

1 AN ACT relating to elections, making an appropriation therefor, and declaring an
2 emergency.

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

4 ➔Section 1. KRS 116.112 is amended to read as follows:

- 5 (1) The State Board of Elections shall establish a voter registration purge program
6 using the change-of-address information supplied by the United States Postal
7 Service through its licensees or other sources to identify voters whose addresses
8 may have changed. ***The State Board of Elections is authorized to enter into***
9 ***agreements to further voter list maintenance practices.***
- 10 (2) (a) If it appears from information provided by the postal service or other sources
11 that a voter has moved to a different address in the same county in which the
12 voter is currently registered, the State Board of Elections shall provide to the
13 county board of elections the information necessary to change the registration
14 records to show the new address and the State Board of Elections shall send to
15 the new address a notice of the change by forwardable mail on a form
16 prescribed by the State Board of Elections and a postage prepaid, pre-
17 addressed return form by which the voter may verify or correct the address
18 information.
- 19 (b) If the county board of elections requests authorization from the State Board of
20 Elections to send address confirmation notices as provided in this subsection,
21 the State Board of Elections shall grant the request.
- 22 (3) (a) If it appears from information provided by the postal service or other sources
23 that a voter has moved to a different address not in the same county, the State
24 Board of Elections shall send to the address from which the voter was last
25 registered, by forwardable mail, a notice on a form prescribed by the State
26 Board of Elections, with a postage prepaid and pre-addressed return card on
27 which the voter may state his ***or her*** current address.

1 (b) If a county board of elections requests authorization from the state board to
2 send address confirmation notices as provided in this subsection, the state
3 board shall grant the request.

4 (4) The state or county boards of elections shall not remove the name of a voter from
5 the registration records on the ground that the voter has changed his or her
6 residence unless the voter:

7 (a) Confirms in writing, on a form provided by the State Board of Elections on
8 its official website, that the voter has changed residence to a place outside the
9 county; or

10 (b) 1. Has failed to respond to the notice described in subsection (3) of this
11 section; and

12 2. Has not voted or appeared to vote and, if necessary, correct the
13 registration records of the voter's address in an election during the
14 period beginning on the date of the notice and ending on the day after
15 the date of the second general election for federal office that occurs after
16 the date of the notice.

17 If a county board of elections requests authorization from the state board to conduct
18 purges of voters in its county in accordance with the provisions of this subsection,
19 the state board shall grant the request.

20 (5) The State Board of Elections shall establish an inactive list of all voters who fail to
21 respond to the notice described in subsection (3) of this section and do not vote or
22 appear to vote in an election during the period beginning on the date of the notice
23 and ending on the day after the date of the second general election for federal office
24 that occurs after the date of the notice. If a county board of elections requests
25 authorization from the state board to establish an inactive list of voters for its
26 county, the state board shall grant the request.

27 (6) The State Board of Elections shall complete, not later than ninety (90) days prior to

1 the date of a primary or regular election, any program the purpose of which is to
2 systematically remove the names of ineligible voters from the registration records.

3 (7) Voters placed on an inactive list are to be counted only for purposes of voting and
4 not for purposes of establishing or modifying precincts, calculating the amount of
5 reimbursement of county clerks by the State Board of Elections for certain election-
6 related expenses, or reporting official statistics, except as provided by the Election
7 Assistance Commission's regulations promulgated pursuant to the National Voter
8 Registration Act of 1993.

9 (8) (a) The State Board of Elections and county boards of elections shall maintain for
10 at least two (2) years and shall make available for public inspection and,
11 where available, photocopying at a reasonable cost, all records concerning the
12 implementation of programs and activities conducted for the purpose of
13 ensuring the accuracy and currency of the registration records, except to the
14 extent that the records relate to the declination to register to vote or the
15 identity of a voter registration agency through which any particular voter is
16 registered.

17 (b) The records maintained pursuant to paragraph (a) of this subsection shall
18 include lists of the names and addresses of all persons to whom notices
19 described in subsection (3) are sent, and information concerning whether each
20 person has responded to the notice as of the date that inspection of the records
21 is made.

22 ➔Section 2. KRS 116.145 is amended to read as follows:

23 The fee for registration of all voters shall be paid to the county clerk by the state in the
24 amount of one dollar (\$1)~~twenty five cents (\$0.25)~~ for each person registered.

25 ➔Section 3. KRS 117.035 is amended to read as follows:

26 (1) There shall be a county board of elections, which shall, at the direction and under
27 the supervision of the State Board of Elections, administer the election laws and the

1 registration and purgation of voters within the county.

- 2 (2) (a) The board shall consist of the county clerk, the sheriff, and two (2) members
3 appointed by the State Board of Elections under paragraph (d) of this
4 subsection. Appointed board members shall serve~~[Appointments shall occur~~
5 ~~not later than July 2021, and every four (4) years thereafter]~~ for a term of four
6 (4) years that expires on June 30 of the year following a presidential
7 election and until their successors are appointed.~~[All appointments under this~~
8 ~~paragraph shall be made no later than July 1 of the year in which the term~~
9 ~~expires.]~~
- 10 (b) The sheriff shall not serve on the board during any year in which he or she is a
11 candidate, but shall recommend to the board a temporary replacement to serve
12 in his or her place. If the sheriff cannot serve because he or she is sick,
13 injured, or otherwise incapacitated, he or she may recommend a temporary
14 replacement to serve in his or her place until the sheriff may resume his or her
15 duties or a vacancy in office is declared.
- 16 (c) The county clerk may, at his or her option, continue to serve on the board
17 during a year in which he or she is a candidate. If the clerk elects not to serve,
18 he or she shall recommend a temporary replacement to serve in his or her
19 place. If the county clerk cannot serve because he or she is sick, injured, or
20 otherwise incapacitated, he or she may recommend a temporary replacement
21 to serve in his or her place until the county clerk may resume his or her duties
22 or a vacancy in office is declared.
- 23 (d) 1. Notwithstanding the provisions of KRS 61.080, service on the board of
24 elections shall be compatible with the holding of any other county or
25 city office.
- 26 2. The members shall be at least twenty-one (21) years of age, qualified
27 voters in the county from which they are appointed, and shall not have

- 1 been convicted of any election law offense.
- 2 3. One (1) member shall be appointed from a list of five (5) names
- 3 submitted by the county executive committee of each political party as
- 4 defined in KRS 118.015. If there are two (2) or more contending
- 5 executive committees of the same political party in any county, the one
- 6 recognized by the written certificate of the chair of the state central
- 7 committee of the political party shall be the one authorized to submit the
- 8 lists.
- 9 4. If the State Board of Elections does not receive the list as required by
- 10 subparagraph 3. of this paragraph for each political party for each
- 11 county by the deadline established in paragraph (a) of this subsection or
- 12 within one (1) month of a vacancy, then the chair of the state central
- 13 committees for the political parties may submit lists of five (5) names of
- 14 qualified residents from the remaining counties by August 1 of the year
- 15 in which the term expires or within two (2) months of a vacancy.
- 16 5. If the State Board of Elections does not receive a list from either the
- 17 county executive committee under subparagraph 3. of this paragraph or
- 18 the chair of the state executive committee under subparagraph 4. of this
- 19 paragraph, then the State Board of Elections shall appoint a qualified
- 20 resident from the county at its next regularly scheduled meeting in
- 21 September of the year in which the term expires or within three (3)
- 22 months of a vacancy.
- 23 6. A member appointed by the State Board of Elections may be removed
- 24 by the State Board of Elections for *just* cause.
- 25 7. A member appointed by the State Board of Elections may be removed
- 26 by the State Board of Elections upon a request approved by a two-thirds
- 27 (2/3) vote of the full membership of the county executive committee that

1 submitted the member's name. The county executive committee shall
2 provide conclusive evidence of the committee's membership and
3 evidence of the committee's two-thirds (2/3) vote before the State Board
4 of Elections removes any member appointed by the State Board of
5 Elections.

6 8. If an appointee is temporarily unable to act, a temporary appointee shall
7 be named by the State Board of Elections. A temporary appointee shall
8 serve until the original appointee notifies the State Board of Elections
9 that he or she is able to resume his or her term.

10 9. A member appointed by the State Board of Elections shall not serve on
11 the board if he or she is a candidate for public office, and the member
12 shall resign upon filing papers to become a candidate for public office or
13 shall be removed from office by the State Board of Elections. A member
14 who resigns or is removed because of his or her candidacy shall not
15 resume his or her term following the completion of the candidacy.

16 10. Vacancies and temporary vacancies shall be filled in the same manner as
17 provided for original appointments, and the person appointed to fill the
18 vacancy or temporary vacancy shall be of the same political party as his
19 or her predecessor.

20 (e) Compensation and payment of actual expenses of members shall be set by the
21 fiscal court either as an amount payable on an annual basis, or as an amount
22 payable on a per diem basis of not less than fifty dollars (\$50)~~fifteen dollars~~
23 ~~(\$15) nor more than one hundred dollars (\$100)]~~ for each day the board
24 meets.

25 (3) A majority of the board shall constitute a quorum. The county clerk shall serve as
26 chair of the meetings and may vote. In case of a tie, the chair may cast an additional
27 vote. Records shall be kept of all proceedings, and the records shall be public and

1 kept at the office of the county clerk.

2 (4) The board shall meet as follows:

3 (a) During years in which a primary or regular election is scheduled, the board
4 shall meet at least once every other month and may meet more frequently if
5 necessary upon the call of the chair or upon written agreement of two (2) or
6 more members of the board. The call shall provide notice as prescribed by
7 KRS 61.823; ~~and~~

8 (b) During years in which no primary or regular election is scheduled, the board
9 shall meet at the call of the chair or upon written agreement of two (2) or
10 more members of the board. The call shall provide notice as prescribed by
11 KRS 61.823; and ~~and~~

12 (c) The board shall meet and stay in session on primary, regular election, and
13 special election days to correct clerical errors, to rule on questions regarding
14 voter registration, proof of identification, and the curing of signatures relative
15 to mail-in absentee ballots, and may make to the election officers such
16 certifications as may be necessary. On primary, regular election, and special
17 election days, appeals may be made to a Circuit Judge, but a ruling of the
18 board shall be reversed only upon a finding that it was arbitrary and
19 capricious.

20 (5) The board may employ, on a bipartisan basis, a staff sufficient to carry out the
21 duties assigned to the board.

22 ➔Section 4. KRS 117.065 is amended to read as follows:

23 (1) The county board of elections shall, not later than January 15 ~~September 20~~ of
24 each year, establish the voting place for each precinct. If a change becomes
25 necessary after that date, notice of change shall be published pursuant to KRS
26 Chapter 424. If a change becomes necessary on election day, notice shall be posted
27 at the former voting place. The expense of renting voting places, for which rent of

1 not less than twenty dollars (\$20) shall be paid, shall be paid in the same manner as
2 other election expenses.

3 (2) The county board of elections shall have the authority to designate as voting places,
4 on election day and all days of excused and no-excuse in-person absentee voting,
5 without cost to the board, buildings constructed in whole or in part with tax
6 revenues.

7 (3) The county board of elections shall designate as voting places only those places
8 which are accessible to all eligible voters, including those with physical limitations
9 and the elderly.

10 (4) The county board of elections shall ensure that each precinct polling place in the
11 county has immediate access to a telephone within the polling place on the day of
12 any election.

13 ➔Section 5. KRS 117.066 is amended to read as follows:

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

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

21 (a) One (1) voting equipment may be used for more than one (1) precinct if
22 ballots are tabulated for each separate precinct, and if separate ballots may be
23 placed upon any voting equipment to be used without endangering the
24 integrity of the ballots or without violating any other election law. Otherwise,
25 separate voting equipment shall be used for each precinct. In the instance of a
26 precinct which has a small number of voters such that the use of separate
27 voting equipment would be cost-prohibitive, the county clerk may make

- 1 application to the State Board of Elections to use supplemental paper ballots
2 under KRS 118.215 to conduct the voting for the small precinct on any
3 primary or election day. If the use of supplemental paper ballots is approved
4 by the State Board of Elections, at the close of voting on any primary or
5 election day, the locked supplemental paper ballot box shall be transported to
6 the county board of elections along with the federal provisional ballot
7 receptacle, and ballots shall be counted by the county board of elections as
8 provided by KRS 117.275(10) to (16);
- 9 (b) Separate precinct voter rosters shall be maintained for each precinct, and steps
10 shall be taken to ensure that voters cast their ballot in their duly authorized
11 precinct; and
- 12 (c) A separate set of election forms and reports required by this chapter and the
13 State Board of Elections shall be maintained for each precinct.
- 14 (3) The county board of elections may petition the State Board of Elections to allow the
15 consolidation of precincts and the consolidation of precinct election officers at any
16 voting location where voters of more than one (1) precinct vote. The petition shall
17 be submitted at least one hundred twenty (120) days before a primary election on
18 a form prescribed by the State Board of Elections in administrative regulations
19 promulgated under KRS Chapter 13A and shall include:
- 20 (a) A list of all precincts designated to vote at the voting location;
21 (b) The address and type of facility of the voting location;
22 (c) The number and type of voting systems or voting equipment to be used at the
23 voting location;
24 (d) The number of registered voters in each precinct designated to vote at the
25 voting location;
26 (e) An explanation of the reasons why the consolidation is desirable;
27 (f) The plan for additional precinct officers at the voting location, the manner in

1 which they will be assigned, and whether the voting location will be fully
2 staffed with election officials;

3 (g) The plan for how the county clerk will publicize the location for where the
4 voting shall occur, in addition to how each location shall be noted
5 conspicuously to residents of the county as a "Vote Center";

6 (h) The plan for how the voting location will serve as a focal point to meet the
7 needs of a diverse community; and

8 (i) The number of parking spaces available at the location and a determination as
9 to whether the location has sufficient parking spaces.

10 (4) **Beginning on January 1, 2025,** if the petition submitted under subsection (3) of
11 this section is approved by the State Board of Elections, **it shall apply for the entire**
12 **year and** the precinct election officers designated to serve as election officers for
13 more than one (1) precinct shall meet the eligibility requirements of KRS 117.045.

14 (5) The Secretary of State shall retain veto authority over any petition that is approved
15 by the State Board of Elections. The State Board of Elections, upon reconsideration
16 of the petition, shall have the power to override a veto of the Secretary of State by a
17 three-fourths (3/4) affirmative vote of the membership of the board.

18 ➔Section 6. KRS 117.076 is amended to read as follows:

19 (1) Any voter who is qualified to vote on election day in the county of his or her
20 residence may choose to cast a no-excuse in-person absentee ballot on the
21 Thursday, Friday, or Saturday immediately preceding the day of an election. The
22 available hours from which a voter may cast his or her vote during these three (3)
23 days shall be no less than eight (8) hours between 6 a.m. and 8 p.m. prevailing time,
24 as determined by the county board of elections of each county.

25 (2) Any voter who is qualified to vote on election day in the county of his or her
26 residence may make application to cast an excused in-person absentee ballot during
27 normal business hours during the six (6) business days immediately preceding the

1 Thursday of no-excuse in-person absentee voting under subsection (1) of this
2 section. The voter who makes application under this subsection shall meet one (1)
3 of the following requirements in order to cast his or her excused in-person absentee
4 ballot:

- 5 (a) Is a resident of Kentucky who is a covered voter as defined in KRS 117A.010,
6 who will be absent from the county of his or her residence on the day of an
7 election and during the days of no-excuse in-person absentee voting;
- 8 (b) Has surgery, or whose spouse has surgery, scheduled that will require
9 hospitalization on the day of an election and during the days of no-excuse in-
10 person absentee voting;
- 11 (c) Temporarily resides outside the state, but is still eligible to vote in this state
12 and will be absent from the county of his or her residence on the day of an
13 election and during the days of no-excuse in-person absentee voting;
- 14 (d) Is a resident of Kentucky who is a uniformed-service voter as defined in KRS
15 117A.010 confined to a military base on election day and during the days of
16 no-excuse in-person absentee voting;
- 17 (e) Is in her last trimester of pregnancy and the voter completes the form that is
18 prescribed by the State Board of Elections, which contains a sworn statement
19 that the voter is in her last trimester of pregnancy at the time she wishes to
20 vote;
- 21 (f) Has not been declared mentally disabled by a court of competent jurisdiction
22 and, due to age, disability, or illness, is not able to appear at the polls on
23 election day and during the days of no-excuse in-person absentee voting;
- 24 (g) Is a student who temporarily resides outside the county of his or her residence
25 and will be absent from the county of his or her residence on the day of an
26 election and during the days of no-excuse in-person absentee voting;
- 27 (h) Any person employed in an occupation that is scheduled to work during all

- 1 days and all hours, which shall include commute time, the polls are open on
2 election day and during the days of no-excuse in-person absentee voting;~~[-or]~~
- 3 (i) Any election officer tasked with election administration for the current
4 election cycle; or
- 5 **(j) Any person prevented from voting in person at the polls on election day and**
6 **from casting a no-excuse in-person absentee ballot on all days no-excuse**
7 **in-person absentee voting is conducted because he or she will be absent**
8 **from the county of his or her residence during all days and all hours no-**
9 **excuse in-person absentee voting is conducted.**
- 10 (3) Any voter who votes an in-person absentee or federal provisional in-person
11 absentee ballot shall provide proof of identification as defined in KRS 117.001 or
12 meet the requirements of KRS 117.228 or 117.229.
- 13 (4) In-person absentee voting shall be conducted in a location within the county clerk's
14 office where ballots shall be cast secretly. In-person absentee voting may occur in
15 another location within the county if the location is designated by the county board
16 of elections and approved by the State Board of Elections. The county clerk may
17 provide for voting by the voting equipment in general use in the county or any other
18 voting equipment approved by the State Board of Elections for use in Kentucky.
19 Public notice of the locations shall be given pursuant to KRS Chapter 424, and
20 similar notice by mail shall be given to the county chairs of the two (2) political
21 parties whose candidates polled the largest number of votes in the county at the last
22 regular election.
- 23 (5) Any voter qualifying to vote who receives assistance to vote in-person absentee
24 shall complete the voter assistance form required by KRS 117.255.
- 25 (6) Any voter qualifying to vote whose qualifications are challenged on grounds other
26 than inability to provide proof of identification by any clerk or deputy shall
27 complete an oath of voter affidavit.

- 1 (7) Each voter casting his or her vote in-person absentee shall sign an in-person
2 absentee ballot signature roster.
- 3 (8) 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 (9) 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 (10) During the days of in-person absentee voting, all voting equipment on which in-
17 person absentee ballots are cast shall remain locked and the keys shall be retained
18 by at least two (2) members of the central ballot counting board who are not of the
19 same political affiliation or by two (2) members of the county board of elections
20 who are not of the same political affiliation, and the voting equipment shall remain
21 locked with a tamper-resistant seal until the ballots are counted.
- 22 (11) No person shall transmit or publicize any tallies or counts of in-person absentee
23 ballots, or any partial results, to any person except those persons, election officials,
24 or entities authorized by law to receive it, until 6 p.m. prevailing time on the day of
25 a primary or an election.
- 26 (12) (a) Before and after each day of in-person absentee voting, on all voting
27 equipment to be used, the tamper-resistant seal shall be checked to ensure it is

1 unaltered and the number on the public counter shall be read and recorded.
2 The status of the tamper-resistant seal shall be indicated and the number on
3 the public counter of each voting equipment shall be recorded by the county
4 clerk or his or her designated election official, member of the county board of
5 elections, or member of the central ballot counting board. The status of the
6 tamper-resistant seal and the number recorded from the public counter shall
7 be witnessed by an election official who is of a different political affiliation
8 than the person recording.

9 (b) The status of the tamper-resistant seal and the number on the public counter
10 shall be recorded on a form prescribed and furnished by the State Board of
11 Elections pursuant to administrative regulations promulgated under KRS
12 Chapter 13A.

13 (c) The witness who is present shall verify, through validity of his or her
14 signature on the form provided, the accuracy of the number recorded from the
15 public counter, the number recorded on the prescribed form, and the status of
16 the tamper-resistant seal.

17 (d) Any irregularities observed by the election official who is recording and the
18 election official who is a witness shall be immediately reported to the county
19 attorney or the Office of Attorney General.

20 (13) The State Board of Elections shall promulgate administrative regulations under
21 KRS Chapter 13A to provide for the casting of ballots in accordance with this
22 section.

23 ➔Section 7. KRS 117.085 is amended to read as follows:

24 (1) (a) All requests for a mail-in absentee ballot shall be requested through a secure
25 online portal established by the State Board of Elections, except for:

- 26 1. Voters identified in KRS 117.077;
- 27 2. Disabled voters; and

- 1 3. Covered voters in paragraph (i) of this subsection;
2 who have the additional option of requesting a mail-in absentee ballot
3 application through the county clerk.
- 4 (b) Acquiring a mail-in absentee ballot by means of the online portal shall require
5 the voter to input personally identifiable information for verification.
- 6 (c) For those voters who do not have the means of accessing the online portal, the
7 county clerk shall fulfill a request for a mail-in absentee ballot by taking the
8 voter's information over the telephone or in person and directly inputting that
9 information into the secure online portal.
- 10 (d) The online portal shall have the capacity to ensure the identity of the voter
11 through proof of identification as required under KRS 117.227 or by means of
12 KRS 117.228.
- 13 (e) If a voter qualifies to receive a mail-in absentee ballot, the online portal shall
14 transmit the mail-in absentee ballot request to the county clerk of the county
15 in which the voter is registered to vote.
- 16 (f) The online portal shall not be open or permit any mail-in ballot requests to
17 occur more than forty-five (45) days immediately preceding the day of a
18 primary or an election. The online portal shall close at 11:59 p.m. local time,
19 fourteen (14) days immediately preceding the day of a primary or an election.
- 20 (g) Except as otherwise provided in KRS 117.077, the mail-in absentee ballot
21 may be requested by the voter or the spouse, parents, or children of the voter,
22 but shall be restricted to the use of the voter.
- 23 (h) Except as otherwise provided in KRS 117.077 and covered voters in
24 paragraph (i) of this subsection, a qualified voter may apply to cast his or her
25 vote by mail-in absentee ballot if the completed application is received
26 fourteen (14) days before the election, and if the voter is:
- 27 1. A resident of Kentucky who is a covered voter as defined in KRS

- 1 117A.010;
- 2 2. A student who temporarily resides outside the county of his or her
- 3 residence;
- 4 3. Incarcerated in jail and charged with a crime, but has not been convicted
- 5 of the crime;
- 6 4. Changing or has changed his or her place of residence to a different state
- 7 while the registration books are closed in the new state of residence
- 8 before an election of electors for President and Vice President of the
- 9 United States, in which case the voter shall be permitted to cast a mail-in
- 10 absentee ballot for electors for President and Vice President of the
- 11 United States only;
- 12 5. Temporarily residing outside the state but still eligible to vote in this
- 13 state;
- 14 6. Prevented from voting in person at the polls on election day and from
- 15 casting an excused or no-excuse in-person absentee ballot on all days in-
- 16 person absentee voting is conducted because he or she will be absent
- 17 from the county of his or her residence all hours and all days excused or
- 18 no-excuse in-person absentee voting is conducted;
- 19 7. A participant in the Secretary of State's Safe at Home~~[crime victim~~
- 20 ~~address confidentiality protection]~~ program as authorized by KRS
- 21 14.312; or
- 22 8. Not able to appear at the polls on election day or the days excused or no-
- 23 excuse in-person absentee voting is conducted on the account of age,
- 24 disability, or illness, and who has not been declared mentally disabled
- 25 by a court of competent jurisdiction.
- 26 (i) Residents of Kentucky who are covered voters as defined in KRS 117A.010
- 27 may apply for a mail-in absentee ballot by means of the federal post-card

1 application, which may be transmitted to the county clerk's office by mail, by
2 facsimile machine, or by means of the electronic transmission system
3 established under KRS 117A.030(4). The federal post-card application may
4 be used to register, reregister, and to apply for a mail-in absentee ballot. If the
5 federal post-card application is received at any time not less than seven (7)
6 days before the election, the county clerk shall affix his or her seal to the
7 application form upon receipt.

8 (j) Any qualified voter who is disabled may use an accessible mail-in absentee
9 ballot portal to request and receive a mail-in absentee ballot by means of an
10 electronic transmission system as established under KRS 117A.030(4). The
11 standards necessary to implement this paragraph shall be set by the State
12 Board of Elections pursuant to administrative regulations promulgated under
13 KRS Chapter 13A.

14 (2) For those voters who are eligible to receive a mail-in absentee ballot by means other
15 than the secure online portal pursuant to subsection (1) of this section, the county
16 clerk shall type the name of the voter permitted to vote by mail-in absentee ballot
17 on the mail-in absentee ballot application for that person's use and no other. The
18 mail-in absentee ballot application shall be in the form prescribed by the State
19 Board of Elections, which shall include the voter affirmation form as prescribed in
20 KRS 117.228(1)(c) and shall contain the following information: name, residential
21 address, precinct, party affiliation, statement of the reason the person cannot vote in
22 person on the day of an election or during the dates and time no-excuse in-person
23 absentee voting is being conducted, statement of where the voter shall be on
24 election day or during the dates and times no-excuse in-person absentee voting is
25 being conducted, statement of compliance with residency requirements for voting in
26 the precinct, an instructional statement prescribing the requirements for providing a
27 copy of the voter's proof of identification or voter affirmation when applicable, and

1 the voter's mailing address for a mail-in absentee ballot. The mail-in absentee ballot
 2 application form shall be verified and signed by the voter, and the voter shall
 3 provide a copy of his or her proof of identification, as defined in KRS 117.001, or
 4 the executed voter affirmation as described in KRS 117.228(1)(c). A notice of the
 5 actual penalty provisions in KRS 117.995(2) and (5) shall be printed on the mail-in
 6 absentee ballot application form.

7 (3) For those voters eligible to receive a mail-in absentee ballot, if the county clerk
 8 finds that the voter has completed and submitted an application for a mail-in
 9 absentee ballot as provided in this section, is properly registered as stated in his or
 10 her mail-in absentee ballot application, and qualifies to receive a mail-in absentee
 11 ballot by mail, the county clerk shall mail to the voter a mail-in absentee ballot, two
 12 (2) official envelopes for returning the mail-in absentee ballot, and instructions for
 13 voting.

14 (4) Mail-in absentee ballots shall be mailed to a voter's residential address located in
 15 the county in which the voter is registered, except for:

16 (a) A qualified ~~voter~~[voters] who applies[apply] pursuant to the requirements of
 17 subsection (1)(h)1., 4., and[to] 5. of this section; ~~or~~

18 (b) A qualified ~~voter~~[voters] covered under KRS 117.077;

19 (c) A qualified voter who applies pursuant to the requirements of subsection
 20 (1)(h)2. of this section, whose mail-in absentee ballot shall be mailed to the
 21 voter's residential address located in the county in which the voter is
 22 registered, or the voter's current residential address at the time the
 23 application for the absentee ballot is submitted, if different, due to the
 24 voter's attendance at an educational institution; or

25 (d) A qualified voter who applies pursuant to the requirements of subsection
 26 (1)(h)3. of this section, whose mail-in absentee ballot shall be mailed to the
 27 jail where he or she is in custody at the time the application for the absentee

1 *ballot is submitted.*

- 2 (5) The county clerk shall:
- 3 (a) Transmit a mail-in absentee ballot to the voter who is eligible to receive a
- 4 mail-in absentee ballot within four (4) days of receipt or within four (4) days
- 5 of the ballots being available;
- 6 (b) Cause mail-in absentee ballots to be printed fifty (50) days prior to each
- 7 primary or regular election, and forty-five (45) days prior to a special election;
- 8 and
- 9 (c) Complete a postal form for a certificate of mailing for mail-in absentee ballots
- 10 mailed within the fifty (50) states, and it shall be stamped by the postal
- 11 service when the mail-in absentee ballots are mailed. Unless a postal form for
- 12 a certificate of mailing is required, the county clerk may use methods of
- 13 tracking the mail-in absentee ballots by means of a printed barcode or other
- 14 label that is unique to the individual voter issued by the State Board of
- 15 Elections pursuant to administrative regulations promulgated under KRS
- 16 Chapter 13A.
- 17 (6) A mail-in absentee ballot may be transmitted by facsimile machine or by the
- 18 electronic transmission system established under KRS 117A.030(4) to a covered
- 19 voter as defined in KRS 117A.010. The covered voter shall be notified of the
- 20 options for transmittal of the mail-in absentee ballot, and the mail-in absentee ballot
- 21 shall be transmitted by the method chosen for receipt by the resident of Kentucky
- 22 who is a covered voter.
- 23 (7) The outer envelope of the mail-in absentee ballot shall bear the words "Absentee
- 24 Ballot", the address and official title of the county clerk, a printed barcode or other
- 25 label that is unique to the individual voter issued by the State Board of Elections,
- 26 and adequate space for the voter's signature, voting address, precinct number, and
- 27 signatures of two (2) witnesses if the voter signs the form with the use of a mark

1 instead of the voter's signature. A detachable flap on the secrecy envelope shall
2 provide space for the voter's signature, voting address, precinct number, signatures
3 of two (2) witnesses if the voter signs the form with the use of a mark instead of the
4 voter's signature and notice of penalty provided in KRS 117.995(5). The county
5 clerk shall type the voter's address and precinct number in the upper left hand
6 corner of the outer envelope and of the detachable flap on the secrecy envelope
7 immediately below the blank space for the voter's signature. The secrecy envelope
8 shall be blank. If applicable, the county clerk shall retain the voter's mail-in ballot
9 application, which shall include the photographed copy of the voter's proof of
10 identification or the voter affirmation as prescribed by KRS 117.228(1)(c), and the
11 postal form required by subsection (5) of this section for twenty-two (22) months
12 after the primary or election.

13 (8) Except as otherwise provided in subsection (10) of this section, any person who has
14 received a mail-in absentee ballot but who knows at least seven (7) days before the
15 date of the election that he or she will be in his or her county of residence on
16 election day or during the days of no-excuse in-person absentee voting and who has
17 not voted by means of his or her mail-in absentee ballot shall cancel his or her mail-
18 in absentee ballot and vote in person. The voter shall return the mail-in absentee
19 ballot to the county clerk's office by mail or hand delivery no later than seven (7)
20 days prior to the date of the election. Upon the return of the mail-in absentee ballot,
21 the county clerk shall mark on the outer envelope of the sealed ballot or the
22 unmarked ballot the words "Canceled because voter appeared to vote in person."
23 Sealed envelopes so marked shall not be opened. The county clerk shall remove the
24 voter's name from the list of persons who were sent mail-in absentee ballots, and
25 the voter may vote in the precinct in which he or she is properly registered.

26 (9) Any voter qualified for a mail-in absentee ballot who does not receive a requested
27 mail-in absentee ballot within a reasonable amount of time shall contact the county

1 clerk, who shall reissue a second mail-in absentee ballot. The county clerk shall
2 keep a record of the mail-in absentee ballots issued and returned by mail, hand-
3 delivered, or placed in a secure drop-box or receptacle, and the in-person absentee
4 voting and federal in-person provisional absentee voting that is conducted, to verify
5 that only the first voted ballot is counted. Upon the return of any mail-in absentee
6 ballot after the first mail-in absentee ballot is returned, the county clerk shall mark
7 on the outer envelope of the sealed ballot the words "Canceled because ballot
8 reissued."

9 (10) Any covered voter as defined in KRS 117A.010 who has received a mail-in
10 absentee ballot but who knows that he or she will be in the county on election day
11 or during the days of no-excuse in-person absentee voting shall cancel his or her
12 mail-in absentee ballot and vote in person during the days of no-excuse in-person
13 absentee voting or on the day of the election. The voter shall return the mail-in
14 absentee ballot to the county clerk's office on or before election day. Upon the
15 return of the mail-in absentee ballot, the county clerk shall mark on the outer
16 envelope of the sealed mail-in absentee ballot or the unmarked mail-in absentee
17 ballot the words "Canceled because voter appeared to vote in person." Sealed
18 envelopes so marked shall not be opened. The county clerk shall remove the voter's
19 name from the list of persons who were sent mail-in absentee ballots, allow the
20 voter to vote by means of no-excuse in-person absentee ballot, or provide the voter
21 with written authorization to vote at the precinct on election day. If the voter is
22 unable to return the mail-in absentee ballot to the county clerk's office on or before
23 election day, at the time he or she votes in person, he or she shall sign a written oath
24 as to his or her qualifications on a form prescribed by the State Board of Elections
25 pursuant to KRS 117.245.

26 (11) The State Board of Elections shall promulgate administrative regulations to:

27 (a) Ensure election officials have real-time knowledge of which voters have

1 requested mail-in absentee ballots; and

2 (b) Provide procedures to be followed if a voter attempts to vote more than once
3 at a primary or an election.

4 ~~[(12) Notwithstanding the provisions of the Kentucky Open Records Act, KRS 61.870 to
5 61.884, and except for when the identification of the voter is provided to the county
6 board of elections under KRS 117.087, the information contained in an application
7 for a mail-in absentee ballot shall not be made public until after the close of
8 business hours on the election day for which the application applies. Except for
9 necessary election officials and for election-related duties as prescribed by law, the
10 name of the person who votes by means of a mail-in absentee ballot shall not be
11 disclosed. This subsection shall not prohibit at any time the disclosure, upon
12 request, of the total number of applications for mail-in absentee ballots that have
13 been filed, or the disclosure to the Secretary of State or the State Board of
14 Elections, if requested or if otherwise required by law, of any information in an
15 application for a mail-in absentee ballot.]~~

16 ➔Section 8. KRS 117.086 is amended to read as follows:

17 (1) (a) The voter returning his or her absentee ballot to the county clerk by mail,
18 hand delivery, or to a secure drop-box or receptacle, shall mark his or her
19 ballot, seal it in the secrecy envelope, and then seal the outer envelope.

20 (b) The voter shall sign the detachable flap and the outer envelope in order to
21 validate the ballot. A person having power of attorney for the voter and who
22 signs the detachable flap and outer envelope for the voter shall complete the
23 voter assistance form as required by KRS 117.255. The signatures of two (2)
24 witnesses are required if the voter signs the form with the use of a mark
25 instead of the voter's signature. A resident of Kentucky who is a covered voter
26 as defined in KRS 117A.010 who has received an absentee ballot transmitted
27 by facsimile machine or by means of the electronic transmission system

1 established under KRS 117A.030(4) shall transmit the voted ballot to the
2 county clerk by mail only, conforming with ballot security requirements that
3 may be promulgated by the State Board of Elections by administrative
4 regulation under KRS Chapter 13A. In order to be counted, all mail-in
5 absentee ballots shall be received by the county clerk no later than the time
6 established by the election laws generally for the closing of the polls, which
7 time shall not include the extra hour during which those voters may vote who
8 were waiting in line to vote at the scheduled poll closing time.

9 (2) (a) The county clerk shall provide a minimum of one (1) secure ballot drop-box
10 to receive voted mail-in absentee ballots for each primary, regular election, or
11 special election. Public notice of all secure ballot drop-box locations shall be
12 given in the same manner as provided under KRS 117.076(4), and posted to
13 the website~~[Web site]~~ of the county clerk.

14 (b) The county board of elections may seek the State Board of Elections' approval
15 of a ballot receptacle to receive voted mail-in absentee ballots for each
16 primary, regular election, or special election. Public notice of all secure ballot
17 receptacle locations shall be given in the same manner as provided under KRS
18 117.076(4), and posted to the website~~[Web site]~~ of the county clerk. Before
19 any mail-in absentee ballot shall be allowed to be deposited inside a
20 receptacle, the county board of elections shall inform the State Board of
21 Elections of:

- 22 1. The number of receptacles to be used;
- 23 2. The type of each receptacle to be used; and
- 24 3. The receptacle location.

25 (c) Any drop-box or receptacle located outside of the county clerk's office shall
26 be:

- 27 1. Placed in a well-lit and easily accessible location;

- 1 2. Secured to ensure immobility while in use;
 - 2 3. Under video surveillance at all times;
 - 3 4. Tamper-resistant; and
 - 4 5. Conspicuously noted as a mail-in absentee ballot drop-off location.
- 5 (d) A drop-box or receptacle located inside the county clerk's office shall be
6 under direct supervision of the staff of the county clerk at all times and be
7 accessible to the public.
- 8 (e) Each receptacle or drop-box shall be emptied by the county clerk and at least
9 one (1) member of the county board of elections or one (1) member of the
10 central ballot counting board if one is appointed, who is not of the same
11 political affiliation as the county clerk at least once each business day or more
12 frequently, as needed, to reasonably secure and accommodate the volume of
13 the voter-delivered mail-in absentee ballots. The ballots deposited in the drop-
14 box or receptacle shall be removed with a record of the date and time ballots
15 were removed, and the names of the persons removing them. If the drop-box
16 or receptacle is located outside the county clerk's office, the ballots shall be
17 returned to the county clerk in locked transport containers, and the county
18 clerk shall transfer the ballots upon receipt in accordance with subsection (3)
19 of this section.
- 20 (f) Except for those times ballots are being removed and transported from a
21 secure ballot drop box to the county clerk as provided in this subsection, the
22 county clerk and at least one (1) member of the county board of elections who
23 is not of the same political affiliation or one (1) member of the central ballot
24 counting board who is not of the same political affiliation as the county clerk,
25 shall retain the keys to all secure ballot drop-boxes, receptacles, and transport
26 containers in use in the county.
- 27 (g) The State Board of Elections may establish additional security measures and

1 procedures for the use of the ballot drop-box or receptacle through
2 administrative regulations promulgated under KRS Chapter 13A.

3 (3) Upon receipt of a mail-in absentee ballot, the county clerk shall scan the barcode or
4 label that is unique to the individual voter to note the receipt of the mail-in absentee
5 ballot, and deposit all of the mail-in absentee ballots in a locked ballot box
6 immediately upon receipt without opening the outer envelope. The ballot box shall
7 be locked with two (2) locks. The keys to the ballot box shall be retained by at least
8 two (2) members of the county board of elections who are not of the same political
9 affiliation or two (2) members of the central ballot counting board if one (1) is
10 appointed, who are not of the same political affiliation, and the box shall remain
11 locked until the ballots are processed, reviewed, or counted under KRS 117.087.

12 (4) The county clerk shall keep separate lists for each election of all persons who:
13 (a) Return ~~a[their]~~ mail-in absentee **ballot accepted under KRS 117.087**~~[ballots]~~;
14 (b) **Vote by means of an**~~[Cast their]~~ excused **or**~~[and]~~ no-excuse in-person
15 absentee **ballot**~~[ballots]~~; and
16 (c) Cast ~~a[their]~~ federal provisional~~[in person]~~ absentee **ballot counted under 31**
17 **KAR 6:020**~~[ballots]~~.

18 The county clerk shall send a copy of each list to the State Board of Elections **and**
19 **Secretary of State** after any primary or election day. Notwithstanding the provisions
20 of the Kentucky Open Records Act, KRS 61.870 to 61.884, each list of all persons
21 who return their mail-in absentee ballots or who cast their ballots by means of an
22 excused in-person absentee or no-excuse in-person absentee shall not be made
23 public until after the close of business hours on the primary or election day for
24 which the list applies, except when provided to the county board of elections under
25 KRS 117.087. The county clerk and the Secretary of State shall keep a record of the
26 number of votes cast by each method listed in paragraphs (a) to (c) of this
27 subsection, which are cast in any primary or election as a part of the official

1 certification~~returns~~ of the primary or election.

2 (5) The county board of elections shall report to the State Board of Elections within ten
3 (10) days after any primary or regular election as to the number of rejected absentee
4 ballots, including rejected mail-in absentee ballots and ballots cast under subsection
5 (3) of this section, and the reasons for rejecting the ballots on a form prescribed and
6 furnished by the State Board of Elections in administrative regulations promulgated
7 under KRS Chapter 13A.

8 ➔Section 9. KRS 117.265 is amended to read as follows:

9 (1) A voter may, at any regular or special election, cast a write-in vote for any person
10 qualified as provided in subsection (2) or (3) of this section, whose name does not
11 appear upon the ballot for any office, by writing the name of his or her choice upon
12 the appropriate ballot for the office being voted on as required by KRS 117.125.
13 Any candidate who is defeated or disqualified in a partisan or nonpartisan primary
14 shall be ineligible as a candidate for the same office in the regular election, unless
15 there is a vacancy pursuant to KRS 118.105(3). Any voter utilizing a federal
16 provisional ballot, a federal provisional in-person absentee ballot, or a mail-in
17 absentee ballot for a regular or special election may write in a vote for any eligible
18 person whose name does not appear upon the ballot, by writing the name of his or
19 her choice under the office.

20 (2) Write-in votes shall be counted only for candidates for election to office who have
21 filed a declaration of intent to be a write-in candidate with the Secretary of State or
22 county clerk, depending on the office being sought, on or before the fourth Friday
23 in October preceding the date of the regular election and not later than the second
24 Friday before the date of a special election. In the case of a special election
25 administered under KRS 118.730, a declaration of intent to be a write-in candidate
26 shall be filed at least twenty-eight (28) days before the day of the election. The
27 declaration of intent shall be filed no earlier than the first Wednesday after the first

1 Monday in November of the year preceding the year the office will appear on the
2 ballot, and no later than 4 p.m. local time at the place of filing when filed on the last
3 date on which papers may be filed. The declaration of intent shall be on a form
4 prescribed and furnished by the Secretary of State.

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

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

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

11 1. Death;

12 2. Disqualification to hold the office sought;

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

14 4. The nomination of an unopposed candidate.

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

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

1 counted.

2 (6) Two (2) election officers of opposing parties shall upon the request of any voter
3 instruct the voter on how to cast a write-in vote.

4 ➔Section 10. KRS 117.275 is amended to read as follows:

5 (1) At the count of the votes in any precinct, any candidate or slate of candidates and
6 any representatives to witness and check the count of the votes therein, who are
7 authorized to be appointed as is provided in subsection (9) of this section, shall be
8 admitted and permitted to be present and witness the count.

9 (2) As soon as the polls are closed, and the last voter has voted, the judges at that time
10 shall immediately lock and seal the voting equipment so that the voting and
11 counting mechanisms will be prevented from operating, and they shall sign a
12 certificate stating:

13 (a) That the voting equipment has been locked against voting and sealed;

14 (b) The number of voters, as shown on the public counters;

15 (c) The number registered on the protective or cumulative counter or device; and

16 (d) The number or other designation of the voting equipment.

17 The certificate, with any additional certificate previously prepared under KRS
18 117.035, shall be returned by the judges of election to the officials authorized by
19 law to receive it. The judges shall compare the number of voters, as shown by the
20 counter of the voting equipment, with the number of those who have voted as
21 shown by the protective or cumulative counter or device.

22 (3) Where voting equipment is used which does not print the candidates' names along
23 with the total votes received on a general return sheet or record for that equipment,
24 the procedure to be followed shall be as follows:

25 (a) The judges, in the presence of the representatives mentioned in subsection (1)
26 of this section, if any, and of all other persons who may be lawfully within the
27 polling place, shall give full view of all the counter numbers;

- 1 (b) The judges shall enter, in ink, the total votes cast for each candidate, and slate
2 of candidates, and for and against each question on the return sheets; and
- 3 (c) Each precinct election officer shall sign the return sheets, and a copy of the
4 return sheets shall be posted on the precinct door.
- 5 (4) Where voting equipment is used that prints the candidates' names along with the
6 total votes received on a return sheet or record for that equipment, the precinct
7 election officers shall sign the return sheets or record for the voting equipment,
8 which shall be posted on the door of the precinct.
- 9 (5) If any officer shall decline to sign the return sheets, he or she shall state the reason
10 in writing, and a copy thereof, signed by the officer, shall be enclosed with the
11 return sheets.
- 12 (6) Each of the return sheets, if applicable, and the record of the voting equipment shall
13 be enclosed in an envelope. One (1) copy of the return sheets, if applicable, one (1)
14 copy of the record of the voting equipment, and the write-in roll, if any write-in
15 votes were cast in the precinct, shall be directed to the county board of elections of
16 the county in which the election is being held. One (1) copy of the return sheets or
17 record of the voting equipment shall be given to the county clerk of the county in
18 which the election is being held and to each of the local governing bodies of the two
19 (2) dominant political parties, but a local governing body of a dominant political
20 party may decline a copy of the precinct election return by filing a written
21 declination with the county board of elections prior to the election, and upon this
22 declination, a printed copy shall not be issued to the political party so declining.
23 The declination on file shall be effective for that election and any subsequent
24 elections until revoked by the local governing body of a dominant political party by
25 filing a written revocation with the county board of elections. The envelope shall
26 have endorsed thereon a certificate of the election officers, stating the number or
27 unique designation of the voting equipment, the precinct where it has been used, the

1 number on the seal, and the number on the protective or cumulative counter or
2 device at the close of the polls.

3 (7) During the period established by KRS 117.355(3), and following the tabulation of
4 all votes cast in the election, including absentee votes and write-in votes:

5 (a) The county board of elections shall mail, transmit via facsimile machine,
6 hand-deliver, or submit by electronic means a copy of the precinct-by-precinct
7 summary of the tabulation sheets showing the results from each precinct to the
8 State Board of Elections. The copy of the precinct-by-precinct summary of the
9 tabulation sheets showing the results from each precinct shall include the
10 votes cast on the day of an election and during~~[- in person]~~ absentee voting;
11 and

12 (b) The county clerk shall mail or deliver the precinct signature rosters from each
13 precinct and the in-person absentee ballot signature roster to the State Board
14 of Elections.

15 (8) For each voting location, as soon as possible after the completion of the count, the
16 two (2) election officers who are not of the same political affiliation shall return to
17 the county board of elections the keys to the voting equipment received and
18 receipted for by them, and the county clerk, in each voting location, shall have the
19 voting equipment properly boxed or securely covered and removed to a proper and
20 secure place of storage.

21 (9) In primaries, each candidate or group of candidates may designate to the county
22 board of elections a representative to witness and check the vote count. In regular
23 elections, the governing authority of each political party, each candidate for
24 member of board of education, nonpartisan candidate, political group candidate,
25 political organization candidate, independent candidate, or independent ticket may
26 designate a representative to the county board of elections to witness and check the
27 vote count. The county board of elections shall authorize representatives of the

- 1 news media to witness the vote count.
- 2 (10) For all federal provisional ballots, if applicable, and supplemental paper ballots if
3 approved as provided in KRS 118.215, after the polls are closed, the two (2) judges
4 shall return to the county clerk's office the locked federal provisional ballot
5 receptacle and the supplemental paper ballot box, all ballot stubs, spoiled ballots,
6 and unvoted ballots at the same time as the tabulation of votes from the voting
7 equipment is delivered. The county clerk shall issue a receipt for the number of
8 ballot stubs, unvoted ballots, spoiled ballots, and the ballot boxes or ballot
9 receptacle.
- 10 (11) The county board of elections, or its designee, shall count and tally the
11 supplemental paper ballots that have not been tabulated by automatic tabulating
12 equipment at the precinct, either manually or with the use of tabulating equipment
13 that has been certified by the State Board of Elections for use for that purpose in the
14 county clerk's office. The results of the vote tally shall be certified by the county
15 board of elections to the county clerk and to the Secretary of State.
- 16 (12) The county board of elections shall tabulate the valid federal provisional ballots.
17 The results of the vote tally shall be certified by the county board of elections to the
18 county clerk and to the Secretary of State. The county board of elections shall mail
19 a copy of the precinct-by-precinct summary of the valid federal provisional ballot
20 tabulation sheets showing the results from each precinct to the State Board of
21 Elections.
- 22 (13) The county board of elections shall authorize the candidates, slates of candidates, or
23 their representatives, and representatives of the news media to be present during the
24 counting of the supplemental and federal provisional paper ballots.
- 25 (14) No person shall transmit or publicize any tallies or counts of ballots, or any partial
26 results, to any person except those persons, election officials, or entities authorized
27 by law to receive it, until 6 p.m. prevailing time on the day of a primary or an

1 election.

2 (15) (a) Unofficial election results transmitted online to the county board of elections
3 or the State Board of Elections shall occur by means of a secure online
4 connection after results are tallied on the tally computer that has been certified
5 in accordance with KRS 117.379 as part of a voting system as defined in KRS
6 117.001.

7 (b) If an external device is used to upload election results for the subsequent
8 transmission, the device shall be used for that primary or election only and be
9 of a type approved by the State Board of Elections as part of a voting system
10 under KRS 117.379. The upload of the election results shall occur in the
11 presence of two (2) members of the county board of elections who are of a
12 different political affiliation.

13 (16) Except as otherwise required in this chapter, all records and papers relating to
14 specified elections shall be retained for twenty-two (22) months, and the county
15 clerk shall retain the voted federal provisional ballots, voter affirmations, election
16 official affirmations, and the supplemental paper ballots for twenty-two (22)
17 months and the unvoted federal provisional ballots, the voter affirmations, election
18 official affirmations, and the supplemental paper ballots for sixty (60) days after
19 each election day, after which time they shall be destroyed in a manner to render
20 them unreadable by the county board of elections if no contest or recount action has
21 been filed.

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

23 (1) For a period of thirty (30) days following any election, the voting equipment shall
24 remain locked against voting, the ballot boxes containing all paper ballots shall
25 remain locked, and the voting equipment and ballot boxes shall be under video
26 surveillance. The system used to conduct the video surveillance shall have enough
27 storage capacity to retain sixty (60) consecutive days of continuous recording data.

1 *This video shall only be subject to the Kentucky Open Records Act, KRS 61.870 to*
 2 *61.884, during the sixty (60) days following any election, and may be disposed of*
 3 *after those sixty (60) consecutive days, or upon the completion of any*
 4 *investigation or pending litigation in which the video footage could be material*
 5 *evidence in a District, Circuit, or federal court, whichever is later.*

6 (2) The voting equipment and the ballot boxes may be opened and all the data and
 7 figures therein examined:

8 (a) Upon the order of any court of competent jurisdiction, or judge thereof;

9 (b) By direction of any legislative committee or board authorized and empowered
 10 to investigate and report upon contested elections;

11 (c) By a county board of elections under the direction of the State Board of
 12 Elections pursuant to a risk-limiting audit; or

13 (d) As required to conduct a recount under KRS 120.157.

14 All the data and figures shall be examined by the court, judge, county board of
 15 elections, State Board of Elections, or committee in the presence of the officer
 16 having the custody of the voting equipment, ballots, and ballot boxes. In the event
 17 of a contest of election, the court in which the contest is pending or the committee
 18 before which the contest is being heard may, upon motion of any party to the
 19 contest, issue an order requiring that the voting equipment, ballots, and ballot boxes
 20 shall remain continuously locked for further time as may be reasonable or
 21 necessary, with due regard for the preparation of the voting equipment for a
 22 succeeding primary, regular election, or special election, but in no event shall the
 23 order compel that the voting equipment remain locked to a time within thirty (30)
 24 days next preceding any approaching primary, regular election, or special election.

25 ~~(3)~~~~(2)~~ During the period when the voting equipment and the ballot boxes are
 26 required to be kept locked, the keys thereto shall remain in the possession of ~~the~~
 27 ~~county board of elections. After that period, it shall be the duty of the county board~~

1 ~~of elections to return the keys to the custody of~~ the county clerk.

2 ➔Section 12. KRS 117.343 is amended to read as follows:

3 The county clerk may request reimbursement from the State Board of Elections, for the
4 cost of employing office personnel necessary for the conduct of elections, including the
5 registration and purgation of voters in the county. Such reimbursement shall not exceed
6 **one dollar and fifty cents (\$1.50)**~~[fifty cents (\$0.50)]~~ per registered voter in the county
7 per year. Claims for reimbursement shall be submitted to the state board by July 31 of
8 each year for employment costs for the preceding fiscal year. Claims shall be on forms
9 provided by the State Board of Elections and shall show in detail the employee time and
10 costs. If the State Board of Elections determines that the claims are valid and reasonable,
11 the state board shall submit the claims to the Treasury for payment and they shall be paid
12 within thirty (30) working days. The state board may issue administrative regulations
13 prescribing the method and forms for documenting and submitting the claims.

14 ➔Section 13. KRS 117.345 is amended to read as follows:

15 (1) The cost of all elections held in any county shall be allowed by the fiscal court or
16 legislative body of any urban-county government, charter county, consolidated
17 local government, or unified local government and paid by the county treasurer,
18 except as otherwise provided by law.

19 (2) When the cost of any election has been allowed by the fiscal court or legislative
20 body of any urban-county government, charter county, consolidated local
21 government, or unified local government and paid by the county treasurer, within
22 sixty (60) days following the date of the election, the county treasurer shall certify a
23 statement of the number of precincts in the county, the date, and kind of election to
24 the State Board of Elections, including an election that was delayed or postponed in
25 accordance with KRS 39A.100. The certification shall be filed within ninety (90)
26 days after the election. Upon receipt of the certification and upon being satisfied as
27 to the correctness thereof, the State Board of Elections shall issue its warrant upon

1 the State Treasurer in favor of the county treasurer for the amount of *fifty cents*
 2 *(\$0.50)*~~{two hundred fifty five dollars (\$255)}~~ for each *voter*~~{precinct}~~ in the
 3 county.

4 (3) Payments to any county under the provisions of subsection (2) of this section shall
 5 be terminated if and whenever it fails to renew a lease, contract, or lease and option
 6 with the Finance and Administration Cabinet executed in connection with the
 7 acquisition of voting systems by the cabinet for the use of the county; and payments
 8 to any county shall be terminated whenever the county fails to pay any part of the
 9 rentals required for any effective period of the lease or if a county board of
 10 elections fails to provide training to precinct election officers required by KRS
 11 117.187(2). As used in this subsection, "county" includes urban-county
 12 government, charter county government, consolidated local government, and
 13 unified local government.

14 ➔Section 14. KRS 117.389 is amended to read as follows:

15 On any day *after ballots have been certified by the Secretary of State as provided in*
 16 *KRS 118.215, and petitions to allow consolidation of precincts have been approved by*
 17 *the State Board of Elections as provided in Section 5 of this Act, but* not~~{more than~~
 18 ~~*thirty (30) nor*~~ less than five (5) days prior to the election day, the county clerk shall
 19 have the automatic tabulating equipment tested in the manner prescribed by the State
 20 Board of Elections.

21 ➔Section 15. KRS 117.900 is amended to read as follows:

22 (1) The Secretary of State shall implement an annual statewide essay contest for
 23 students in grades nine (9) through twelve (12) and an annual statewide slogan
 24 contest, each to be relative to an elections-related topic to be chosen by the
 25 Secretary of State each year. The Secretary of State shall publicize the contests,
 26 present awards or certificates to the essay winner in each grade level and to the
 27 slogan contest winner in a public ceremony, and provide appropriate publicity for

1 the winning entries.

2 (2) The Secretary of State shall solicit sponsorship from within the Commonwealth for
3 the essay and slogan contests so that, in addition to awards or certificates, winners
4 shall receive a monetary award, as funds are available from sponsors.

5 **(3) County boards of election may implement annual prize contests for grade school**
6 **students and their teachers concerning elections and voting. The county clerks**
7 **and county boards of election may solicit sponsorship from within their respective**
8 **counties for such contests to fund prizes and events for contest winners.**

9 →Section 16. KRS 117A.070 is amended to read as follows:

10 An application for a military-overseas ballot is timely if received by the close of business
11 hours seven (7) days before the election. An application for a military-overseas ballot for
12 a primary, whether or not timely, is effective as an application for a military-overseas
13 ballot for the regular election. **If an application is received after seven (7) days before an**
14 **election, the applicant shall be informed of his or her ability to utilize a federal write-in**
15 **absentee ballot pursuant to KRS 117A.100.**

16 →Section 17. KRS 118.125 is amended to read as follows:

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

23 (2) The notification and declaration shall be in the form prescribed by the State Board
24 of Elections. It shall be signed by the candidate and by not less than two (2)
25 registered voters of the same party from the district or jurisdiction from which the
26 candidate seeks nomination. Signatures for nomination papers shall not be affixed
27 on the document to be filed prior to the first Wednesday after the first Monday in

1 November of the year preceding the year in which the office will appear on the
 2 ballot. The notification and declaration for a candidate shall include the following
 3 oath:

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

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

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

24 (4) Titles, ranks, or spurious phrases shall not be accepted on the filing papers and shall
 25 not be printed on the ballots as part of the candidate's name; however, nicknames, initials,
 26 and contractions of given names may be acceptable as the candidate's name.

27 ➔Section 18. KRS 118.345 is amended to read as follows:

- 1 (1) No candidate who has been defeated or disqualified for the nomination for any
2 office in a primary shall have his or her name placed on ballots in the succeeding
3 regular election as a candidate for the same office for the nomination to which he or
4 she was a candidate in the primary, except that if a vacancy occurs in the party
5 nomination for which he or she was a candidate in the primary his or her name may
6 be placed on the ballots for the regular election as a candidate of that party if he or
7 she has been duly made such party nominee after the vacancy occurs as provided in
8 KRS 118.105.
- 9 (2) No person who was a candidate for nomination for any office in a primary and who,
10 before the succeeding regular election, is declared by the judgment of any court of
11 competent jurisdiction to have violated, in the primary, any provision of KRS
12 Chapter 121, or to be responsible for such violation by others, shall have his or her
13 name placed on ballots for any office to be voted for in the succeeding regular
14 election.
- 15 (3) This section does not apply to presidential preference primary candidates.
- 16 ➔Section 19. KRS 118.415 is amended to read as follows:
- 17 (1) The General Assembly may state the substance of the amendment proposed to the
18 Constitution of Kentucky in the form of a question in a manner calculated to inform
19 the electorate of the substance of the amendment. When an amendment to the
20 Constitution has been proposed by the General Assembly, the Secretary of State
21 shall cause the question calculated to inform the electorate of the substance of the
22 amendment which is prepared by the General Assembly~~[or the Attorney General]~~
23 to be published at least one (1) time in a newspaper of general circulation published
24 in this state, and shall also cause to be published at the same time and in the same
25 manner the fact that the amendment will be submitted to the voters for their
26 acceptance or rejection at the next regular election at which members of the General
27 Assembly are to be voted for. The publication shall be made not later than the first

1 Tuesday in August preceding the election at which the amendment is to be voted
2 on.

3 (2) The ~~Attorney General shall, if the~~ General Assembly shall ~~has not already done~~
4 ~~so,~~ state the entirety ~~substance~~ of an amendment to the Constitution of Kentucky
5 which has been proposed by the General Assembly in the form of a question ~~in a~~
6 ~~manner calculated to inform the electorate of the substance of the amendment,~~ and,
7 not later than April 15 ~~fourteen (14) days preceding the first Tuesday in August~~
8 preceding the next regular election at which members of the General Assembly are
9 to be chosen, shall certify the question to the Secretary of State to be placed on the
10 ballots.

11 (3) The Secretary of State, not later than the second Monday after the second Tuesday
12 in August preceding the next regular election at which members of the General
13 Assembly are to be chosen in a year in which there is not an election for President
14 and Vice President of the United States, or not later than the Thursday after the first
15 Tuesday in September preceding a regular election in a year in which there is an
16 election for President and Vice President of the United States, shall certify the
17 substance of the amendment, as stated and certified by the General Assembly ~~or by~~
18 ~~the Attorney General~~, to the county clerk of each county, and the county clerk shall
19 have the substance of the amendment, as so certified, indicated on the ballots.

20 (4) The votes cast for and against the amendment shall be counted, canvassed, and
21 certified to the Secretary of State in the same manner as the votes cast for any
22 officer elective by the votes of the whole state. If a majority of the votes cast on the
23 question are for the amendment, it shall become a part of the Constitution.

24 (5) The expenses of the publications provided for in this section shall be paid as are the
25 expenses of other publications that the Secretary of State is required to make in
26 connection with elections.

27 ➔Section 20. KRS 118.445 is amended to read as follows:

1 The electors of President and Vice President of the United States shall convene at the
2 State Capitol, or other location publicly designated by the Secretary of State on his or
3 her official website, at 11:45 a.m. on the first ~~Tuesday~~~~Monday~~ after the second
4 Wednesday in December next after their election, give their votes at or after 12 noon, and
5 make return thereof according to law. If any elector fails to attend by 12 noon, on the day
6 of the meeting, those in attendance shall fill his or her place by the election of another
7 person, who shall have the same powers as if originally elected by the people.

8 ➔Section 21. KRS 118.740 is amended to read as follows:

9 (1) A copy of a proclamation issued under KRS 118.710 or 118.720, or a writ of
10 election issued under KRS 63.200, 67C.103, 118.730, 120.205, or 120.215 shall be
11 forwarded by mail to the sheriff of each county in the district in which the election
12 is to be held, at least sixty-three (63)~~fifty-six (56)~~ days before the election. The
13 sheriff of each county in which an election is to be held shall give notice at least
14 fifty-six (56)~~forty-nine (49)~~ days before the day of election. If, from any cause, the
15 sheriff cannot properly act, he or she shall immediately hand the writ or
16 proclamation to the person authorized to act in his or her place.

17 (2) If a special election is administered under KRS 118.730(2), the notice required by
18 subsection (1) of this section shall include the location of the election.

19 ➔Section 22. KRS 118.770 is amended to read as follows:

20 When a writ of election or proclamation is issued to fill a vacancy as prescribed in KRS
21 63.200, 118.710, 118.720, or 118.730, independent, or political organization, or political
22 group petitions and certificates of nomination shall be filed at least fifty-six (56)~~forty-~~
23 ~~nine (49)~~ days before the day of election, and if filed with the Secretary of State shall be
24 immediately certified by him or her to the proper county clerks, except as may be
25 provided under KRS 63.200.

26 ➔Section 23. KRS 118A.060 is amended to read as follows:

27 (1) Except as provided in KRS 118A.100, no person's name shall appear on a ballot,

1 including an absentee ballot, for an office of the Court of Justice without first
2 having been nominated as provided in this section.

3 (2) Each candidate for nomination shall file a petition for nomination with the
4 Secretary of State not earlier than the first Wednesday after the first Monday in
5 November of the year preceding the year in which the office will appear on the
6 ballot and not later than the first Friday following the first Monday in January
7 preceding the day fixed by law for holding the primary for the office. The petition
8 shall be sworn to before an officer authorized to administer an oath by the candidate
9 and by not less than two (2) registered voters from the district or circuit from which
10 he or she seeks nomination. Signatures for nomination papers shall not be affixed
11 on the document to be filed prior to the first Wednesday after the first Monday in
12 November of the year preceding the year in which the office will appear on the
13 ballot. The petition shall be filed no later than 4 p.m. local time at the place of filing
14 when filed on the last date on which the papers are permitted to be filed.

15 (3) (a) The petition for nomination shall be in the form prescribed by the State Board
16 of Elections. The petition shall include a declaration sworn to by the
17 candidate, that he or she possesses all the constitutional and statutory
18 requirements of the office for which the candidate has filed. Titles, ranks, or
19 spurious phrases shall not be accepted on the petition and shall not be printed
20 on the ballots as part of the candidate's name; however, nicknames, initials,
21 and contractions of given names may be acceptable as the candidate's name.

22 (b) The Secretary of State shall certify the exact spelling and form of the name
23 of the candidate to be printed on all ballots in accordance with the
24 requirements listed in KRS 118.129.

25 (4) The Secretary of State shall examine the petition of each candidate to determine
26 whether it is regular on its face. If there is an error, the Secretary of State shall
27 notify the candidate by certified mail within twenty-four (24) hours of filing. The

1 order of names on the ballot for each district or circuit, and numbered division if
2 divisions exist, shall be determined by lot at a public drawing to be held in the
3 office of the Secretary of State at 2 p.m., standard time, on the Thursday following
4 the filing deadline for the primary as established in this section and in KRS
5 83A.045 and 118.165.

6 (5) Not later than the date set forth in KRS 118.215(1)(a) preceding the primary, and
7 after the order of names on the ballot has been determined as required in subsection
8 (4) of this section, the Secretary of State shall:

9 (a) Certify to the county clerks of the respective counties entitled to participate in
10 the election of the various candidates, the name and place of residence of each
11 candidate for each office, by district or circuit, and numbered division if
12 divisions exist, as specified in the petitions for nomination filed with him or
13 her; and

14 (b) Designate for the county clerks the office of the Court of Justice with which
15 the names of candidates shall be printed and the order in which they are to
16 appear on the ballot.

17 (6) The ballot position of a candidate shall not be changed after the ballot position has
18 been designated by the Secretary of State.

19 (7) The county clerks of each county shall cause to be printed on the ballots for the
20 primary the names of the candidates for offices in the Court of Justice.

21 (8) The names of the candidates shall be placed on the ballots in a separate column or
22 columns or in a separate line or lines and identified by the words "Judicial Ballot."
23 The words "Vote for one," or "Vote for one in each division," shall be printed on
24 the ballot in an appropriate location. The office, numbered division if divisions
25 exist, and the candidates shall be clearly labeled. No party designation or emblem
26 of any kind, nor any sign indicating any candidate's political belief or party
27 affiliation, shall be used on the ballots.

1 (9) The two (2) candidates receiving the highest number of votes for nomination for
2 justice or judge of a district or circuit, or numbered division if divisions exist, shall
3 be nominated. Certificates of nomination shall be issued as provided in KRS
4 118A.190.

5 (10) If it appears after expiration of the time for filing petitions for nomination that there
6 are not more than two (2) candidates who have filed the necessary petitions for a
7 place on the ballot in the regular election, no drawing for ballot position shall be
8 held and the Secretary of State shall immediately issue and file in the Secretary's
9 office certificates of nomination, and send copies to the candidates.

10 ➔Section 24. KRS 118A.090 is amended to read as follows:

11 (1) For the regular election, the order of names on the ballot for each district or circuit,
12 and numbered division if divisions exist, shall be determined by lot at a public
13 drawing to be held in the office of the Secretary of State at 2 p.m., standard time, on
14 the Thursday following the first Tuesday after the first Monday in June preceding
15 the regular election, except as provided in KRS 118A.100~~(5)~~~~[(6)]~~.

16 (2) Not later than the date set forth in KRS 118.215(1)(b) after the filing deadline for
17 the regular election in a year in which there is no election for President and Vice
18 President of the United States, or not later than the date set forth in KRS
19 118.215(1)(c) preceding a regular election in a year in which there is an election for
20 President and Vice President of the United States, and after the order of names on
21 the ballot has been determined as required in subsection (1) of this section, the
22 Secretary of State shall:

23 (a) Certify to the county clerks of the respective counties entitled to participate in
24 the election of the various candidates, the name and place of residence of each
25 candidate for each office, by district or circuit, and numbered division if
26 divisions exist, as certified under KRS 118A.060; and

27 (b) Designate for the county clerks the office of the Court of Justice with which

1 the names of candidates shall be printed and the order in which they are to
2 appear on the ballot.

3 (3) The ballot position of a candidate shall not be changed after the ballot position has
4 been designated by the Secretary of State. The county clerks of each county shall
5 cause to be printed on the ballots for the regular elections the names of the
6 candidates for offices of the Court of Justice.

7 (4) The names of the candidates shall be placed on the ballots in a separate column or
8 columns or in a separate line or lines and identified by the words "Judicial Ballot,"
9 and in such a manner that the casting of a vote for all of the candidates of a political
10 party will not operate to cast a vote for judicial candidates. The words "Vote for
11 one" or "Vote for one in each division," shall be printed on the ballot in an
12 appropriate location. The office, numbered division thereof if divisions exist, and
13 the candidates therefor shall be clearly labeled. No party designation or emblem of
14 any kind, nor any sign indicating any candidate's political belief or party affiliation,
15 shall be used on any ballot.

16 (5) The candidate receiving the highest number of votes cast at the regular election for
17 a district or circuit, or for a numbered division thereof if divisions exist, shall be
18 elected.

19 ➔Section 25. KRS 118A.100 is amended to read as follows:

20 (1) Candidates for an unexpired term of a judicial office to be filled at a regular
21 election shall be nominated at the primary next preceding the regular election in the
22 manner prescribed in KRS 118A.060 if the vacancy occurs not later than the second
23 Friday in December preceding the primary. If the vacancy occurs on or after that
24 date, the election to fill the unexpired term shall be held in accordance with the
25 procedures described in this section and Section 152 of the Constitution of
26 Kentucky.

27 (2) ~~If in a regular election for judicial office no candidates nominated as provided in~~

1 ~~KRS 118A.060 are available due to death, incapacity, or withdrawal, and the~~
2 ~~candidates have not been replaced as provided in KRS 118A.060, the election to fill~~
3 ~~the regular term shall be conducted in the manner prescribed in subsections (3)~~
4 ~~through (11) of this section.~~

5 (3) Each candidate shall file a petition for nomination with the Secretary of State not
6 earlier than the first Wednesday after the first Monday in November of the year
7 preceding the year in which the election for the unexpired term will be held and not
8 later than the first Tuesday after the first Monday in June preceding the day fixed
9 by law for holding the regular election for the unexpired term, if the vacancy occurs
10 prior to the first Tuesday following the first Monday in June. If the vacancy occurs
11 after the first Tuesday following the first Monday in June, each candidate shall file
12 a petition for nomination with the Secretary of State not later than the second
13 Tuesday in August preceding the day fixed by law for holding the regular election
14 for the unexpired term. The petition shall be sworn to by the candidate and by not
15 less than two (2) registered voters from the district or circuit from which he or she
16 seeks nomination, before an officer authorized to administer an oath. Signatures for
17 nomination papers shall not be affixed on the document to be filed prior to the first
18 Wednesday after the first Monday in November of the year preceding the year in
19 which the office will appear on the ballot. The petition shall be filed no later than 4
20 p.m. local time at the place of filing when filed on the last date on which the papers
21 are permitted to be filed.

22 (3) The petition for nomination shall be in the form prescribed by the State Board
23 of Elections. The petition shall include a declaration sworn to by the candidate, that
24 he or she possesses all the constitutional and statutory requirements of the office for
25 which the candidate has filed. Titles, ranks, or spurious phrases shall not be
26 accepted on the petition and shall not be printed on the ballots as part of the
27 candidate's name; however, nicknames, initials, and contractions of given names

1 may be acceptable as the candidate's name.

2 ~~(4)~~~~(5)~~ The Secretary of State shall examine the petition of each candidate to
3 determine whether it is regular on its face. If there is an error, the Secretary of State
4 shall notify the candidate by certified mail within twenty-four (24) hours of filing.

5 ~~(5)~~~~(6)~~ The order of names on the ballot for each district or circuit, and numbered
6 division if divisions exist, shall be determined by lot at a public drawing to be held
7 in the office of the Secretary of State at 2 p.m., standard time, on the Thursday
8 following the first Tuesday after the first Monday in June preceding the regular
9 election for those petitions for nomination required to be filed no later than the first
10 Tuesday following the first Monday in June. For those petitions for nomination
11 required to be filed no later than the second Tuesday in August, the order of names
12 on the ballot for each district and circuit, and numbered division if divisions exist,
13 shall be determined by lot at a public drawing to be held in the office of the
14 Secretary of State at 2 p.m., standard time, on the Thursday following the second
15 Tuesday in August preceding the regular election.

16 ~~(6)~~~~(7)~~ Not later than the date set forth in KRS 118.215 and after the order of names
17 on the ballot has been determined as required in subsection ~~(5)~~~~(6)~~ of this section,
18 the Secretary of State shall:

19 (a) Certify to the county clerks of the respective counties entitled to participate in
20 the election of the various candidates, the name and place of residence of each
21 candidate for each office, by district or circuit, and numbered division if
22 divisions exist, as specified in the petitions for nomination filed with the
23 Secretary of State; and

24 (b) Designate for the county clerks the office of the Court of Justice with which
25 the names of candidates shall be printed and the order in which they are to
26 appear on the ballot.

27 ~~(7)~~~~(8)~~ The ballot position of a candidate shall not be changed after the ballot position

1 has been designated by the county clerk.

2 ~~(8)~~~~(9)~~ The county clerks of each county shall cause to be printed on the ballots,
3 including absentee ballots, for the regular election the names of the candidates for
4 offices of the Court of Justice.

5 ~~(9)~~~~(10)~~ The names of the candidates shall be placed on the ballots in a separate
6 column or columns or in a separate line or lines and identified by the words
7 "Judicial Ballot," and in a manner so that the casting of a vote for all of the
8 candidates of a political party will not operate to cast a vote for judicial candidates.
9 The words "Vote for one" or "Vote for one in each division," shall be printed on the
10 appropriate location. The office, numbered division if divisions exist, and the
11 candidates therefor shall be clearly labeled. No party designation or emblem of any
12 kind, nor any sign indicating any candidate's political belief or party affiliation,
13 shall be used on any ballot.

14 ~~(10)~~~~(11)~~ The candidate receiving the highest number of votes cast at the regular
15 election for a district or circuit, or for a numbered division if divisions exist, shall
16 be elected.

17 ~~(11)~~~~(12)~~ A judge who elected to retire as a Senior Status Special Judge in accordance
18 with KRS 21.580 shall not become a candidate or a nominee for any elected office
19 during the five (5) year term prescribed in KRS 21.580(1)(a)1., regardless of the
20 number of days served by the judge acting as a Senior Status Special Judge.

21 ➔Section 26. KRS 119.005 is amended to read as follows:

22 As used in this chapter:

23 (1) A "ballot" or "official ballot" means the official presentation of offices and
24 candidates to be voted for, including write-in candidates, and all public questions
25 submitted for determination, and shall include a voting machine ballot, a paper
26 ballot, an absentee ballot, a special ballot, a federal provisional ballot, a federal
27 provisional absentee ballot, or a supplemental paper ballot which has been

1 authorized for the use of the voters in any primary or regular or special election by
2 the Secretary of State or the county clerk;

3 (2) "Ballot box" means any box, bag, or other container that can be locked, sealed, or
4 otherwise rendered tamper-resistant, for receiving ballots;

5 (3) "Election administration information system" means any computer-based
6 information technology application used by the Commonwealth in the
7 administration of elections;

8 (4) "Election officer" has the same meaning as in KRS 118.015;

9 ~~(5)(4)~~ "Voting equipment" means any physical component of a voting system and
10 includes voting machines where voting machines are in operation;

11 ~~(6)(5)~~ "Voting machine" or "machine" means a part of a voting system that consists
12 of:

13 ~~(a) A direct recording electronic voting machine that:~~

14 1. ~~Records votes by means of a ballot display provided with mechanical or~~
15 ~~electro-operated components that may be actuated by the voter;~~

16 2. ~~Processes the data by means of a computer program;~~

17 3. ~~Records voting data and ballot images in internal and external memory~~
18 ~~components; and~~

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

21 ~~(b) } one (1) or more electronic devices that operate independently or as a~~
22 ~~combination of a ballot-marking device and an electronic or automatic vote-~~
23 ~~tabulating device; and~~

24 ~~(7)(6)~~ "Voting system" means:

25 (a) The total combination of physical, mechanical, electromechanical, or
26 electronic equipment, including the software, hardware, firmware, and
27 documentation required to program, control, and support that equipment, that

1 is used to:

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

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

- 7 1. Identify system components and versions of those components;
- 8 2. Test the system during its development and maintenance;
- 9 3. Maintain records of system errors and defects;
- 10 4. Determine specific system changes to be made to a system after the
- 11 initial qualification of the system; and
- 12 5. Make available any materials to the voter, such as notices, instructions,
- 13 forms, or paper ballots.

14 ➔Section 27. KRS 119.115 is amended to read as follows:

15 (1) Any unauthorized person found in possession of any key to a voting machine,
16 voting equipment, or voting system to be used or being used in any primary, regular
17 election, or special election shall be guilty of a Class A misdemeanor.

18 (2) Any person who, during or before any primary, regular election, or special election,
19 willfully tampers with or attempts to tamper with, disarrange, deface,~~or~~ impair in
20 any manner whatsoever, injures, or destroys any ballot, **e-poll book, election**
21 **administration information system,**~~or destroys any~~ voting machine, voting
22 equipment, or voting system while in use at an election or at any other time, or who
23 shall, after such voting machine, voting equipment, or voting system is locked and
24 sealed in order to preserve the record of the vote, tamper with or attempt to tamper
25 with the record of the vote, or who aids or abets with intent to destroy or change the
26 record of the vote shall be guilty of a Class D felony.

27 (3) Any election official, or other person entrusted with the custody or control of any

1 voting machine, voting equipment, or voting system shall be guilty of a Class D
2 felony if he or she knowingly and intentionally:

- 3 (a) Causes or permits any voting machine, voting equipment, or voting system to
4 fail to correctly register or count votes cast, tampers with or disarranges such
5 voting machine, voting equipment, or voting system in any way;
- 6 (b) Unlawfully opens a voting machine, voting equipment, or voting system;
- 7 (c) Prevents or attempts to prevent the correct operation of a voting machine,
8 voting equipment, or voting system;
- 9 (d) Causes a voting machine, voting equipment, or voting system to be used or
10 consents to its being used for any election with knowledge of the fact that the
11 voting machine, voting equipment, or voting system is not in order, or not
12 perfectly set and adjusted to correctly register all votes cast;
- 13 (e) Removes, changes, or mutilates any ballot; or
- 14 (f) Directly connects or attempts to directly connect a voting machine, voting
15 equipment, or voting system that tabulates or aggregates votes to a public
16 network, including the Internet, at any time.

17 ➔Section 28. KRS 160.180 is amended to read as follows:

- 18 (1) As used in this section, "relative" means father, mother, brother, sister, husband,
19 wife, son, and daughter.
- 20 (2) No person shall be eligible for membership on a board of education:
- 21 (a) Unless he ***or she*** has attained the age of twenty-four (24) years;~~and~~
- 22 (b) Unless he ***or she*** has been a citizen of Kentucky for at least three (3) years
23 preceding his ***or her*** election and is a voter of the district for which he ***or she***
24 is elected;~~and~~
- 25 (c) Unless he ***or she*** has completed at least the twelfth grade or has been issued a
26 High School Equivalency Diploma~~;~~ and ***the following has been filed with***
27 ***the nominating petition required by KRS 118.315 as evidence of that fact:***

1 ~~1.~~~~(d)~~ ~~[Unless]~~ An affidavit signed under penalty of perjury certifying
 2 completion of the twelfth grade or the equivalent, as determined by
 3 passage of the twelfth grade equivalency examination held under
 4 regulations adopted by the Kentucky Board of Education~~[has been filed~~
 5 ~~with the nominating petition required by KRS 118.315]~~; and

6 ~~2.~~~~(e)~~ ~~a.~~ ~~[For a candidate who files a nominating petition as required~~
 7 ~~by KRS 118.315 on or after April 4, 2018, unless]~~ A transcript or
 8 diploma evidencing completion of the twelfth grade or results of a
 9 twelfth grade equivalency examination;~~[has been filed with the~~
 10 ~~nominating petition;]~~ or

11 **b. A degree, certificate, or transcript evidencing completion of a**
 12 **postsecondary program that requires completion of the twelfth**
 13 **grade or the equivalent as a prerequisite to the program;**

14 ~~(d)~~~~(f)~~ Who holds any elective federal, state, county, or city office;~~[or]~~

15 ~~(e)~~~~(g)~~ Who, at the time of his or her election, is directly or indirectly interested
 16 in the sale to the board of books, stationery, or any other property, materials,
 17 supplies, equipment, or services for which school funds are expended;~~[or]~~

18 ~~(f)~~~~(h)~~ Who has been removed from membership on a board of education for
 19 cause; or

20 ~~(g)~~~~(i)~~ Who has a relative as defined in subsection (1) of this section employed
 21 by the school district~~[and is elected after July 13, 1990. However, this shall~~
 22 ~~not apply to a board member holding office on July 13, 1990, whose relative~~
 23 ~~was not initially hired by the district during the tenure of the board member].~~

24 (3) If, after the election of any member of the board, he or she becomes interested in
 25 any contract with or claims against the board, of the kind mentioned in paragraph
 26 ~~(e)~~~~(g)~~ of subsection (2) of this section, or if he or she moves his or her residence
 27 from the district for which he or she was chosen, or if he or she attempts to

1 influence the hiring of any school employee, except the superintendent of schools
2 or school board attorney, or if he or she does anything that would render him or her
3 ineligible for reelection, he or she shall be subject to removal from office pursuant
4 to KRS 415.050 and 415.060.

5 (4) A board member shall be eligible for reelection unless he or she becomes
6 disqualified.

7 (5) The annual in-service training requirements for all school board members in office
8 as of December 31, 2014, shall be as follows:

9 (a) Twelve (12) hours for school board members with zero to three (3) years of
10 experience;

11 (b) Eight (8) hours for school board members with four (4) to seven (7) years of
12 experience; and

13 (c) Four (4) hours for school board members with eight (8) or more years of
14 experience.

15 The Kentucky Board of Education shall identify the criteria for fulfilling this
16 requirement.

17 (6) (a) For all board members who begin their initial service on or after January 1,
18 2015, the annual in-service training requirements shall be twelve (12) hours
19 for school board members with zero to eight (8) years of experience and eight
20 (8) hours for school board members with more than eight (8) years of
21 experience.

22 (b) Training topics for school board members shall include:

23 1. Three (3) hours of finance, one (1) hour of ethics, and one (1) hour of
24 superintendent evaluation annually for members with zero to three (3)
25 years' experience;

26 2. Two (2) hours of finance, one (1) hour of ethics, and one (1) hour of
27 superintendent evaluation annually for members with four (4) to seven

- 1 (7) years' experience; and
- 2 3. One (1) hour of finance, one (1) hour of ethics, and one (1) hour of
- 3 superintendent evaluation biennially for members with eight (8) or more
- 4 years' experience.

5 The Kentucky Board of Education shall identify criteria for fulfilling this

6 requirement.

7 ➔Section 29. KRS 160.190 is amended to read as follows:

- 8 (1) Any vacancy in any board of education shall be filled by a majority vote of the
- 9 remaining members of the local board within sixty (60) days after the vacancy
- 10 occurs. Within thirty (30) days of the vacancy, the local board shall, for two (2)
- 11 weeks, have solicited applications by posting a notice announcing the vacancy on
- 12 the district's website~~[Web site]~~ and by placing an advertisement in the newspaper of
- 13 the largest general circulation in the county. An applicant shall file a letter of intent
- 14 with the local board affirming that the applicant meets the eligibility requirements
- 15 as established by KRS 160.180 and shall submit with the application a transcript
- 16 evidencing completion of the twelfth grade or results of a twelfth grade equivalency
- 17 examination. After the two (2) weeks of advertisement on the district's website~~[Web~~
- 18 ~~site]~~ and in the newspaper, the local board shall select from the applicants under
- 19 this subsection to fill the vacancy.
- 20 (2) If the local board fails to make an appointment under subsection (1) of this section,
- 21 then the chief state school officer shall fill the vacancy within sixty (60) days of the
- 22 failure.
- 23 (3) The member chosen under this section shall meet the eligibility requirements as
- 24 established by KRS 160.180 and shall hold office until his or her successor is
- 25 elected or appointed, and has qualified.
- 26 (4) Any vacancy having an unexpired term of one (1) year or more on August 1 after
- 27 the vacancy occurs shall be filled for the unexpired term by an election to be held at

1 the next regular election after the vacancy occurs. The elected member shall
 2 succeed the member chosen under subsection (1) or (2) of this section to fill the
 3 vacancy. *Nominating petitions shall be filed with the county clerk not later than*
 4 *the second Tuesday in August preceding the day for holding the regular election*
 5 *for the unexpired term. Declarations of intent to be a write-in candidate shall be*
 6 *filed with the county clerk in accordance with Section 9 of this Act.*

7 (5) (a) If no candidate files a petition of nomination *or declaration of intent to be a*
 8 *write-in candidate* to fill an unexpired term on a local board of education
 9 under subsection (4) of this section, then a new vacancy shall exist on
 10 November 1 and the vacancy shall be filled according to subsection (1) of this
 11 section.

12 (b) If no candidate files a petition of nomination *or declaration of intent to be a*
 13 *write-in candidate* for a new term on a local board of education opening
 14 pursuant to KRS 118.315 and 118.365, then a vacancy shall exist on January 1
 15 and the vacancy shall be filled according to subsection (1) of this section.

16 ➔Section 30. KRS 511.100 is amended to read as follows:

17 (1) As used in this section:

18 (a) "Key infrastructure assets" means:

- 19 1. Any critical node of a system used in the production or generation of
 20 electrical energy;
- 21 2. A petroleum refinery;
- 22 3. A rubber or hazardous chemical manufacturing facility;
- 23 4. A petroleum or hazardous chemical storage facility or terminal;
- 24 5. Natural gas processing, fractionation, stabilization, and compressor
 25 station facilities, as well as above-ground natural gas or petroleum
 26 pipelines and related facilities;
- 27 6. Railroad yards and railroad tunnel portals;

- 1 7. A drinking water collection, treatment, or storage facility;
- 2 8. Grounds or property of a state prison, juvenile justice facility, jail, or
- 3 other facility for the detention of persons charged with or convicted of
- 4 crimes;
- 5 9. A facility used for research, development, design, production, delivery,
- 6 or maintenance of military weapons systems, subsystems, and
- 7 components or parts to meet military requirements of the United States;
- 8 10. A wireless communications facility, including the tower, antennae,
- 9 support structures and all associated ground-based equipment, and a
- 10 telecommunications central switching office;~~[or]~~
- 11 11. A cable television headend; or
- 12 **12. Voting equipment and e-poll books, as defined in KRS 117.001, and**
- 13 **all other systems and assets, whether physical or virtual, so vital to the**
- 14 **Commonwealth that the incapacity or destruction of such systems and**
- 15 **assets would have a debilitating impact on elections administration;**
- 16 and
- 17 (b) "Unmanned aircraft system" means an aircraft that is operated without the
- 18 possibility of direct human interaction from within or on the aircraft and
- 19 includes everything that is on board or otherwise attached to the aircraft and
- 20 all associated elements, including communication links and the components
- 21 that control the small unmanned aircraft, that are required for the safe and
- 22 efficient operation of the unmanned aircraft in the national airspace system.
- 23 (2) (a) A person commits the offense of trespass upon key infrastructure assets if he
- 24 or she knowingly enters or remains unlawfully in or upon real property on
- 25 which key infrastructure assets are located.
- 26 (b) A person commits the offense of trespass upon key infrastructure assets if he
- 27 or she knowingly uses, or retains or authorizes a person to use, an unmanned

1 aircraft system to fly above real property on which key infrastructure assets
2 are located with the intent to cause harm or damage to or conduct surveillance
3 of the key infrastructure asset without the prior consent of the owner, tenant,
4 or lessee of the real property.

5 (3) Trespass upon key infrastructure assets is a Class B misdemeanor for the first
6 offense, and a Class A misdemeanor for a second or subsequent offense.

7 (4) This section does not apply to:

8 (a) An unmanned aircraft system used by the federal government or by the
9 Commonwealth, or by a person acting pursuant to a contract with the federal
10 government or the Commonwealth;

11 (b) An unmanned aircraft system used by:

12 1. The owner of the real property or key infrastructure asset;

13 2. A person under a valid lease, servitude, right-of-way, right of use,
14 permit, license, or other right granted by the owner of the real property
15 or key infrastructure asset; or

16 3. A third party who is retained or authorized by a person specified in
17 subparagraph 1. or 2. of this paragraph;

18 (c) An unmanned aircraft system used by a law enforcement agency, emergency
19 medical service agency, hazardous material response team, disaster
20 management agency, or other emergency management agency for the purpose
21 of incident command, area reconnaissance, personnel and equipment
22 deployment monitoring, training, or a related purpose;

23 (d) Operation of an unmanned aircraft system by a person or entity for a
24 commercial purpose in compliance with applicable Federal Aviation
25 Administration authorization, regulations, or exemptions;

26 (e) A satellite orbiting the earth;

27 (f) An unmanned aircraft system used by an insurance company or a person

1 acting on behalf of an insurance company for purposes of underwriting an
2 insurance risk or investigating damage to insured property; or

3 (g) An unmanned aircraft system used strictly in accordance with an order of a
4 court of competent jurisdiction.

5 ➔Section 31. There is hereby appropriated General Fund moneys in the amount
6 of \$2,650,000 in fiscal year 2023-2024, \$5,300,000 in fiscal year 2024-2025, and
7 \$5,300,000 in fiscal year 2025-2026 to the Board of Elections to support the increases in
8 reimbursable election costs set forth in Sections 2, 12, and 13 of this Act.

9 ➔Section 32. Notwithstanding subsection (2)(a) of Section 3 of this Act,
10 members appointed by the State Board of Elections to the county board of elections
11 whose terms expire on June 30, 2024, shall be reappointed by the State Board of
12 Elections for a term of one year to expire on June 30, 2025. Thereafter, appointments
13 shall be made every four years in accordance with subsection (2)(a) of Section 3 of this
14 Act.

15 ➔Section 33. Whereas it is critically important to protect the integrity and
16 reliability of the electoral process in order to safeguard the fundamental right to vote, and
17 it is a reasonable legislative task to seek improvement and modernization of election
18 procedures without undue delay in notice to the people of the Commonwealth and its
19 election officials tasked with administering the election laws within this state, an
20 emergency is declared to exist, and this Act takes effect upon its passage and approval by
21 the Governor or upon its otherwise becoming a law.