

Section 2:

An application request may be transmitted by electronic mail in addition to the methods listed in Section 1.

The county clerk shall accept a federal post-card application as a means to register, reregister, or apply for a mail-in absentee ballot. A federal post-card application may be submitted by mail, fax, or electronic transmission system as established by the Secretary of State.

The list of qualified voters who may vote by mail-in absentee ballot is amended to include:

- Any voter unable to vote in person due to age, disability, or illness
- Voters who move out of state after the registration books are closed in the new state preceding an election of electors for President and Vice President may cast a mail-in absentee ballot for President and Vice-President.
- Any voter unable to vote in person due to employment requiring them to be absent from their county of residence all day election day

IN-person absentee voting shall be allowed in the clerk's office or other designated place at least 12 days before the elections.

Any person not meeting the requirements for absentee mail-in voting and who will be absent from their county of residence on election day may make application to cast an in-person absentee vote.

The list of conditions for qualifying for in-person absentee voting is amended as follows:

- Absent from their county is clarified to **county of residence**.
- Uniformed-service voters confined to a military base on election day and learn of that confinement within twelve days of an election and are not eligible for a mail-in absentee ballot.
- Reference to pregnant woman and "she" are replaced with gender neutral "their" and "they".
- Age, disability, or illness making the voter unable to appear at the polls on election day.
- Voters who move out of state after the registration books are closed in the new state preceding an election of electors for President and Vice President may cast an in-person absentee ballot for President and Vice-President up to the close of business the day before the election.
- Precinct workers assigned to a precinct other than the precinct in which he or she is registered to vote may vote by in-person absentee.
- Conforming language regarding county board of elections or their designees who provide equal representation of both political parties may serve as precinct officers for all in-person absentee voting. This also provides that these individuals may also serve on the day of election. If they don't serve as officers

for in-person absentee voting then the county or deputy county clerk shall supervise in-person absentee voting.

- Any individual qualified to appoint challengers for the day of election may also appoint challengers to observe in-person absentee.

The clerk shall type the name of the voter on the mail-in absentee ballot application form for that person's use only. A notice of penalties shall be printed on the application form.

The clerk shall use certified mail to send mail-in absentee ballots to voters within the fifty states. Overseas mail-in ballots may be transmitted by fax or by electronic transmission as established by the Secretary of State.

If mail-in absentee ballot application is received prior to printing of the ballot, then the clerk shall mail the application within three days of receipt of the printed ballot.

The clerk shall cause the printing of mail-in absentee ballots to be printed fifty days prior to primary and regular elections, forty-five days prior to special elections.

The clerk shall retain the mail-in application form for twenty-two months after the elections.

A voter who has received a mail-in absentee ballot but later finds within seven days of the election that he or she will be able to vote in-person on election day and has not yet voted by mail-in absentee ballot may cancel the mail-in ballot and vote in person.

The clerk shall reissue a second mail-in absentee ballot if the first mail-in absentee ballot was not received timely by the applicant. The clerk shall keep records of all mailed absentee ballots and in-person absentee voting and ensure only that only the first voted ballot is counted.

A voter who has received a mail-in absentee ballot but later finds that he or she will be able to vote in-person on election day and has not yet voted by mail-in absentee ballot may cancel the mail-in ballot and vote in person. If the voter is unable to return the mail-in absentee ballot, he or she shall sign a written oath as to his or her qualifications. The clerk shall provide written authorization for the voter to vote in the precinct in which he or she is properly registered.

Notwithstanding the Kentucky Open Records Act, mail-in applications shall not be made public until after the close of business on election day. This does not prohibit disclosing the total number of applications for mail-in absentee ballots that have been filed, or disclosure to the Secretary of State of State Board of Elections of any information in a mail-in absentee ballot application.

Section 3 amends KRS 117.077 to allow a voter to make application for a mail-in absentee ballot within fourteen days or less of an election in case of a medical emergency that **occurs to the individual himself or herself**. The application may be requested and

delivered by the voter, immediate family members or a legal guardian. If none of those classifications exist, then extended family may request and deliver the absentee ballot.

Section 4 amends KRS 117.227 to expand the methods that may be used to confirm the identity of a voter:

- Instruction permit for a motor vehicle or motorcycle
- Intermediate license to operate a motor vehicle
- City or county issued identification card that includes a picture of the voter
- State-issued identification card that includes a picture of the voter
- Public or private college or university identification card that includes a picture
- Public or private high school issued identification care that includes a picture

Part III: Fiscal Explanation, Bill Provisions, and Estimated Cost

The impact of HB 258 on local governments would be nil to minimal. All the procedures are essentially in place. Both the Kentucky Clerk's Association and the Secretary of State were surveyed regarding the cost; and both concur with that fiscal impact.

The Kentucky Clerk's Association expressed minor concern over the reduction of days from twelve to seven days regarding the time frame an application for a mailed-in absentee ballot must be mailed or submitted in person. Might be a hardship to someone dealing with age, disability, or illness.

Data Source(s): LRC Staff, Kentucky County Clerk's Association

Preparer: Wendell F. Butler **Reviewer:** KHC **Date:** 2/15/17