

1 AN ACT relating to elections.

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

3 ➔Section 1. KRS 117.076 is amended to read as follows:

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

10 ~~(2)~~ ***Excused in-person absentee voting shall be conducted in the county clerk's***
 11 ***office or other place designated by the county board of elections and approved by***
 12 ***the State Board of Elections during normal business hours for at least the***
 13 ***thirteen (13) working days before the election.*** Any voter who is qualified to vote
 14 on election day in the county of his or her residence may, ***at any time during***
 15 ***normal business hours on those days excused in-person absentee voting is***
 16 ***conducted in the county clerk's office,*** make application ***in person to the county***
 17 ***clerk*** to cast an excused in-person absentee ballot~~[during normal business hours~~
 18 ~~during the six (6) business days immediately preceding the Thursday of no-excuse~~
 19 ~~in-person absentee voting under subsection (1) of this section].~~ The voter who
 20 makes application under this subsection shall meet one (1) of the following
 21 requirements in order to cast his or her excused in-person absentee ballot:

- 22 (a) Is a resident of Kentucky who is a covered voter as defined in KRS 117A.010,
 23 who will be absent from the county of his or her residence on the day of an
 24 election~~[and during the days of no-excuse in-person absentee voting];~~
- 25 (b) Has surgery, or whose spouse has surgery, scheduled that will require
 26 hospitalization on the day of an election~~[and during the days of no-excuse in-~~
 27 ~~person absentee voting];~~

- 1 (c) Temporarily resides outside the state, but is still eligible to vote in this state
2 and will be absent from the county of his or her residence on the day of an
3 election~~[and during the days of no-excuse in-person absentee voting]~~;
- 4 (d) Is a resident of Kentucky who is a uniformed-service voter as defined in KRS
5 117A.010 confined to a military base on election day~~[and during the days of~~
6 ~~no-excuse in-person absentee voting]~~;
- 7 (e) Is in her last trimester of pregnancy and the voter completes the form that is
8 prescribed by the State Board of Elections, which contains a sworn statement
9 that the voter is in her last trimester of pregnancy at the time she wishes to
10 vote;
- 11 (f) Has not been declared mentally disabled by a court of competent jurisdiction
12 and, due to age, disability, or illness, is not able to appear at the polls on
13 election day~~[and during the days of no-excuse in-person absentee voting]~~;
- 14 (g) Is a student who temporarily resides outside the county of his or her residence
15 and will be absent from the county of his or her residence on the day of an
16 election~~[and during the days of no-excuse in-person absentee voting]~~;
- 17 (h) Any person employed in an occupation that is scheduled to work during all
18 days and all hours, which shall include commute time, the polls are open on
19 election day~~[and during the days of no-excuse in-person absentee voting]~~; or
- 20 (i) Any election officer tasked with election administration for the current
21 election cycle.
- 22 ~~(2)~~~~(3)~~ Any voter who votes an in-person absentee or federal provisional in-person
23 absentee ballot shall provide proof of identification as defined in KRS 117.001 or
24 meet the requirements of KRS 117.228 or 117.229.
- 25 ~~(3)~~~~(4)~~ In-person absentee voting shall be conducted in a location within the county
26 clerk's office where ballots shall be cast secretly. In-person absentee voting may
27 occur in another location within the county if the location is designated by the

1 county board of elections and approved by the State Board of Elections. The county
2 clerk may provide for voting by the voting equipment in general use in the county
3 or any other voting equipment approved by the State Board of Elections for use in
4 Kentucky. Public notice of the locations shall be given pursuant to KRS Chapter
5 424, and similar notice by mail shall be given to the county chairs of the two (2)
6 political parties whose candidates polled the largest number of votes in the county
7 at the last regular election.

8 ~~(4)~~~~(5)~~ Any voter qualifying to vote who receives assistance to vote in-person
9 absentee shall complete the voter assistance form required by KRS 117.255.

10 ~~(5)~~~~(6)~~ Any voter qualifying to vote whose qualifications are challenged on grounds
11 other than inability to provide proof of identification by any clerk or deputy shall
12 complete an oath of voter affidavit.

13 ~~(6)~~~~(7)~~ Each voter casting his or her vote in-person absentee shall sign an in-person
14 absentee ballot signature roster.

15 ~~(7)~~~~(8)~~ The members of the county board of elections, or their designees who provide
16 equal representation of both political parties, may serve as precinct election
17 officers, without compensation, for all in-person absentee voting conducted. If the
18 members of the county board of elections or their designees serve as precinct
19 election officers for in-person absentee voting, they shall perform the same duties
20 and exercise the same authority as precinct election officers who serve on the day of
21 an election. If the members of the county board of elections or their designees do
22 not serve as precinct election officers for in-person absentee voting, the county
23 clerk or deputy county clerks shall supervise the in-person absentee voting.

24 ~~(8)~~~~(9)~~ Any individual qualified to appoint challengers for the day of an election may
25 also appoint challengers to observe all in-person absentee voting, and those
26 challengers may exercise the same privileges as challengers appointed for observing
27 voting on the day of an election at a regular polling place.

1 ~~(9)~~~~(10)~~ During the days of in-person absentee voting, all voting equipment on which
2 in-person absentee ballots are cast shall remain locked and the keys shall be
3 retained by at least two (2) members of the central ballot counting board who are
4 not of the same political affiliation or by two (2) members of the county board of
5 elections who are not of the same political affiliation, and the voting equipment
6 shall remain locked with a tamper-resistant seal until the ballots are counted.

7 ~~(10)~~~~(11)~~ No person shall transmit or publicize any tallies or counts of in-person
8 absentee ballots, or any partial results, to any person except those persons, election
9 officials, or entities authorized by law to receive it, until 6 p.m. prevailing time on
10 the day of a primary or an election.

11 ~~(11)~~~~(12)~~ (a) Before and after each day of in-person absentee voting, on all voting
12 equipment to be used, the tamper-resistant seal shall be checked to ensure it is
13 unaltered and the number on the public counter shall be read and recorded.
14 The status of the tamper-resistant seal shall be indicated and the number on
15 the public counter of each voting equipment shall be recorded by the county
16 clerk or his or her designated election official, member of the county board of
17 elections, or member of the central ballot counting board. The status of the
18 tamper-resistant seal and the number recorded from the public counter shall
19 be witnessed by an election official who is of a different political affiliation
20 than the person recording.

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

25 (c) The witness who is present shall verify, through validity of his or her
26 signature on the form provided, the accuracy of the number recorded from the
27 public counter, the number recorded on the prescribed form, and the status of

1 the tamper-resistant seal.

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

5 ~~(12)~~~~(13)~~ The State Board of Elections shall promulgate administrative regulations
6 under KRS Chapter 13A to provide for the casting of ballots in accordance with this
7 section.

8 ➔Section 2. KRS 117.085 is amended to read as follows:

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

11 1. Voters identified in KRS 117.077;

12 2. Disabled voters; and

13 3. Covered voters in paragraph (i) of this subsection;

14 who have the additional option of requesting a mail-in absentee ballot
15 application through the county clerk.

16 (b) Acquiring a mail-in absentee ballot by means of the online portal shall require
17 the voter to input personally identifiable information for verification.

18 (c) For those voters who do not have the means of accessing the online portal, the
19 county clerk shall fulfill a request for a mail-in absentee ballot by taking the
20 voter's information over the telephone or in person and directly inputting that
21 information into the secure online portal.

22 (d) The online portal shall have the capacity to ensure the identity of the voter
23 through proof of identification as required under KRS 117.227 or by means of
24 KRS 117.228.

25 (e) If a voter qualifies to receive a mail-in absentee ballot, the online portal shall
26 transmit the mail-in absentee ballot request to the county clerk of the county
27 in which the voter is registered to vote.

- 1 (f) The online portal shall not be open or permit any mail-in ballot requests to
2 occur more than forty-five (45) days immediately preceding the day of a
3 primary or an election. The online portal shall close at 11:59 p.m. local time,
4 fourteen (14) days immediately preceding the day of a primary or an election.
- 5 (g) Except as otherwise provided in KRS 117.077, the mail-in absentee ballot
6 may be requested by the voter or the spouse, parents, or children of the voter,
7 but shall be restricted to the use of the voter.
- 8 (h) Except as otherwise provided in KRS 117.077 and covered voters in
9 paragraph (i) of this subsection, a qualified voter may apply to cast his or her
10 vote by mail-in absentee ballot if the completed application is received
11 fourteen (14) days before the election, and if the voter is:
- 12 1. A resident of Kentucky who is a covered voter as defined in KRS
13 117A.010;
 - 14 2. A student who temporarily resides outside the county of his or her
15 residence;
 - 16 3. Incarcerated in jail and charged with a crime, but has not been convicted
17 of the crime;
 - 18 4. Changing or has changed his or her place of residence to a different state
19 while the registration books are closed in the new state of residence
20 before an election of electors for President and Vice President of the
21 United States, in which case the voter shall be permitted to cast a mail-in
22 absentee ballot for electors for President and Vice President of the
23 United States only;
 - 24 5. Temporarily residing outside the state but still eligible to vote in this
25 state;
 - 26 6. Prevented from voting in person at the polls on election day and from
27 casting an excused~~[or no-excuse]~~ in-person absentee ballot on all days

1 in-person absentee voting is conducted because he or she will be absent
 2 from the county of his or her residence all hours and all days excused~~[-or~~
 3 ~~no-excuse]~~ in-person absentee voting is conducted;

4 7. A participant in the Secretary of State's crime victim address
 5 confidentiality protection program as authorized by KRS 14.312; or

6 8. Not able to appear at the polls on election day or the days excused~~[-or~~
 7 ~~no-excuse]~~ in-person absentee voting is conducted on the account of
 8 age, disability, or illness, and who has not been declared mentally
 9 disabled by a court of competent jurisdiction.

10 (i) Residents of Kentucky who are covered voters as defined in KRS 117A.010
 11 may apply for a mail-in absentee ballot by means of the federal post-card
 12 application, which may be transmitted to the county clerk's office by mail, by
 13 facsimile machine, or by means of the electronic transmission system
 14 established under KRS 117A.030(4). The federal post-card application may
 15 be used to register, reregister, and to apply for a mail-in absentee ballot. If the
 16 federal post-card application is received at any time not less than seven (7)
 17 days before the election, the county clerk shall affix his or her seal to the
 18 application form upon receipt.

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

25 (2) For those voters who are eligible to receive a mail-in absentee ballot by means other
 26 than the secure online portal pursuant to subsection (1) of this section, the county
 27 clerk shall type the name of the voter permitted to vote by mail-in absentee ballot

1 on the mail-in absentee ballot application for that person's use and no other. The
2 mail-in absentee ballot application shall be in the form prescribed by the State
3 Board of Elections, which shall include the voter affirmation form as prescribed in
4 KRS 117.228(1)(c) and shall contain the following information: name, residential
5 address, precinct, party affiliation, statement of the reason the person cannot vote in
6 person on the day of an election~~[or during the dates and time no excuse in person~~
7 ~~absentee voting is being conducted]~~, statement of where the voter shall be on
8 election day~~[or during the dates and times no excuse in person absentee voting is~~
9 ~~being conducted]~~, statement of compliance with residency requirements for voting
10 in the precinct, an instructional statement prescribing the requirements for
11 providing a copy of the voter's proof of identification or voter affirmation when
12 applicable, and the voter's mailing address for a mail-in absentee ballot. The mail-in
13 absentee ballot application form shall be verified and signed by the voter, and the
14 voter shall provide a copy of his or her proof of identification, as defined in KRS
15 117.001, or the executed voter affirmation as described in KRS 117.228(1)(c). A
16 notice of the actual penalty provisions in KRS 117.995(2) and (5) shall be printed
17 on the mail-in absentee ballot application form.

18 (3) For those voters eligible to receive a mail-in absentee ballot, if the county clerk
19 finds that the voter has completed and submitted an application for a mail-in
20 absentee ballot as provided in this section, is properly registered as stated in his or
21 her mail-in absentee ballot application, and qualifies to receive a mail-in absentee
22 ballot by mail, the county clerk shall mail to the voter a mail-in absentee ballot, two
23 (2) official envelopes for returning the mail-in absentee ballot, and instructions for
24 voting.

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

27 (a) Qualified voters who apply pursuant to the requirements of subsection

- 1 (1)(h)1. to 5. of this section; or
- 2 (b) Qualified voters covered under KRS 117.077.
- 3 (5) The county clerk shall:
- 4 (a) Transmit a mail-in absentee ballot to the voter who is eligible to receive a
- 5 mail-in absentee ballot within four (4) days of receipt or within four (4) days
- 6 of the ballots being available;
- 7 (b) Cause mail-in absentee ballots to be printed fifty (50) days prior to each
- 8 primary or regular election, and forty-five (45) days prior to a special election;
- 9 and
- 10 (c) Complete a postal form for a certificate of mailing for mail-in absentee ballots
- 11 mailed within the fifty (50) states, and it shall be stamped by the postal
- 12 service when the mail-in absentee ballots are mailed. Unless a postal form for
- 13 a certificate of mailing is required, the county clerk may use methods of
- 14 tracking the mail-in absentee ballots by means of a printed barcode or other
- 15 label that is unique to the individual voter issued by the State Board of
- 16 Elections pursuant to administrative regulations promulgated under KRS
- 17 Chapter 13A.
- 18 (6) A mail-in absentee ballot may be transmitted by facsimile machine or by the
- 19 electronic transmission system established under KRS 117A.030(4) to a covered
- 20 voter as defined in KRS 117A.010. The covered voter shall be notified of the
- 21 options for transmittal of the mail-in absentee ballot, and the mail-in absentee ballot
- 22 shall be transmitted by the method chosen for receipt by the resident of Kentucky
- 23 who is a covered voter.
- 24 (7) The outer envelope of the mail-in absentee ballot shall bear the words "Absentee
- 25 Ballot", the address and official title of the county clerk, a printed barcode or other
- 26 label that is unique to the individual voter issued by the State Board of Elections,
- 27 and adequate space for the voter's signature, voting address, precinct number, and

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

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

- 1 (9) Any voter qualified for a mail-in absentee ballot who does not receive a requested
2 mail-in absentee ballot within a reasonable amount of time shall contact the county
3 clerk, who shall reissue a second mail-in absentee ballot. The county clerk shall
4 keep a record of the mail-in absentee ballots issued and returned by mail, hand-
5 delivered, or placed in a secure drop-box or receptacle, and the in-person absentee
6 voting and federal in-person provisional absentee voting that is conducted, to verify
7 that only the first voted ballot is counted. Upon the return of any mail-in absentee
8 ballot after the first mail-in absentee ballot is returned, the county clerk shall mark
9 on the outer envelope of the sealed ballot the words "Canceled because ballot
10 reissued."
- 11 (10) Any covered voter as defined in KRS 117A.010 who has received a mail-in
12 absentee ballot but who knows that he or she will be in the county on election day ~~or~~
13 ~~or during the days of no excuse in person absentee voting~~ shall cancel his or her
14 mail-in absentee ballot and vote in person ~~during the days of no excuse in person~~
15 ~~absentee voting or~~ on the day of the election. The voter shall return the mail-in
16 absentee ballot to the county clerk's office on or before election day. Upon the
17 return of the mail-in absentee ballot, the county clerk shall mark on the outer
18 envelope of the sealed mail-in absentee ballot or the unmarked mail-in absentee
19 ballot the words "Canceled because voter appeared to vote in person." Sealed
20 envelopes so marked shall not be opened. The county clerk shall remove the voter's
21 name from the list of persons who were sent mail-in absentee ballots and~~, allow~~
22 ~~the voter to vote by means of no excuse in person absentee ballot, or~~ provide the
23 voter with written authorization to vote at the precinct on election day. If the voter
24 is unable to return the mail-in absentee ballot to the county clerk's office on or
25 before election day, at the time he or she votes in person, he or she shall sign a
26 written oath as to his or her qualifications on a form prescribed by the State Board
27 of Elections pursuant to KRS 117.245.

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

2 (a) Ensure election officials have real-time knowledge of which voters have
3 requested mail-in absentee ballots; and

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

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

18 ➔Section 3. KRS 117.086 is amended to read as follows:

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

22 (b) The voter shall sign the detachable flap and the outer envelope in order to
23 validate the ballot. A person having power of attorney for the voter and who
24 signs the detachable flap and outer envelope for the voter shall complete the
25 voter assistance form as required by KRS 117.255. The signatures of two (2)
26 witnesses are required if the voter signs the form with the use of a mark
27 instead of the voter's signature. A resident of Kentucky who is a covered voter

1 as defined in KRS 117A.010 who has received an absentee ballot transmitted
2 by facsimile machine or by means of the electronic transmission system
3 established under KRS 117A.030(4) shall transmit the voted ballot to the
4 county clerk by mail only, conforming with ballot security requirements that
5 may be promulgated by the State Board of Elections by administrative
6 regulation under KRS Chapter 13A. In order to be counted, all mail-in
7 absentee ballots shall be received by the county clerk no later than the time
8 established by the election laws generally for the closing of the polls, which
9 time shall not include the extra hour during which those voters may vote who
10 were waiting in line to vote at the scheduled poll closing time.

11 (2) (a) The county clerk shall provide a minimum of one (1) secure ballot drop-box
12 to receive voted mail-in absentee ballots for each primary, regular election, or
13 special election. Public notice of all secure ballot drop-box locations shall be
14 given in the same manner as provided under KRS 117.076(3)(4), and posted
15 to the website~~[Web site]~~ of the county clerk.

16 (b) The county board of elections may seek the State Board of Elections' approval
17 of a ballot receptacle to receive voted mail-in absentee ballots for each
18 primary, regular election, or special election. Public notice of all secure ballot
19 receptacle locations shall be given in the same manner as provided under KRS
20 117.076(3)(4), and posted to the website~~[Web site]~~ of the county clerk.
21 Before any mail-in absentee ballot shall be allowed to be deposited inside a
22 receptacle, the county board of elections shall inform the State Board of
23 Elections of:

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

27 (c) Any drop-box or receptacle located outside of the county clerk's office shall

1 be:

- 2 1. Placed in a well-lit and easily accessible location;
- 3 2. Secured to ensure immobility while in use;
- 4 3. Under video surveillance at all times;
- 5 4. Tamper-resistant; and
- 6 5. Conspicuously noted as a mail-in absentee ballot drop-off location.

7 (d) A drop-box or receptacle located inside the county clerk's office shall be
8 under direct supervision of the staff of the county clerk at all times and be
9 accessible to the public.

10 (e) Each receptacle or drop-box shall be emptied by the county clerk and at least
11 one (1) member of the county board of elections or one (1) member of the
12 central ballot counting board if one is appointed, who is not of the same
13 political affiliation as the county clerk at least once each business day or more
14 frequently, as needed, to reasonably secure and accommodate the volume of
15 the voter-delivered mail-in absentee ballots. The ballots deposited in the drop-
16 box or receptacle shall be removed with a record of the date and time ballots
17 were removed, and the names of the persons removing them. If the drop-box
18 or receptacle is located outside the county clerk's office, the ballots shall be
19 returned to the county clerk in locked transport containers, and the county
20 clerk shall transfer the ballots upon receipt in accordance with subsection (3)
21 of this section.

22 (f) Except for those times ballots are being removed and transported from a
23 secure ballot drop box to the county clerk as provided in this subsection, the
24 county clerk and at least one (1) member of the county board of elections who
25 is not of the same political affiliation or one (1) member of the central ballot
26 counting board who is not of the same political affiliation as the county clerk,
27 shall retain the keys to all secure ballot drop-boxes, receptacles, and transport

1 containers in use in the county.

2 (g) The State Board of Elections may establish additional security measures and
3 procedures for the use of the ballot drop-box or receptacle through
4 administrative regulations promulgated under KRS Chapter 13A.

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

14 (4) The county clerk shall keep separate lists for each election of all persons who:

15 (a) Return their mail-in absentee ballots;

16 (b) Cast their excused ~~and no-excuse~~ in-person absentee ballots; and

17 (c) Cast their federal provisional in-person absentee ballots.

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

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