

1 AN ACT relating to elections.

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

3 ➔Section 1. 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 2. KRS 117.066 is amended to read as follows:

7 (1) The county board of elections may, pursuant to KRS 117.055 and subsection (3) of
8 this section, designate a single voting location for more than one (1) precinct if the
9 voting location is equipped with voting equipment capable of providing or
10 accepting separate ballots without endangering the integrity of the ballots or without
11 violating any other election law.

12 (2) If a single voting location for more than one (1) precinct is approved under
13 subsection (3) of this section, the primary or election shall be conducted as follows:

14 (a) One (1) voting equipment may be used for more than one (1) precinct if
15 ballots are tabulated for each separate precinct, and if separate ballots may be
16 placed upon any voting equipment to be used without endangering the
17 integrity of the ballots or without violating any other election law. Otherwise,
18 separate voting equipment shall be used for each precinct. In the instance of a
19 precinct which has a small number of voters such that the use of separate
20 voting equipment would be cost-prohibitive, the county clerk may make
21 application to the State Board of Elections to use supplemental paper ballots
22 under KRS 118.215 to conduct the voting for the small precinct on any
23 primary or election day. If the use of supplemental paper ballots is approved
24 by the State Board of Elections, at the close of voting on any primary or
25 election day, the locked supplemental paper ballot box shall be transported to
26 the county board of elections along with the federal provisional ballot
27 receptacle, and ballots shall be counted by the county board of elections as

- 1 provided by KRS 117.275(10) to (14);
- 2 (b) Separate precinct voter rosters shall be maintained for each precinct, and steps
3 shall be taken to ensure that voters cast their ballot in their duly authorized
4 precinct; and
- 5 (c) A separate set of election forms and reports required by this chapter and the
6 State Board of Elections shall be maintained for each precinct.
- 7 (3) The county board of elections may petition the State Board of Elections to allow the
8 consolidation of precincts and the consolidation of precinct election officers at any
9 voting location where voters of more than one (1) precinct vote. The petition shall
10 be on a form prescribed by the State Board of Elections in administrative
11 regulations promulgated under KRS Chapter 13A and shall include:
- 12 (a) A list of all precincts designated to vote at the voting location;
- 13 (b) The address and type of facility of the voting location;
- 14 (c) The number and type of voting systems or voting equipment to be used at the
15 voting location;
- 16 (d) The number of registered voters in each precinct designated to vote at the
17 voting location;
- 18 (e) An explanation of the reasons why the consolidation is desirable;
- 19 (f) The plan for additional precinct officers at the voting location, the manner in
20 which they will be assigned, and whether the voting location will be fully
21 staffed with election officials;
- 22 (g) The plan for how the county clerk will publicize the location for where the
23 voting shall occur, in addition to how each location shall be noted
24 conspicuously to residents of the county as a "Vote Center"; and
- 25 (h) The plan for how the voting location will serve as a focal point to meet the
26 needs of a diverse community.
- 27 (4) **The county board of elections shall ensure that at least one (1) vote center is**

1 *petitioned for and used in each county, in accordance with subsection (3) of this*
2 *section.*

3 (5) If the petition submitted under subsection (3) of this section is approved by the State
4 Board of Elections, the precinct election officers designated to serve as election
5 officers for more than one (1) precinct shall meet the eligibility requirements of
6 KRS 117.045.