

1 AN ACT relating to elections.

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

3 ➔Section 1. KRS 117.087 is amended to read as follows:

- 4 (1) The challenge of a mail-in absentee ballot shall be in writing and in the hands of the  
5 county clerk before 8 a.m. on the day preceding any primary, regular election, or  
6 special election day.
- 7 (2) The county board of elections may appoint a central ballot counting board of not  
8 less than three (3) members, who shall be qualified voters and no more than two-  
9 thirds (2/3) of whom shall be members of the same political party, to process,  
10 review, and count the ballots at the direction of the county board of elections.
- 11 (3) (a) Beginning at 8 a.m. on any primary, regular election, or special election day,  
12 the county board of elections or central ballot counting board shall meet at the  
13 county clerk's office or other place designated by the county board of  
14 elections to process and review the mail-in absentee ballots returned.  
15 Candidates or their representatives shall be permitted to be present. The  
16 county board of elections or central ballot counting board may meet up to  
17 fourteen (14) days prior to the day of a primary or election to review and  
18 process the mail-in absentee ballots cast in the county. The county board of  
19 elections or central ballot counting board shall meet as often as necessary  
20 during these fourteen (14) days to process and review returned mail-in  
21 absentee ballots, including expediting any signature cures.
- 22 (b) The county board of elections or counting board chair or the chair's designee  
23 shall provide each board member with a list of all voters who have returned a  
24 mail-in absentee ballot by mail. If a list of all voters who have returned a  
25 mail-in absentee ballot by mail is not provided to the board, the name of each  
26 voter who cast an absentee ballot by mail shall be read aloud. The county  
27 board of elections shall authorize representatives of the news media to

1 observe the processing and review of the ballots to determine their acceptance  
2 or rejection.

3 (c) Acceptance or rejection of the mail-in absentee ballots shall be determined as  
4 follows:

- 5 1. The county board of elections or the central ballot counting board shall  
6 open the boxes containing absentee ballots returned by mail, hand  
7 delivered, or deposited in a drop-box or receptacle, and remove the  
8 envelopes one (1) at a time. All mail-in absentee ballots returned shall  
9 have their barcode or unique label scanned to note official receipt;
- 10 2. As each envelope is removed, it shall be examined to ascertain whether  
11 the outer envelope and the detachable flap are in proper order and have  
12 been signed by the voter, except if:
  - 13 a. The detachable flap and outer envelope for the voter have been  
14 signed by a person having power of attorney for the voter, and that  
15 person has completed the voter assistance form required by KRS  
16 117.255; or
  - 17 b. The voter has signed the detachable flap and outer envelope with  
18 the use of a mark instead of the voter's signature, the county board  
19 of elections or the central ballot counting board shall verify that  
20 the mark was made in the presence of two (2) witnesses;
- 21 3. Ballots with unsigned detachable flaps or outer envelopes shall be  
22 rejected automatically;
- 23 4. Ballots that have not been sent by the county clerk to a qualified voter,  
24 but are received by the county board of elections or the central ballot  
25 counting board shall be rejected automatically;
- 26 5. The members of the county board of elections, or the members of the  
27 central ballot counting board, shall compare the signatures on the outer

1 envelope and the detachable flap with the signature of the voter that  
2 appears on the voter's signature of record, which record shall include the  
3 signature on the voter's identity document as defined in KRS 186.010,  
4 the voter's mail-in absentee ballot application, or the voter's registration  
5 card. If a signature match cannot be made, the county board of elections,  
6 central ballot counting board, or the county clerk shall make a  
7 reasonable effort to contact the voter and provide notice to the voter  
8 with a timeframe and manner in which the voter may cure his or her  
9 signature relative to the mail-in absentee ballot signature. All signature  
10 cures shall be completed before the closing of the polls on the day of a  
11 primary or an election;

12 6. If the outer envelope and the detachable flap are found to be in order,  
13 the members of the county board of elections or the members of the  
14 central ballot counting board shall verify the voter's name from the list  
15 of persons who were sent mail-in absentee ballots, but if a list has not  
16 been provided to the board, the name of the voter shall be read aloud;

17 7. If the vote of the voter is not rejected on a challenge as provided in  
18 subparagraph 8. of this paragraph or as otherwise provided in this  
19 subsection, the members of the county board of elections or the  
20 members of the central ballot counting board shall remove the  
21 detachable flap and place the secrecy envelope unopened in a ballot box  
22 which has been provided for the purpose;

23 8. When the name of a voter who cast a mail-in absentee ballot is  
24 processed and reviewed by the members of the county board of elections  
25 or the members of the central ballot counting board, the vote of the voter  
26 may be challenged by any board member or by the written challenge  
27 provided in subsection (1) of this section and the challenge may be

1 determined and the vote accepted or rejected by the board as if the voter  
2 was present and voting in person; but if the outer envelope and the  
3 detachable flap are regular, and each substantially comply with the  
4 provisions of this chapter, they shall be considered as showing that the  
5 voter is prima facie entitled to vote. If the vote of a voter is rejected  
6 pursuant to the challenge, the secrecy envelope shall not be opened, but  
7 returned to the outer envelope upon which the chair or member shall  
8 write on the envelope the word "rejected";

9 9. If irregularities are discovered in the review and processing of the mail-  
10 in absentee ballot, the county board of elections or the central ballot  
11 counting board shall immediately report to the county attorney or the  
12 Office of the Attorney General; and

13 10. The ballot box into which all accepted mail-in absentee ballots are  
14 placed shall be locked with at least two (2) locks and the keys to the box  
15 shall be retained by at least two (2) members of the county board of  
16 elections who are not of the same political affiliation or two (2)  
17 members of the central ballot counting board, who are not of the same  
18 political affiliation. The box shall remain locked until the ballots are  
19 counted.

20 (d) The State Board of Elections shall promulgate administrative regulations in  
21 accordance with~~under~~ KRS Chapter 13A establishing the form of the notice  
22 required under this subsection for the curing of signatures.

23 (4) (a) Beginning at 8 a.m. local time on any primary, regular election, or special  
24 election day, the county board of elections or a central ballot counting board  
25 shall meet in the county clerk's office or other place designated by the county  
26 board of elections to:

27 1. Review and process any mail-in absentee ballots returned using the

1 procedures in subsection (3) of this section; and

2 2. Count, or the county board of elections may oversee the count by the  
3 central ballot counting board, the accepted mail-in absentee ballots and  
4 total and record the in-person absentee votes cast.

5 (b) During the review, processing, and counting of the absentee ballots and votes,  
6 candidates or their representatives shall be permitted to be present, and the  
7 county board of elections shall authorize representatives of the news media to  
8 observe.

9 (5) After the challenges have been made and all the blank secrecy envelopes have been  
10 placed in a ballot box, the box shall be thoroughly shaken or shuffled to redistribute  
11 the absentee ballots in the box to ensure secrecy of the vote. The board shall open  
12 the ballot box, remove the absentee ballots from the secrecy envelopes, and count  
13 the ballots.

14 (6) The board shall unlock and break the tamper-resistant seal to any voting equipment  
15 used to cast in-person absentee ballots, as provided for in KRS 117.076, and a total  
16 of all in-person absentee ballots shall be made and recorded on the form provided  
17 by the State Board of Elections.

18 (7) No person shall transmit or publicize any tallies or counts of the absentee ballot  
19 results or any partial results as provided in this section to any person except those  
20 persons, election officials, or entities authorized by law to receive it, until 7 p.m.~~[6~~  
21 ~~p.m.]~~ prevailing time on the day of a primary or an election.

22 ➔Section 2. KRS 118.035 is amended to read as follows:

23 (1) The polls shall be opened on the day of a primary, special election, or regular  
24 election at 6 a.m., prevailing time, and shall remain open until each voter who is  
25 waiting in line at the polls at 7 p.m.~~[6 p.m.]~~, prevailing time, has voted. At 7 p.m.~~[6~~  
26 ~~p.m.]~~, prevailing time, if voters are waiting at the polls to vote, the precinct election  
27 sheriff shall announce that a voter wishing to vote must immediately get in line.

1 When all voters waiting at the polls at that time are in line, the precinct election  
2 sheriff shall then determine which voter is the last in line, and that voter shall be the  
3 last voter permitted to vote. The precinct election sheriff shall wait in line with the  
4 last voter who shall be permitted to vote until that voter has voted and shall inform  
5 a voter who subsequently arrives at the polls that no one shall be permitted to vote  
6 after the last voter in line at 7 p.m.~~[6 p.m.]~~, prevailing time. After the last voter  
7 waiting in line at 7 p.m.~~[6 p.m.]~~, prevailing time, has voted, the polls shall then be  
8 closed.

9 (2) As provided in Section 148 of the Constitution of Kentucky, any person entitled to  
10 a vote at any election in this state shall, if he or she has made application for leave  
11 prior to the day he or she appears before the county clerk to request an application  
12 for or to execute an absentee ballot, be entitled to absent himself or herself from  
13 any services or employment in which he or she is then engaged or employed for a  
14 reasonable time, but not less than four (4) hours on the day he or she appears before  
15 the clerk to request an application for or to execute an absentee ballot, during  
16 normal business hours of the office of the clerk or to cast his or her ballot on the  
17 day of the election between the time of opening and closing the polls. The employer  
18 may specify the hours during which an employee may absent himself or herself.

19 (3) No person shall be penalized for taking a reasonable time off to vote, unless, under  
20 circumstances which did not prohibit him or her from voting, he or she fails to  
21 vote. Any qualified voter who exercises his or her right to voting leave under this  
22 section but fails to cast his or her vote, under circumstances which did not prohibit  
23 him or her from voting, may be subject to disciplinary action.

24 (4) Any person selected to serve as an election officer shall be entitled to absent  
25 himself or herself from any services or employment in which he or she is then  
26 engaged or employed for a period of an entire day to attend training or to serve as  
27 an election officer. The person shall not, because of so absenting himself or herself,

1 be liable to any penalty. The employer may specify the hours during which the  
2 employee may absent himself or herself. No person shall refuse an employee the  
3 privilege hereby conferred, or discharge or threaten to discharge an employee or  
4 subject an employee to a penalty, because of the exercise of the privilege.

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

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

12 (2) Any voter who is qualified to vote on election day in the county of his or her  
13 residence may make application to cast an excused in-person absentee ballot during  
14 normal business hours during the six (6) business days immediately preceding the  
15 Thursday of no-excuse in-person absentee voting under subsection (1) of this  
16 section. The voter who makes application under this subsection shall meet one (1)  
17 of the following requirements in order to cast his or her excused in-person absentee  
18 ballot:

19 (a) Is a resident of Kentucky who is a covered voter as defined in KRS 117A.010,  
20 who will be absent from the county of his or her residence on the day of an  
21 election and during the days of no-excuse in-person absentee voting;

22 (b) Has surgery, or whose spouse has surgery, scheduled that will require  
23 hospitalization on the day of an election and during the days of no-excuse in-  
24 person absentee voting;

25 (c) Temporarily resides outside the state, but is still eligible to vote in this state  
26 and will be absent from the county of his or her residence on the day of an  
27 election and during the days of no-excuse in-person absentee voting;

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



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

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

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

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

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

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

1 the day of an election at a regular polling place.

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

8 (11) No person shall transmit or publicize any tallies or counts of in-person absentee  
9 ballots, or any partial results, to any person except when provided to the county  
10 board of elections under KRS 117.087, until 7 p.m.~~[6 p.m.]~~ prevailing time on the  
11 day of a primary or an election.

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

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

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

1 public counter, the number recorded on the prescribed form, and the status of  
2 the tamper-resistant seal.

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

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

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

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

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

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

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

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

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

22 The certificate, with any additional certificate previously prepared under KRS  
23 117.035, shall be returned by the judges of election to the officials authorized by  
24 law to receive it. The judges shall compare the number of voters, as shown by the  
25 counter of the voting equipment, with the number of those who have voted as  
26 shown by the protective or cumulative counter or device.

27 (3) Where voting equipment is used that prints the candidates' names along with the

1 total votes received on a return sheet or record for that equipment, the precinct  
2 election officers shall sign the return sheets or record for the voting equipment,  
3 which shall be posted on the door of the precinct.

4 (4) If any officer shall decline to sign the return sheets, he or she shall state the reason  
5 in writing, and a copy thereof, signed by the officer, shall be enclosed with the  
6 return sheets.

7 (5) Each of the return sheets, if applicable, and the record of the voting equipment shall  
8 be enclosed in an envelope. One (1) copy of the return sheets, if applicable, one (1)  
9 copy of the record of the voting equipment, and the write-in roll, if any write-in  
10 votes were cast in the precinct, shall be directed to the county board of elections of  
11 the county in which the election is being held. One (1) copy of the return sheets or  
12 record of the voting equipment shall be given to the county clerk of the county in  
13 which the election is being held and to each of the local governing bodies of the two  
14 (2) dominant political parties, but a local governing body of a dominant political  
15 party may decline a copy of the precinct election return by filing a written  
16 declination with the county board of elections prior to the election, and upon this  
17 declination, a printed copy shall not be issued to the political party so declining.  
18 The declination on file shall be effective for that election and any subsequent  
19 elections until revoked by the local governing body of a dominant political party by  
20 filing a written revocation with the county board of elections. The envelope shall  
21 have endorsed thereon a certificate of the election officers, stating the number or  
22 unique designation of the voting equipment, the precinct where it has been used, the  
23 number on the seal, and the number on the protective or cumulative counter or  
24 device at the close of the polls.

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

27 (a) The county board of elections shall mail, transmit via facsimile machine,

1 hand-deliver, or submit by electronic means a copy of the precinct-by-precinct  
2 summary of the tabulation sheets showing the results from each precinct to the  
3 State Board of Elections. The copy of the precinct-by-precinct summary of the  
4 tabulation sheets showing the results from each precinct shall include the  
5 votes cast on the day of an election and during absentee voting; and

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

9 (7) For each voting location, as soon as possible after the completion of the count, the  
10 two (2) election officers who are not of the same political affiliation shall return to  
11 the county board of elections the keys to the voting equipment received and  
12 receipted for by them, and the county clerk, in each voting location, shall have the  
13 voting equipment properly boxed or securely covered and removed to a proper and  
14 secure place of storage.

15 (8) In primaries, each candidate or group of candidates may designate to the county  
16 board of elections a representative to witness and check the vote count. In regular  
17 elections, the governing authority of each political party, each candidate for  
18 member of board of education, nonpartisan candidate, political group candidate,  
19 political organization candidate, independent candidate, or independent ticket may  
20 designate a representative to the county board of elections to witness and check the  
21 vote count. The county board of elections shall authorize representatives of the  
22 news media to witness the vote count.

23 (9) For all federal provisional ballots, if applicable, and supplemental paper ballots if  
24 approved as provided in KRS 118.215, after the polls are closed, the two (2) judges  
25 shall return to the county clerk's office the locked federal provisional ballot  
26 receptacle and the supplemental paper ballot box, all ballot stubs, spoiled ballots,  
27 and unvoted ballots at the same time as the tabulation of votes from the voting

1 equipment is delivered. The county clerk shall issue a receipt for the number of  
2 ballot stubs, unvoted ballots, spoiled ballots, and the ballot boxes or ballot  
3 receptacle.

4 (10) The county board of elections, or its designee, shall count and tally the  
5 supplemental paper ballots that have not been tabulated by automatic tabulating  
6 equipment at the precinct, either manually or with the use of tabulating equipment  
7 that has been certified by the State Board of Elections for use for that purpose in the  
8 county clerk's office. The results of the vote tally shall be certified by the county  
9 board of elections to the county clerk and to the Secretary of State.

10 (11) The county board of elections shall tabulate the valid federal provisional ballots.  
11 The results of the vote tally shall be certified by the county board of elections to the  
12 county clerk and to the Secretary of State. The county board of elections shall mail  
13 a copy of the precinct-by-precinct summary of the valid federal provisional ballot  
14 tabulation sheets showing the results from each precinct to the State Board of  
15 Elections.

16 (12) The county board of elections shall authorize the candidates, slates of candidates, or  
17 their representatives, and representatives of the news media to be present during the  
18 counting of the supplemental and federal provisional paper ballots.

19 (13) No person shall transmit or publicize any tallies or counts of ballots, or any partial  
20 results, to any person except those persons, election officials, or entities authorized  
21 by law to receive it, until 7 p.m.~~[6 p.m.]~~ prevailing time on the day of a primary or  
22 an election.

23 (14) (a) Unofficial election results transmitted online to the county board of elections  
24 or the State Board of Elections shall occur by means of a secure online  
25 connection after results are tallied on the tally computer that has been certified  
26 in accordance with KRS 117.379 as part of a voting system as defined in KRS  
27 117.001.

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

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