

1 AN ACT relating to elections.

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

3 ➔Section 1. KRS 116.055 is amended to read as follows:

- 4 (1) Before a person shall be qualified to vote in a primary, he or she ***shall***:
- 5 (a) ~~Shall~~ Possess all the qualifications required of voters in a regular election;
- 6 (b) ~~Shall~~ Have been a registered member of the party in whose primary he or
- 7 she seeks to vote ***or as an independent*** on December 31 immediately
- 8 preceding the primary; and
- 9 (c) ~~Shall~~ Have remained continuously registered as a member of that party in
- 10 whose primary he or she seeks to vote ***or as an independent*** between
- 11 December 31 immediately preceding the primary and the date set for the
- 12 primary.
- 13 (2) In the case of a new registration made after December 31 immediately preceding
- 14 the primary, a voter shall have registered and remained continuously registered as a
- 15 member of the party in whose primary he or she seeks to vote ***or as an independent***
- 16 from the date of registration until the date set for the primary.
- 17 (3) Any voter who withdraws his or her registration ***as a member of a party or as an***
- 18 ***independent*** after December 31 immediately preceding the primary, and reregisters
- 19 as a ***member of*** ~~[voter with]~~ a different party ***or as an independent*** ~~[affiliation]~~,
- 20 during those periods that the registration books are open immediately preceding the
- 21 primary, shall not be eligible to vote in the upcoming primary.
- 22 (4) ~~A~~ ~~No~~ person ***qualified to vote in a primary*** shall ***not*** be allowed to vote:
- 23 (a) ***In the primary of more than one (1) political party; and***
- 24 (b) For any party candidates or slates of candidates other than that of the party of
- 25 which he or she is a registered member, ***except voters registered as an***
- 26 ***independent***.
- 27 (5) ***Voters registered as independent who otherwise qualify to vote in a primary of a***

1 political party may only do so if the political party for the primary in which he or
2 she seeks to participate has, by official action of its state executive committees,
3 notified the Secretary of State on or before December 31 immediately preceding
4 the primary of the political party's intent to allow registered independents to vote
5 in that political party's primary.

6 (6) The qualifications shall be determined as of the date of the primary, without regard
7 to the qualifications or disqualifications as they may exist at the succeeding regular
8 election, except that minors seventeen (17) years of age who will become eighteen
9 (18) years of age on or before the day of the regular election shall be entitled to vote
10 in the primary if otherwise qualified. However, any registered voter, whether
11 registered as a member of a party, political organization, political group, or as an
12 independent, shall be qualified to vote in a primary for candidates listed in all
13 nonpartisan races.

14 ➔Section 2. KRS 117.125 is amended to read as follows:

15 ~~A[No]~~ voting system or voting equipment shall **not** be approved for use after January 1,
16 2024, by the State Board of Elections, either upon initial examination or reexamination,
17 and no voting equipment or voting system shall be purchased after July 14, 2022, unless
18 the system and equipment has been certified under KRS 117.379 and is so constructed
19 that it shall:

20 (1) Ensure secrecy to the voter in the act of voting so that no person can see or know
21 for whom any other voter has voted or is voting, except for those voters requiring
22 assistance under KRS 117.255;

23 (2) Permit votes to be cast for any candidate entitled to have his or her name printed
24 upon the ballots at any primary, regular election, or special election, and for or
25 against any public question entitled to be placed upon the ballots;

26 (3) Except at a primary, permit a voter to vote for all the candidates of one (1) party or
27 for one (1) or more candidates of every party having candidates entitled to be voted

- 1 for, or for one (1) or more independent, political organization, or political group
2 candidates;
- 3 (4) Permit a voter to vote for as many persons for an office as the voter is lawfully
4 entitled to vote for, and no more;
- 5 (5) Prevent a voter from voting for more persons for any office than the voter is entitled
6 to vote for, and from voting for the same person, or for or against the same
7 question, more than once;
- 8 (6) Permit a voter to vote for or against any question the voter may have the right to
9 vote on, but no other;
- 10 (7) Provide for a nonpartisan ballot;
- 11 (8) Be capable of being adjusted for use in a primary so that a voter may not vote for
12 any person except:
- 13 (a) Those ***that the voter is entitled to vote for pursuant to Section 1 of this***
14 ***Act;***~~seeking nomination as candidates of the voter's party, as~~
- 15 (b) Candidates for a nonpartisan office;~~;~~ or ~~as~~
- 16 (c) Candidates for an office of the Court of Justice;
- 17 (9) Permit each voter to vote for all the candidates for presidential electors of any party
18 by one (1) operation;
- 19 (10) Permit each voter to vote, in any regular or special election, for any person for
20 whom the voter desires to vote whose name does not appear upon the ballot by
21 providing a method of write-in voting;
- 22 (11) Be safe, efficient, and accurate in the conduct of elections, and correctly register
23 and accurately count all votes cast for each person, and for or against each public
24 question;
- 25 (12) (a) Provide each voter an opportunity to verify votes recorded on the permanent
26 paper ballot, either visually or using assistive voting technology, by producing
27 a voter-verified paper audit trail;

- 1 (b) Provide each voter an opportunity to change votes or correct any error before
2 the voter's ballot is cast and counted; and
- 3 (c) Provide a voter who spoils his or her ballot another ballot as provided under
4 this chapter;
- 5 (13) Use an individual, discrete, permanent, paper ballot cast by the voter for tabulating
6 purposes;
- 7 (14) Preserve the paper ballot as an official record available for use in any audit or
8 recount;
- 9 (15) Be suitably designed for the purpose used, constructed of a durable material, and
10 safely transportable;
- 11 (16) Be capable of determining whether the voting equipment has been unlocked and
12 operated or adjusted in any manner after once being locked;
- 13 (17) Have a public counter with a register which is visible from the outside of the
14 counter or device that will show at all times during a primary or an election how
15 many persons have voted;
- 16 (18) Have a protective cumulative counter indicating the number of votes cast for each
17 person, and the votes cast for or against each public question which cannot be seen,
18 reset, or tampered with without unlocking a covering device by a key or other
19 security apparatus that cannot unlock any other part of the equipment, and which
20 prevents changes to the cumulative counter once the system has been put into
21 operation on the day of any election;
- 22 (19) Provide for the tabulating of votes at the precinct as required under KRS 117.275;
- 23 (20) Provide locks or other security apparatus by which the operation of the voting
24 equipment may be locked before the time for opening the polls and after the time
25 for closing the polls;
- 26 (21) Permit a voter to readily learn the method of operating it, to expeditiously cast a
27 vote for all candidates and on all questions of the voter's choice, and when operated

- 1 properly, register and record correctly and accurately every vote cast;
- 2 (22) Bear a number or other unique designation that will distinguish it from any other
3 voting equipment or voting system;
- 4 (23) Produce a real-time audit log record for the voting system, and produce a paper
5 record with a manual audit capacity which shall be available as an official record
6 for any recount conducted related to any primary or election in which the system is
7 used;
- 8 (24) Be accessible for individuals with impairments, including nonvisual accessibility
9 for the blind or visually impaired, in a manner that provides the same opportunity
10 for access and participation, including privacy and independence, as for other
11 voters;
- 12 (25) Prohibit voting equipment that tabulates or aggregates votes used in official results
13 from connecting to any network, including the internet, or communicating with any
14 device external to the voting system;
- 15 (26) Meet or exceed the standards for a voting system established by the Election
16 Assistance Commission, as amended from time to time, and those approved under
17 KRS 117.379; and
- 18 (27) Meet such other requirements as may be established by the State Board of Elections
19 in administrative regulations promulgated ***in accordance with***~~under~~ KRS Chapter
20 13A to reflect changes in technology to ensure the integrity and security of voting
21 systems.
- 22 ➔Section 3. KRS 118.125 is amended to read as follows:
- 23 (1) Except as provided in KRS 118.155, any person who is qualified under the
24 provisions of KRS 116.055 to vote in any primary for the candidates for nomination
25 by the ***political*** party ***with which he or she is registered under Section 1 of this Act***
26 ***and*** at whose hands he or she seeks the nomination, shall have his or her name
27 printed on the official ballot of his or her party for an office to which he or she is

1 eligible in that primary, upon filing, with the Secretary of State or county clerk, as
 2 appropriate, at the proper time, a notification and declaration. **This subsection shall**
 3 **not apply to any person who is qualified to vote in a primary as an independent**
 4 **under Section 1 of this Act.**

- 5 (2) The notification and declaration shall be in the form prescribed by the State Board
 6 of Elections. It shall be signed by the candidate and by not less than two (2)
 7 registered voters, who at the time of signing are of the same party as the candidate
 8 and from the district or jurisdiction from which the candidate seeks nomination.
 9 Signatures for nomination papers shall not be affixed on the document to be filed
 10 prior to the first Wednesday after the first Monday in November of the year
 11 preceding the year in which the office will appear on the ballot. The notification
 12 and declaration for a candidate shall include the following oath:

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

26 The declaration shall be subscribed and sworn to before an officer authorized to
 27 administer an oath by the candidate and by the two (2) voters making the

- 1 declaration and signing the candidate's petition for office.
- 2 (3) When the notice and declaration has been filed with the Secretary of State or county
3 clerk, as appropriate, and certified according to KRS 118.165, the Secretary of State
4 or county clerk, as appropriate, shall have the candidate's name printed on the ballot
5 according to the provisions of this chapter, except as provided in KRS 118.185.
- 6 (4) Titles, ranks, or spurious phrases shall not be accepted on the filing papers and shall
7 not be printed on the ballots as part of the candidate's name; however, nicknames,
8 initials, and contractions of given names may be acceptable as the candidate's name.