
25 ~~2021,]No voting system shall be approved for use after January 1, 2024~~[June 29, 2021],~~~~

26 by the State Board of Elections, either upon initial examination or reexamination, unless
27 the system has been certified under KRS 117.379 and is so constructed that it shall:

- 1 (1) Ensure secrecy to the voter in the act of voting so that no person can see or know for
2 whom any other voter has voted or is voting, except for those voters requiring
3 assistance under KRS 117.255;
- 4 (2) Permit votes to be cast for any candidate entitled to have his or her name printed
5 upon the ballots at any primary, regular election, or special election, and for or
6 against any public question entitled to be placed upon the ballots;
- 7 (3) Except at a primary, permit a voter to vote for all the candidates of one (1) party or
8 for one (1) or more candidates of every party having candidates entitled to be voted
9 for, or for one (1) or more independent, political organization, or political group
10 candidates;
- 11 (4) Permit a voter to vote for as many persons for an office as the voter is lawfully
12 entitled to vote for, and no more;
- 13 (5) Prevent a voter from voting for more persons for any office than the voter is entitled
14 to vote for, and from voting for the same person, or for or against the same
15 question, more than once;
- 16 (6) Permit a voter to vote for or against any question the voter may have the right to
17 vote on, but no other;
- 18 (7) Provide for a nonpartisan ballot;
- 19 (8) Be capable of being adjusted for use in a primary so that a voter may not vote for
20 any person except those seeking nomination as candidates of the voter's party, as
21 candidates for a nonpartisan office, or as candidates for an office of the Court of
22 Justice;
- 23 (9) Permit each voter to vote for all the candidates for presidential electors of any party
24 by one (1) operation;
- 25 (10) Permit each voter to vote, in any regular or special election, for any person for
26 whom the voter desires to vote whose name does not appear upon the ballot by
27 providing a method of write-in voting;

- 1 (11) Be safe, efficient, and accurate in the conduct of elections, and correctly register and
2 accurately count all votes cast for each person, and for or against each public
3 question;
- 4 (12) (a) Provide each voter an opportunity to verify votes recorded on the permanent
5 paper ballot, either visually or using assistive voting technology, by producing
6 a voter-verified paper audit trail;
- 7 (b) Provide each voter an opportunity to change votes or correct any error before
8 the voter's ballot is cast and counted; and
- 9 (c) Provide a voter who spoils his or her ballot another ballot as provided under
10 this chapter;
- 11 (13) Use an individual, discrete, permanent, paper ballot cast by the voter for tabulating
12 purposes;
- 13 (14) Preserve the paper ballot as an official record available for use in any audit or
14 recount;
- 15 (15) Be suitably designed for the purpose used, constructed of a durable material, and
16 safely transportable;
- 17 (16) Be capable of determining whether the voting equipment has been unlocked and
18 operated or adjusted in any manner after once being locked;
- 19 (17) Have a public counter with a register which is visible from the outside of the
20 counter or device that will show at all times during an election how many persons
21 have voted;
- 22 (18) Have a protective cumulative counter indicating the number of votes cast for each
23 person, and the votes cast for or against each public question which cannot be seen,
24 reset, or tampered with without unlocking a covering device by a key or other
25 security apparatus that cannot unlock any other part of the equipment, and which
26 prevents changes to the cumulative counter once the system has been put into
27 operation on the day of any election;

- 1 (19) Provide for the tabulating of votes at the precinct as required under KRS 117.275;
- 2 (20) Provide locks or other security apparatus by which the operation of the voting
3 equipment may be locked before the time for opening the polls and after the time
4 for closing the polls;
- 5 (21) Permit a voter to readily learn the method of operating it, to expeditiously cast a
6 vote for all candidates and on all questions of the voter's choice, and when operated
7 properly, register and record correctly and accurately every vote cast;
- 8 (22) Bear a number or other unique designation that will distinguish it from any other
9 voting equipment or voting system;
- 10 (23) Produce a real-time audit log record for the voting system, and produce a paper
11 record with a manual audit capacity which shall be available as an official record for
12 any recount conducted related to any primary or election in which the system is
13 used;
- 14 (24) Be accessible for individuals with impairments, including nonvisual accessibility
15 for the blind or visually impaired, in a manner that provides the same opportunity
16 for access and participation, including privacy and independence, as for other
17 voters;
- 18 (25) **Prohibit voting equipment that tabulates or aggregates votes used in official**
19 **results from connecting to any network, including the Internet, or**
20 **communicating with any device external to the voting system;**
- 21 **(26)** Meet or exceed the standards for a voting system established by the Election
22 Assistance Commission, as amended from time to time, and those approved under
23 KRS 117.379; and
- 24 **(27)**~~(26)~~ Meet such other requirements as may be established by the State Board of
25 Elections in administrative regulations promulgated under KRS Chapter 13A to
26 reflect changes in technology to ensure the integrity and security of voting systems.
- 27 ➔Section 4. KRS 117.135 is amended to read as follows:

- 1 When voting equipment is acquired by any county, the voting equipment shall:
- 2 **(1)** Be immediately placed in the custody of the county clerk;
- 3 **(2)** ~~[- and shall -]~~ Remain in ***the county clerk's***~~[his or her]~~ custody at all times except
- 4 when in use ***during in-person absentee voting,***~~[at]~~ an election, or when in the
- 5 custody of a court or court officer during contest proceedings;
- 6 **(3)** ~~[- The clerk shall see that the voting equipment is -]~~ **Be** properly protected and
- 7 preserved ***by the county clerk*** from damage or unnecessary deterioration;
- 8 **(4)** ***Be protected by the county clerk from***~~[- and shall not permit]~~ any unauthorized
- 9 ***tampering***~~[person to tamper]~~ with the voting equipment; ***and***
- 10 **(5)** ***Be secured and locked by the county clerk.***

11 ➔Section 5. KRS 117.295 is amended to read as follows:

- 12 (1) For a period of~~[- ten (10) days following any primary, and for a period of]~~ thirty (30)
- 13 days following any~~[- regular or special]~~ election, the voting equipment shall remain
- 14 locked against voting,~~[- and]~~ the ballot boxes containing all paper ballots shall
- 15 remain locked, ***and the voting equipment and ballot boxes shall be under video***
- 16 ***surveillance.***~~[except that]~~ The voting equipment and the ballot boxes may be
- 17 opened and all the data and figures therein examined:
- 18 (a) Upon the order of any court of competent jurisdiction, or judge thereof;
- 19 (b) By direction of any legislative committee or board authorized and empowered
- 20 to investigate and report upon contested elections;
- 21 (c) By a county board of elections under the direction of the State Board of
- 22 Elections pursuant to a risk-limiting audit; or
- 23 (d) As required to conduct a recount under KRS 120.157.

24 All the data and figures shall be examined by the court, judge, county board of

25 elections, State Board of Elections, or committee in the presence of the officer

26 having the custody of the voting equipment, ballots, and ballot boxes. In the event

27 of a contest of election, the court in which the contest is pending or the committee

1 before which the contest is being heard may, upon motion of any party to the
2 contest, issue an order requiring that the voting equipment, ballots, and ballot boxes
3 shall remain continuously locked for further time as may be reasonable or
4 necessary, with due regard for the preparation of the voting equipment for a
5 succeeding primary, regular election, or special election, but in no event shall the
6 order compel that the voting equipment remain locked to a time within thirty (30)
7 days next preceding any approaching primary, regular election, or special election.
8 (2) During the period when the voting equipment and the ballot boxes are required to
9 be kept locked, the keys thereto shall remain in the possession of the county board
10 of elections. After that period, it shall be the duty of the county board of elections to
11 return the keys to the custody of the county clerk.