

1 AN ACT relating to elections and declaring an emergency.

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) of Kentucky's counties.~~[,]~~ **Six (6) of the counties**
23 **shall**~~to~~ be selected at random in a public process, **and six (6) shall be the**
24 **counties with the highest rate of irregularities as determined by the Attorney**
25 **General. The counties shall be selected** within twenty (20) days following
26 each primary or regular election.~~[No county shall be subject to inquiry under~~
27 ~~this subsection in two (2) consecutive elections.]~~

1 (b) *The Attorney General shall promulgate administrative regulations in*
 2 *accordance with KRS Chapter 13A to establish a uniform procedure for his*
 3 *or her agents to follow when conducting the independent inquiries. The*
 4 *administrative regulations shall also designate the data and forms that shall*
 5 *be requested from each county that is chosen.*

6 (c) The Attorney General shall report his or her findings to the grand jury of each
 7 county involved, ~~and to~~ the chief circuit judge for the circuit in which the
 8 county is located, *and the appropriate county clerk.*

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

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

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

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

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

- 1 (a) One (1) voting equipment may be used for more than one (1) precinct if
2 ballots are tabulated for each separate precinct, and if separate ballots may be
3 placed upon any voting equipment to be used without endangering the
4 integrity of the ballots or without violating any other election law. Otherwise,
5 separate voting equipment shall be used for each precinct. In the instance of a
6 precinct which has a small number of voters such that the use of separate
7 voting equipment would be cost-prohibitive, the county clerk may make
8 application to the State Board of Elections to use supplemental paper ballots
9 under KRS 118.215 to conduct the voting for the small precinct on any
10 primary or election day. If the use of supplemental paper ballots is approved
11 by the State Board of Elections, at the close of voting on any primary or
12 election day, the locked supplemental paper ballot box shall be transported to
13 the county board of elections along with the federal provisional ballot
14 receptacle, and ballots shall be counted by the county board of elections as
15 provided by KRS 117.275(10) to (16);
- 16 (b) Separate precinct voter rosters shall be maintained for each precinct, and steps
17 shall be taken to ensure that voters cast their ballot in their duly authorized
18 precinct; and
- 19 (c) A separate set of election forms and reports required by this chapter and the
20 State Board of Elections shall be maintained for each precinct.
- 21 (3) The county board of elections may petition the State Board of Elections to allow the
22 consolidation of precincts and the consolidation of precinct election officers at any
23 voting location where voters of more than one (1) precinct vote. The petition shall
24 be on a form prescribed by the State Board of Elections in administrative
25 regulations promulgated under KRS Chapter 13A and shall include:
- 26 (a) A list of all precincts designated to vote at the voting location;
27 (b) The address and type of facility of the voting location;

- 1 (c) The number and type of voting systems or voting equipment to be used at the
2 voting location;
- 3 (d) The number of registered voters in each precinct designated to vote at the
4 voting location;
- 5 (e) An explanation of the reasons why the consolidation is desirable;
- 6 (f) The plan for additional precinct officers at the voting location, the manner in
7 which they will be assigned, and whether the voting location will be fully
8 staffed with election officials;
- 9 (g) The plan for how the county clerk will publicize the location for where the
10 voting shall occur, in addition to how each location shall be noted
11 conspicuously to residents of the county as a "Vote Center";~~and~~
- 12 (h) The plan for how the voting location will serve as a focal point to meet the
13 needs of a diverse community; ***and***
- 14 ***(i) The number of parking spaces available at the location and a determination***
15 ***as to whether the location has sufficient parking spaces to accommodate the***
16 ***number of voters who are assigned to vote at that location.***
- 17 (4) If the petition submitted under subsection (3) of this section is approved by the
18 State Board of Elections, the precinct election officers designated to serve as
19 election officers for more than one (1) precinct shall meet the eligibility
20 requirements of KRS 117.045.
- 21 ➔Section 3. KRS 117.235 is amended to read as follows:
- 22 (1) No person, other than the election officers, challengers, person assisting voters in
23 accordance with KRS 117.255(3), and a minor child in the company of a voter,
24 shall be permitted within the voting room while the vote is being polled, except as
25 follows:
- 26 (a) For the purpose of voting;
- 27 (b) By authority of the election officers to keep order and enforce the law;

- 1 (c) With the express approval of the county board of elections to repair or replace
2 voting equipment that is malfunctioning, and to provide additional voting
3 equipment; or
- 4 (d) At the voter's discretion, a minor child in the company of a voter may
5 accompany the voter into a voting booth or other private area provided for
6 casting a vote.
- 7 (2) No officer of election shall do any electioneering on election day **or any of the days**
8 **that in-person absentee voting is conducted.**
- 9 (3) (a) No person shall electioneer at ~~any~~^{the} polling place on the day of any
10 election, as established in KRS 118.025, **or on any of the days that in-person**
11 **absentee voting is conducted.** or within a distance of one hundred (100) feet
12 of any entrance to a building in which voting is conducted if that entrance is
13 unlocked and is used by voters on any primary or election day, **or on any of**
14 **the days that in-person absentee voting is conducted.**
- 15 (b) No person shall electioneer within the interior of a building or affix any
16 electioneering materials to the exterior or interior of a building where the
17 county clerk's office is located, or any building designated by the county
18 board of elections and approved by the State Board of Elections for in-person
19 absentee voting, during the hours in-person absentee voting is being
20 conducted in the building.
- 21 (c) No person shall electioneer within one hundred (100) feet of a mail-in
22 absentee drop-box or drop-receptacle.
- 23 (d) **No person shall electioneer at any place where training for election officers**
24 **is being conducted.**
- 25 (e) Electioneering shall include the displaying of signs, the distribution of
26 campaign literature, cards, or handbills, the soliciting of signatures to any
27 petition, or the solicitation of votes for or against any bona fide candidate or

1 ballot question in a manner which expressly advocates the election or defeat
2 of the candidate or expressly advocates the passage or defeat of the ballot
3 question, but shall not include exit polling, bumper stickers affixed to a
4 person's vehicle while parked within or passing through a distance of one
5 hundred (100) feet of any entrance to a building in which voting is conducted,
6 private property as provided in subsection (7) of this section, or other
7 exceptions established by the State Board of Elections through the
8 promulgation of administrative regulations under KRS Chapter 13A.

9 (4) No voter shall be permitted to converse with others while in any room in which
10 voting, including in-person absentee voting, is conducted concerning their support
11 or nonsupport of any candidate, party, or issue to be voted on, except as provided in
12 KRS 117.255.

13 (5) Any precinct election officer, county clerk, deputy county clerk, or any law
14 enforcement official may enforce the election laws and maintain law and order at
15 the polls and within one hundred (100) feet of any entrance to the building in which
16 voting is conducted if that entrance is unlocked and is used by voters. Assistance
17 may be requested of any law enforcement officer.

18 (6) Notwithstanding the provisions of subsection (1) of this section, the State Board of
19 Elections may establish a program designed to instill in school children a respect
20 for the democratic principles of voting by conducting in any county a mock election
21 for school children in conjunction with any primary, regular, or special election.
22 The State Board of Elections shall promulgate administrative regulations under
23 KRS Chapter 13A regarding the mock elections to ensure that the regular voting
24 process will not be impaired.

25 (7) Notwithstanding the provisions of subsection (3) of this section, nothing in this
26 section shall prohibit the displaying of political campaign signs on private property
27 or private establishments by a person having a leased or ownership interest in that

1 private property or private establishment within the campaign-free zone, regardless
2 of the distance from the polling place. In the case of a polling location being on
3 private property that is leased or otherwise under contract for the purpose of serving
4 as a polling location, the provisions of subsection (3) of this section shall be
5 applicable to that leased or contracted-for private property.

6 ➔Section 4. KRS 117.265 is amended to read as follows:

- 7 (1) A voter may, at any regular or special election, cast a write-in vote for any person
8 qualified as provided in subsection (2) or (3) of this section, whose name does not
9 appear upon the ballot for any office, by writing the name of his or her choice upon
10 the appropriate ballot for the office being voted on as required by KRS 117.125.
11 Any candidate~~[for city, county, urban county, consolidated local government,~~
12 ~~charter county government, or unified local government office]~~ who is defeated in a
13 partisan or nonpartisan primary shall be ineligible as a candidate for the same office
14 in the regular election. Any voter utilizing a federal provisional ballot, a federal
15 provisional in-person absentee ballot, or a mail-in absentee ballot for a regular or
16 special election may write in a vote for any eligible person whose name does not
17 appear upon the ballot, by writing the name of his or her choice under the office.
- 18 (2) Write-in votes shall be counted only for candidates for election to office who have
19 filed a declaration of intent to be a write-in candidate with the Secretary of State or
20 county clerk, depending on the office being sought, on or before the fourth Friday
21 in October preceding the date of the regular election and not later than the second
22 Friday before the date of a special election. In the case of a special election
23 administered under KRS 118.730, a declaration of intent to be a write-in candidate
24 shall be filed at least twenty-eight (28) days before the day of the election. The
25 declaration of intent shall be filed no earlier than the first Wednesday after the first
26 Monday in November of the year preceding the year the office will appear on the
27 ballot, and no later than 4 p.m. local time at the place of filing when filed on the last

1 date on which papers may be filed. The declaration of intent shall be on a form
2 prescribed and furnished by the Secretary of State.

3 (3) A person shall not be eligible as a write-in candidate:

4 (a) For more than one (1) office in a regular or special election; or

5 (b) If his or her name appears upon the ballot for any office, except that the
6 candidate may file a notice of withdrawal prior to filing an intent to be a
7 write-in candidate for office when a vacancy in a different office occurs
8 because of:

9 1. Death;

10 2. Disqualification to hold the office sought;

11 3. Severe disabling condition which arose after the nomination; or

12 4. The nomination of an unopposed candidate.

13 (4) Persons who wish to run for President and Vice-President shall file a declaration of
14 intent to be a write-in candidate, along with a list of presidential electors pledged to
15 those candidates, with the Secretary of State on or before the fourth Friday in
16 October preceding the date of the regular election for those offices. The declaration
17 of intent shall be filed no earlier than the first Wednesday after the first Monday in
18 November of the year preceding the year the office will appear on the ballot, and no
19 later than 4 p.m. local time at the place of filing when filed on the last date on
20 which papers may be filed. Write-in votes cast for the candidates whose names
21 appear on the ballot shall apply to the slate of pledged presidential electors, whose
22 names shall not appear on the ballot.

23 (5) The county clerk shall provide to the precinct election officers certified lists of
24 those persons who have filed declarations of intent as provided in subsections (2)
25 and (3) of this section. Only write-in votes cast for qualified candidates shall be
26 counted.

27 (6) Two (2) election officers of opposing parties shall upon the request of any voter

1 instruct the voter on how to cast a write-in vote.

2 ➔Section 5. KRS 117.995 is amended to read as follows:

- 3 (1) Any person appointed to serve as an election officer but who shall knowingly and
4 willfully fail to serve and who is not excused by the county board of elections for
5 the reasons specified in this chapter shall be guilty of a violation and shall be
6 ineligible to serve as an election officer for a period of five (5) years.
- 7 (2) Any county clerk or member of the county board of elections who knowingly and
8 willfully violates any of the provisions of this chapter, including furnishing
9 applications for absentee ballots, applications for federal provisional absentee
10 ballots, and mail-in absentee ballots to persons other than those specified by the
11 provisions of this chapter, and failure to type the name of the voter on the
12 application form as required by the provisions of this chapter, shall be guilty of a
13 Class D felony.
- 14 (3) Any officer who willfully fails to prepare or furnish ballots, federal provisional
15 ballots, federal provisional absentee ballots, or absentee ballots or fails to allow a
16 qualified voter to cast his or her vote using voting equipment as required of the
17 voter by this chapter shall be guilty of a Class A misdemeanor.
- 18 (4) Any election officer who knowingly and willfully violates any of the provisions of
19 this chapter, including failure to enforce the prohibition against electioneering
20 established by KRS 117.235, shall be guilty of a Class A misdemeanor for the first
21 offense and a Class D felony for each subsequent offense.
- 22 (5) Any person who violates KRS 117.0861, or who signs a name other than his or her
23 own on an application for an absentee ballot, the verification form for the ballot, an
24 emergency absentee ballot affidavit, a voter or election official affirmation, or any
25 person who votes an absentee ballot other than the one issued in his or her name, or
26 any person who applies for the ballot for the use of anyone other than himself or
27 herself or the person designated by the provisions of this chapter, or any person

1 who makes a false statement on an application for an absentee ballot or on an
2 emergency absentee ballot affidavit shall be guilty of a Class D felony.

3 (6) Any person who violates any provision of KRS 117.235 or 117.236 related to
4 prohibited activities during absentee voting or on election day, after he or she has
5 been duly notified of the provisions by any precinct election officer, county clerk,
6 deputy county clerk, or other law enforcement official, shall, for each offense, be
7 guilty of a Class A misdemeanor.

8 (7) Any person who knowingly and willfully prepares or assists in the preparation of an
9 inaccurate or incomplete voter assistance form or fails to complete a voter
10 assistance form when required shall be guilty of a Class A misdemeanor for the first
11 offense and a Class D felony for each subsequent offense; however, if a voter has
12 been permanently certified as requiring voting assistance, there shall be no offense
13 for the failure of the voter to complete the form.

14 (8) The members of a county board of elections who fail to provide the training to
15 precinct election officers required by KRS 117.187(2) shall be subject to removal
16 by the State Board of Elections.

17 (9) Any local or state election official, including the Secretary of State, employees of
18 the Secretary, and members of the State Board of Elections and their staff, who
19 knowingly and willfully uses the voter registration roster in violation of KRS
20 117.025(3)(a) shall, for each offense, be guilty of a Class A misdemeanor.

21 (10) Any person who knowingly and willfully violates KRS 45A.657(2) or KRS
22 65.014(2) shall, for a first offense, be guilty of a Class D felony. For a second or
23 subsequent offense, the person shall be guilty of a Class C felony.

24 **(11) Any person who has previously been convicted of a felony and who then attempts**
25 **to register to vote shall be guilty of a Class A Misdemeanor for the first offense**
26 **and a Class D felony for each subsequent offense.**

27 ➔Section 6. KRS 118.105 is amended to read as follows:

- 1 (1) Except as provided in subsections (3) and (4) of this section and in KRS 118.115,
2 every political party shall nominate all of its candidates for elective offices to be
3 voted for at any regular election at a primary held as provided in this chapter, and
4 the governing authority of any political party shall have no power to nominate any
5 candidate for any elective office or to provide any method of nominating candidates
6 for any elective office other than by a primary as provided in this chapter.
- 7 (2) Any political organization not constituting a political party as defined in KRS
8 118.015 may make its nominations as provided in KRS 118.325.
- 9 (3) If a vacancy occurs in the nomination of an unopposed candidate or in a nomination
10 made by the primary before the certification of candidates for the regular election
11 made under KRS 118.215, because of death~~], withdrawal, disqualification to hold~~
12 ~~the office sought, or severe disabling condition which arose after the nomination],~~
13 the governing authority of the party may provide for filling the vacancy, but only
14 following certification to the governing authority, by the Secretary of State, that a
15 vacancy exists for the~~fa~~ reason specified in this subsection. When such a
16 nomination has been made, the certificate of nomination shall be signed by the chair
17 and secretary of the governing authority of the party making it, and shall be filed in
18 the same manner as certificates of nomination at a primary.
- 19 (4) If a vacancy occurs in the nomination of an unopposed candidate or in a nomination
20 made by the primary before the certification of candidates for the regular election,
21 and if that party's nominee was the only political party candidate for the office
22 sought, the governing authority of each party may nominate a candidate for the
23 regular election, provided that no person has sought that party's nomination by
24 filing a notification and declaration.
- 25 (5) If a vacancy occurs in the nomination of a candidate under the conditions of
26 subsection (3) or (4) of this section prior to September 15 preceding the day of the
27 regular election, certificates of nomination for replacement candidates shall be filed

1 in the same manner as provided in subsections (3) and (4) not later than 4 p.m. ten
2 (10) days after the vacancy occurs, excluding weekends and legal holidays. If a
3 vacancy occurs in the nomination of a candidate under the conditions of subsection
4 (3) or (4) of this section on or after September 15 preceding the date of the regular
5 election, certificates of nomination for replacement candidates shall be filed in the
6 same manner as provided in subsections (3) and (4) not later than 4 p.m. five (5)
7 days after the vacancy occurs, excluding weekends and legal holidays.

8 (6) If a vacancy in candidacy described in subsection (5) of this section occurs later
9 than the second Thursday preceding the date of the regular election, no certificates
10 of nomination shall be filed and any candidate whose name does not appear on the
11 ballot may seek election by write-in voting pursuant to KRS 117.265.

12 (7) This section does not apply to candidates for members of boards of education, or
13 presidential electors, nor to candidates participating in nonpartisan elections.
14 However, regardless of the number of days served by a judge acting as a Senior
15 Status Special Judge, a judge who elected to retire as a Senior Status Special Judge
16 in accordance with KRS 21.580 shall not become a candidate for any elected office
17 during the five (5) year term prescribed in KRS 21.580(1)(a)1.

18 ➔Section 7. KRS 118.125 is amended to read as follows:

19 (1) Except as provided in KRS 118.155, any person who is qualified under the
20 provisions of KRS 116.055 to vote in any primary for the candidates for nomination
21 by the party at whose hands he or she seeks the nomination, shall have his or her
22 name printed on the official ballot of his or her party for an office to which he is
23 eligible in that primary, upon filing, with the Secretary of State or county clerk, as
24 appropriate, at the proper time, a notification and declaration.

25 (2) The notification and declaration shall be in the form prescribed by the State Board
26 of Elections. It shall be signed by the candidate and by not less than two (2)
27 registered voters of the same party from the district or jurisdiction from which the

1 candidate seeks nomination. Signatures for nomination papers shall not be affixed
 2 on the document to be filed prior to the first Wednesday after the first Monday in
 3 November of the year preceding the year in which the office will appear on the
 4 ballot. The notification and declaration for a candidate shall include the following
 5 oath:

6 "For the purpose of having my name placed on the official primary election
 7 ballot as a candidate for nomination by the ----- Party, I, ----- (name in full as
 8 desired on the ballot as provided in KRS 118.129), do solemnly swear that my
 9 residence address is ----- (street, route, highway, city if applicable, county, state,
 10 and zip code), that my mailing address, if different, is ----- (post office address), and
 11 that I am a registered ----- (party) voter in ----- precinct; that I believe in the
 12 principles of the ----- Party, and intend to support its principles and policies; that I
 13 meet all the statutory and constitutional qualifications for the office which I am
 14 seeking; that if nominated as a candidate of such party at the ensuing election I will
 15 accept the nomination and not withdraw for a reason~~reasons~~ other than
 16 that~~those~~ stated in KRS 118.105(3); that I will not knowingly violate any election
 17 law or any law relating to corrupt and fraudulent practice in campaigns or elections
 18 in this state, and if finally elected I will qualify for the office."

19 The declaration shall be subscribed and sworn to before an officer authorized to
 20 administer an oath by the candidate and by the two (2) voters making the
 21 declaration and signing the candidate's petition for office.

22 (3) When the notice and declaration has been filed with the Secretary of State or county
 23 clerk, as appropriate, and certified according to KRS 118.165, the Secretary of State
 24 or county clerk, as appropriate, shall have the candidate's name printed on the ballot
 25 according to the provisions of this chapter, except as provided in KRS 118.185.

26 (4) Titles, ranks, or spurious phrases shall not be accepted on the filing papers and shall
 27 not be printed on the ballots as part of the candidate's name; however, nicknames,

1 initials, and contractions of given names may be acceptable as the candidate's name.
2 ➔Section 8. Whereas, it is critically important to protect the integrity and
3 reliability of the electoral process in order to safeguard the fundamental right to vote, and
4 it is a reasonable legislative task to seek improvement of election procedures without
5 undue delay in notice to the people of the Commonwealth and its election officials tasked
6 with administering the election laws within this state, an emergency is declared to exist,
7 and this Act takes effect upon its passage and approval by the Governor or upon its
8 otherwise becoming a law.