

1 AN ACT relating to elections and declaring an emergency.

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

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

- 4 (1) The State Board of Elections shall establish a voter registration purge program
5 using the change-of-address information supplied by the United States Postal
6 Service through its licensees or other sources to identify voters whose addresses
7 may have changed. ***The State Board of Elections is authorized to enter into***
8 ***agreements with other governmental agencies to further voter list maintenance***
9 ***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 117.035 is amended to read as follows:

23 (1) There shall be a county board of elections, which shall, at the direction and under
24 the supervision of the State Board of Elections, administer the election laws and the
25 registration and purgation of voters within the county.

26 (2) (a) The board shall consist of the county clerk, the sheriff, and two (2) members
27 appointed by the State Board of Elections under paragraph (d) of this

1 subsection. Appointed board members shall serve~~[Appointments shall occur~~
2 ~~not later than July 2021, and every four (4) years thereafter]~~ for a term of four
3 (4) years that expires on June 30 of the year following a presidential
4 election and until their successors are appointed.~~[All appointments under this~~
5 ~~paragraph shall be made no later than July 1 of the year in which the term~~
6 ~~expires.]~~

7 (b) The sheriff shall not serve on the board during any year in which he or she is a
8 candidate, but shall recommend to the board a temporary replacement to serve
9 in his or her place. If the sheriff cannot serve because he or she is sick,
10 injured, or otherwise incapacitated, he or she may recommend a temporary
11 replacement to serve in his or her place until the sheriff may resume his or her
12 duties or a vacancy in office is declared.

13 (c) The county clerk may, at his or her option, continue to serve on the board
14 during a year in which he or she is a candidate. If the clerk elects not to serve,
15 he or she shall recommend a temporary replacement to serve in his or her
16 place. If the county clerk cannot serve because he or she is sick, injured, or
17 otherwise incapacitated, he or she may recommend a temporary replacement
18 to serve in his or her place until the county clerk may resume his or her duties
19 or a vacancy in office is declared.

20 (d) 1. Notwithstanding the provisions of KRS 61.080, service on the board of
21 elections shall be compatible with the holding of any other county or
22 city office.

23 2. The members shall be at least twenty-one (21) years of age, qualified
24 voters in the county from which they are appointed, and shall not have
25 been convicted of any election law offense.

26 3. One (1) member shall be appointed from a list of five (5) names
27 submitted by the county executive committee of each political party as

1 defined in KRS 118.015. If there are two (2) or more contending
2 executive committees of the same political party in any county, the one
3 recognized by the written certificate of the chair of the state central
4 committee of the political party shall be the one authorized to submit the
5 lists.

6 4. If the State Board of Elections does not receive the list as required by
7 subparagraph 3. of this paragraph for each political party for each
8 county by the deadline established in paragraph (a) of this subsection or
9 within one (1) month of a vacancy, then the chair of the state central
10 committees for the political parties may submit lists of five (5) names of
11 qualified residents from the remaining counties by August 1 of the year
12 in which the term expires or within two (2) months of a vacancy.

13 5. If the State Board of Elections does not receive a list from either the
14 county executive committee under subparagraph 3. of this paragraph or
15 the chair of the state executive committee under subparagraph 4. of this
16 paragraph, then the State Board of Elections shall appoint a qualified
17 resident from the county at its next regularly scheduled meeting in
18 September of the year in which the term expires or within three (3)
19 months of a vacancy.

20 6. A member appointed by the State Board of Elections may be removed
21 by the State Board of Elections for *just* cause.

22 7. A member appointed by the State Board of Elections may be removed
23 by the State Board of Elections upon a request approved by a two-thirds
24 (2/3) vote of the full membership of the county executive committee that
25 submitted the member's name. The county executive committee shall
26 provide conclusive evidence of the committee's membership and
27 evidence of the committee's two-thirds (2/3) vote before the State Board

1 of Elections removes any member appointed by the State Board of
2 Elections.

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

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

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

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

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

26 (4) The board shall meet as follows:

27 (a) During years in which a primary or regular election is scheduled, the board

1 shall meet at least once every other month and may meet more frequently if
2 necessary upon the call of the chair or upon written agreement of two (2) or
3 more members of the board. The call shall provide notice as prescribed by
4 KRS 61.823;~~[-]~~

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

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

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

19 ➔Section 3. KRS 117.065 is amended to read as follows:

20 (1) The county board of elections shall, not later than January 15~~September 20~~ of
21 each year, establish the voting place for each precinct. If a change becomes
22 necessary after that date, notice of change shall be published pursuant to KRS
23 Chapter 424. If a change becomes necessary on election day, notice shall be posted
24 at the former voting place. The expense of renting voting places, for which rent of
25 not less than twenty dollars (\$20) shall be paid, shall be paid in the same manner as
26 other election expenses.

27 (2) The county board of elections shall have the authority to designate as voting places,

1 on election day and all days of excused and no-excuse in-person absentee voting,
2 without cost to the board, buildings constructed in whole or in part with tax
3 revenues.

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

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

10 ➔Section 4. KRS 117.066 is amended to read as follows:

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

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

18 (a) One (1) voting equipment may be used for more than one (1) precinct if
19 ballots are tabulated for each separate precinct, and if separate ballots may be
20 placed upon any voting equipment to be used without endangering the
21 integrity of the ballots or without violating any other election law. Otherwise,
22 separate voting equipment shall be used for each precinct. In the instance of a
23 precinct which has a small number of voters such that the use of separate
24 voting equipment would be cost-prohibitive, the county clerk may make
25 application to the State Board of Elections to use supplemental paper ballots
26 under KRS 118.215 to conduct the voting for the small precinct on any
27 primary or election day. If the use of supplemental paper ballots is approved

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

1 voting shall occur, in addition to how each location shall be noted
2 conspicuously to residents of the county as a "Vote Center";

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

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

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

11 **(5) At least one hundred twenty (120) days before an election, a county board of**
12 **elections may petition the State Board of Elections to allow an amendment the**
13 **county board deems necessary to the petition previously submitted and approved**
14 **under subsection (3) of this section.**

15 ~~(6)~~~~(5)~~ The Secretary of State shall retain veto authority over any petition that is
16 approved by the State Board of Elections. The State Board of Elections, upon
17 reconsideration of the petition, shall have the power to override a veto of the
18 Secretary of State by a three-fourths (3/4) affirmative vote of the membership of the
19 board.

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

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

27 (2) Any voter who is qualified to vote on election day in the county of his or her

1 residence may make application to cast an excused in-person absentee ballot during
2 normal business hours during the six (6) business days immediately preceding the
3 Thursday of no-excuse in-person absentee voting under subsection (1) of this
4 section. The voter who makes application under this subsection shall meet one (1)
5 of the following requirements in order to cast his or her excused in-person absentee
6 ballot:

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

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

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

16 (d) Is a resident of Kentucky who is a uniformed-service voter as defined in KRS
17 117A.010 confined to a military base on election day and during the days of
18 no-excuse in-person absentee voting;

19 (e) Is in her last trimester of pregnancy ~~and the voter completes the form that is~~
20 ~~prescribed by the State Board of Elections, which contains a sworn statement~~
21 ~~that the voter is in her last trimester of pregnancy at the time she wishes to~~
22 ~~vote];~~

23 (f) Has not been declared mentally disabled by a court of competent jurisdiction
24 and, due to age, disability, or illness, is not able to appear at the polls on
25 election day and during the days of no-excuse in-person absentee voting;

26 (g) Is a student who temporarily resides outside the county of his or her residence
27 and will be absent from the county of his or her residence on the day of an

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

1 than inability to provide proof of identification by any clerk or deputy shall
2 complete an oath of voter affidavit.

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

5 (8) The members of the county board of elections, or their designees who provide equal
6 representation of both political parties, may serve as precinct election officers,
7 without compensation, for all in-person absentee voting conducted. If the members
8 of the county board of elections or their designees serve as precinct election officers
9 for in-person absentee voting, they shall perform the same duties and exercise the
10 same authority as precinct election officers who serve on the day of an election. If
11 the members of the county board of elections or their designees do not serve as
12 precinct election officers for in-person absentee voting, the county clerk or deputy
13 county clerks shall supervise the in-person absentee voting.

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

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

24 (11) No person shall transmit or publicize any tallies or counts of in-person absentee
25 ballots, or any partial results, to any person except **when provided to the county**
26 **board of elections under KRS 117.087**~~those persons, election officials, or entities~~
27 ~~authorized by law to receive it~~, until 6 p.m. prevailing time on the day of a primary

1 or an election.

2 (12) (a) Before and after each day of in-person absentee voting, on all voting
3 equipment to be used, the tamper-resistant seal shall be checked to ensure it is
4 unaltered and the number on the public counter shall be read and recorded.
5 The status of the tamper-resistant seal shall be indicated and the number on
6 the public counter of each voting equipment shall be recorded by the county
7 clerk or his or her designated election official, member of the county board of
8 elections, or member of the central ballot counting board. The status of the
9 tamper-resistant seal and the number recorded from the public counter shall
10 be witnessed by an election official who is of a different political affiliation
11 than the person recording.

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

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

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

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

26 ➔Section 6. KRS 117.085 is amended to read as follows:

27 (1) (a) All requests for a mail-in absentee ballot shall be requested through a secure

1 online portal established by the State Board of Elections, except for:

2 1. Voters identified in KRS 117.077;

3 2. Disabled voters; and

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

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

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

9 (c) 1. For those voters who do not have the means of accessing the online
10 portal, the county clerk shall fulfill a request for a mail-in absentee
11 ballot by taking the voter's information over the telephone or in person
12 and directly inputting that information into the secure online portal.

13 2. If a voter under paragraph (h)3. of this subsection expresses the desire
14 to request a mail-in absentee ballot, the jail staff shall ensure that the
15 voter is allowed, during normal business hours, to use a telephone to
16 receive assistance by the county clerk, as described in subparagraph 1.
17 of this paragraph.

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

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

24 (f) The online portal shall not be open or permit any mail-in ballot requests to
25 occur more than forty-five (45) days immediately preceding the day of a
26 primary or an election. The online portal shall close at 11:59 p.m. local time,
27 fourteen (14) days immediately preceding the day of a primary or an election.

1 (g) Except as otherwise provided in KRS 117.077, the mail-in absentee ballot
2 may be requested by the voter or the spouse, parents, or children of the voter,
3 but shall be restricted to the use of the voter.

4 (h) Except as otherwise provided in KRS 117.077 and covered voters in
5 paragraph (i) of this subsection, a qualified voter may apply to cast his or her
6 vote by mail-in absentee ballot if the completed application is received
7 fourteen (14) days before the election, and if the voter is:

- 8 1. A resident of Kentucky who is a covered voter as defined in KRS
9 117A.010;
- 10 2. A student who temporarily resides outside the county of his or her
11 residence;
- 12 3. Incarcerated in jail and charged with a crime, but has not been convicted
13 of the crime;
- 14 4. Changing or has changed his or her place of residence to a different state
15 while the registration books are closed in the new state of residence
16 before an election of electors for President and Vice President of the
17 United States, in which case the voter shall be permitted to cast a mail-in
18 absentee ballot for electors for President and Vice President of the
19 United States only;
- 20 5. Temporarily residing outside the state but still eligible to vote in this
21 state;
- 22 6. Prevented from voting in person at the polls on election day and from
23 casting an excused or no-excuse in-person absentee ballot on all days in-
24 person absentee voting is conducted because he or she will be absent
25 from the county of his or her residence all hours and all days excused or
26 no-excuse in-person absentee voting is conducted;
- 27 7. A participant in the Secretary of State's crime victim address

- 1 confidentiality protection program as authorized by KRS 14.312; or
- 2 8. Not able to appear at the polls on election day or the days excused or no-
- 3 excuse in-person absentee voting is conducted on the account of age,
- 4 disability, or illness, and who has not been declared mentally disabled
- 5 by a court of competent jurisdiction.
- 6 (i) Residents of Kentucky who are covered voters as defined in KRS 117A.010
- 7 may apply for a mail-in absentee ballot by means of the federal post-card
- 8 application, which may be transmitted to the county clerk's office by mail, by
- 9 facsimile machine, or by means of the electronic transmission system
- 10 established under KRS 117A.030(4). The federal post-card application may
- 11 be used to register, reregister, and to apply for a mail-in absentee ballot. If the
- 12 federal post-card application is received at any time not less than seven (7)
- 13 days before the election, the county clerk shall affix his or her seal to the
- 14 application form upon receipt.
- 15 (j) Any qualified voter who is disabled may use an accessible mail-in absentee
- 16 ballot portal to request and receive a mail-in absentee ballot by means of an
- 17 electronic transmission system as established under KRS 117A.030(4). The
- 18 standards necessary to implement this paragraph shall be set by the State
- 19 Board of Elections pursuant to administrative regulations promulgated under
- 20 KRS Chapter 13A.
- 21 (2) For those voters who are eligible to receive a mail-in absentee ballot by means other
- 22 than the secure online portal pursuant to subsection (1) of this section, the county
- 23 clerk shall type the name of the voter permitted to vote by mail-in absentee ballot
- 24 on the mail-in absentee ballot application for that person's use and no other. The
- 25 mail-in absentee ballot application shall be in the form prescribed by the State
- 26 Board of Elections, which shall include the voter affirmation form as prescribed in
- 27 KRS 117.228(1)(c) and shall contain the following information: name, residential

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

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

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

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

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

26 (c) A qualified voter who applies pursuant to the requirements of subsection
 27 (1)(h)2. of this section, whose mail-in absentee ballot shall be mailed to the

1 voter's residential address located in the county in which the voter is
2 registered, or the voter's current residential address at the time the
3 application for the absentee ballot is submitted, if different, due to the
4 voter's attendance at an educational institution;

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

9 (e) A qualified voter who applies pursuant to the requirements of subsection
10 (1)(h)8. of this section, whose mail-in absentee ballot may be mailed to the
11 address of a facility where he or she is receiving inpatient or residential
12 medical treatment.

13 If a qualified voter who applies pursuant to paragraph (c), (d), or (e) of this
14 subsection leaves the address where he or she requested an absentee ballot be
15 mailed, the voter may contact the county clerk who shall issue a second ballot
16 pursuant to subsection (9) of this section after canceling the first absentee ballot
17 mailed to the voter.

18 (5) The county clerk shall:

19 (a) Transmit a mail-in absentee ballot to the voter who is eligible to receive a
20 mail-in absentee ballot within four (4) days of receipt or within four (4) days
21 of the ballots being available;

22 (b) Cause mail-in absentee ballots to be printed fifty (50) days prior to each
23 primary or regular election, and forty-five (45) days prior to a special election;
24 and

25 (c) Complete a postal form for a certificate of mailing for mail-in absentee ballots
26 mailed within the fifty (50) states, and it shall be stamped by the postal
27 service when the mail-in absentee ballots are mailed. Unless a postal form for

1 a certificate of mailing is required, the county clerk may use methods of
2 tracking the mail-in absentee ballots by means of a printed barcode or other
3 label that is unique to the individual voter issued by the State Board of
4 Elections pursuant to administrative regulations promulgated under KRS
5 Chapter 13A.

6 (6) A mail-in absentee ballot may be transmitted by facsimile machine or by the
7 electronic transmission system established under KRS 117A.030(4) to a covered
8 voter as defined in KRS 117A.010. The covered voter shall be notified of the
9 options for transmittal of the mail-in absentee ballot, and the mail-in absentee ballot
10 shall be transmitted by the method chosen for receipt by the resident of Kentucky
11 who is a covered voter.

12 (7) The outer envelope of the mail-in absentee ballot shall bear the words "Absentee
13 Ballot", the address and official title of the county clerk, a printed barcode or other
14 label that is unique to the individual voter issued by the State Board of Elections,
15 and adequate space for the voter's signature, voting address, precinct number, and
16 signatures of two (2) witnesses if the voter signs the form with the use of a mark
17 instead of the voter's signature. A detachable flap on the secrecy envelope shall
18 provide space for the voter's signature, voting address, precinct number, signatures
19 of two (2) witnesses if the voter signs the form with the use of a mark instead of the
20 voter's signature and notice of penalty provided in KRS 117.995(5). The county
21 clerk shall type the voter's address and precinct number in the upper left hand
22 corner of the outer envelope and of the detachable flap on the secrecy envelope
23 immediately below the blank space for the voter's signature. The secrecy envelope
24 shall be blank. If applicable, the county clerk shall retain the voter's mail-in ballot
25 application, which shall include the photographed copy of the voter's proof of
26 identification or the voter affirmation as prescribed by KRS 117.228(1)(c), and the
27 postal form required by subsection (5) of this section for twenty-two (22) months

1 after the primary or election.

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

15 (9) Any voter qualified for a mail-in absentee ballot who does not receive a requested
16 mail-in absentee ballot within a reasonable amount of time shall contact the county
17 clerk, who shall reissue a second mail-in absentee ballot. The county clerk shall
18 keep a record of the mail-in absentee ballots issued and returned by mail, hand-
19 delivered, or placed in a secure drop-box or receptacle, and the in-person absentee
20 voting and federal in-person provisional absentee voting that is conducted, to verify
21 that only the first voted ballot is counted. Upon the return of any mail-in absentee
22 ballot after the first mail-in absentee ballot is returned, the county clerk shall mark
23 on the outer envelope of the sealed ballot the words "Canceled because ballot
24 reissued."

25 (10) Any covered voter as defined in KRS 117A.010 who has received a mail-in
26 absentee ballot but who knows that he or she will be in the county on election day
27 or during the days of no-excuse in-person absentee voting shall cancel his or her

1 mail-in absentee ballot and vote in person during the days of no-excuse in-person
2 absentee voting or on the day of the election. The voter shall return the mail-in
3 absentee ballot to the county clerk's office on or before election day. Upon the
4 return of the mail-in absentee ballot, the county clerk shall mark on the outer
5 envelope of the sealed mail-in absentee ballot or the unmarked mail-in absentee
6 ballot the words "Canceled because voter appeared to vote in person." Sealed
7 envelopes so marked shall not be opened. The county clerk shall remove the voter's
8 name from the list of persons who were sent mail-in absentee ballots, allow the
9 voter to vote by means of no-excuse in-person absentee ballot, or provide the voter
10 with written authorization to vote at the precinct on election day. If the voter is
11 unable to return the mail-in absentee ballot to the county clerk's office on or before
12 election day, at the time he or she votes in person, he or she shall sign a written oath
13 as to his or her qualifications on a form prescribed by the State Board of Elections
14 pursuant to KRS 117.245.

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

- 16 (a) Ensure election officials have real-time knowledge of which voters have
17 requested mail-in absentee ballots; and
18 (b) Provide procedures to be followed if a voter attempts to vote more than once
19 at a primary or an election.

20 ~~[(12) Notwithstanding the provisions of the Kentucky Open Records Act, KRS 61.870 to~~
21 ~~61.884, and except for when the identification of the voter is provided to the county~~
22 ~~board of elections under KRS 117.087, the information contained in an application~~
23 ~~for a mail in absentee ballot shall not be made public until after the close of~~
24 ~~business hours on the election day for which the application applies. Except for~~
25 ~~necessary election officials and for election related duties as prescribed by law, the~~
26 ~~name of the person who votes by means of a mail in absentee ballot shall not be~~
27 ~~disclosed. This subsection shall not prohibit at any time the disclosure, upon~~

1 ~~request, of the total number of applications for mail-in absentee ballots that have~~
2 ~~been filed, or the disclosure to the Secretary of State or the State Board of~~
3 ~~Elections, if requested or if otherwise required by law, of any information in an~~
4 ~~application for a mail-in absentee ballot.]~~

5 ➔Section 7. KRS 117.086 is amended to read as follows:

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

9 (b) The voter shall sign the detachable flap and the outer envelope in order to
10 validate the ballot. A person having power of attorney for the voter and who
11 signs the detachable flap and outer envelope for the voter shall complete the
12 voter assistance form as required by KRS 117.255. The signatures of two (2)
13 witnesses are required if the voter signs the form with the use of a mark
14 instead of the voter's signature. A resident of Kentucky who is a covered voter
15 as defined in KRS 117A.010 who has received an absentee ballot transmitted
16 by facsimile machine or by means of the electronic transmission system
17 established under KRS 117A.030(4) shall transmit the voted ballot to the
18 county clerk by mail only, conforming with ballot security requirements that
19 may be promulgated by the State Board of Elections by administrative
20 regulation under KRS Chapter 13A. In order to be counted, all mail-in
21 absentee ballots shall be received by the county clerk no later than the time
22 established by the election laws generally for the closing of the polls, which
23 time shall not include the extra hour during which those voters may vote who
24 were waiting in line to vote at the scheduled poll closing time.

25 (2) (a) The county clerk shall provide a minimum of one (1) secure ballot drop-box
26 to receive voted mail-in absentee ballots for each primary, regular election, or
27 special election. Public notice of all secure ballot drop-box locations shall be

1 given in the same manner as provided under KRS 117.076(4), and posted to
2 the website~~[Web site]~~ of the county clerk.

3 (b) The county board of elections may seek the State Board of Elections' approval
4 of a ballot receptacle to receive voted mail-in absentee ballots for each
5 primary, regular election, or special election. Public notice of all secure ballot
6 receptacle locations shall be given in the same manner as provided under KRS
7 117.076(4), and posted to the website~~[Web site]~~ of the county clerk. Before
8 any mail-in absentee ballot shall be allowed to be deposited inside a
9 receptacle, the county board of elections shall inform the State Board of
10 Elections of:

- 11 1. The number of receptacles to be used;
- 12 2. The type of each receptacle to be used; and
- 13 3. The receptacle location.

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

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

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

24 (e) Each receptacle or drop-box shall be emptied by the county clerk and at least
25 one (1) member of the county board of elections or one (1) member of the
26 central ballot counting board if one is appointed, who is not of the same
27 political affiliation as the county clerk at least once each business day or more

1 frequently, as needed, to reasonably secure and accommodate the volume of
2 the voter-delivered mail-in absentee ballots. The ballots deposited in the drop-
3 box or receptacle shall be removed with a record of the date and time ballots
4 were removed, and the names of the persons removing them. If the drop-box
5 or receptacle is located outside the county clerk's office, the ballots shall be
6 returned to the county clerk in locked transport containers, and the county
7 clerk shall transfer the ballots upon receipt in accordance with subsection (3)
8 of this section.

9 (f) Except for those times ballots are being removed and transported from a
10 secure ballot drop box to the county clerk as provided in this subsection, the
11 county clerk and at least one (1) member of the county board of elections who
12 is not of the same political affiliation or one (1) member of the central ballot
13 counting board who is not of the same political affiliation as the county clerk,
14 shall retain the keys to all secure ballot drop-boxes, receptacles, and transport
15 containers in use in the county.

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

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

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

7 The county clerk shall send a copy of each list to the State Board of Elections after

8 any primary or election day. Notwithstanding the provisions of the Kentucky Open

9 Records Act, KRS 61.870 to 61.884, each list of all persons who return their mail-in

10 absentee ballots or who cast their ballots by means of an excused in-person

11 absentee or no-excuse in-person absentee shall not be made public until after the

12 close of business hours on the primary or election day for which the list applies,

13 except when provided to the county board of elections under KRS 117.087. The

14 county clerk and the Secretary of State shall keep a record of the number of votes

15 cast by each method listed in paragraphs (a) to (c) of this subsection, which are cast

16 in any primary or election as a part of the official certification~~[returns]~~ of the

17 primary or election.

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

24 ➔Section 8. KRS 117.0861 is amended to read as follows:

- 25 (1) No person shall knowingly collect, gain possession of, deliver, or exercise control
- 26 over a mail-in absentee ballot, except for:
- 27 (a) A voter personally casting his or her ballot by means of mail-in absentee

- 1 ballot;
- 2 (b) An election official engaged in official duties as prescribed in KRS Chapters
3 116 to 120;
- 4 (c) A United States Postal Service worker or any other person who is allowed by
5 law to transmit United States mail if the worker or other person is engaged in
6 official duties;
- 7 (d) A family member of the voter:
- 8 1. Who shall be related to the voter as set forth in KRS 6.611(16)(a), or as
9 established by marriage, adoption, or legal guardianship; and
- 10 2. Who is designated by the voter to assist in the mail-in absentee voting
11 process;
- 12 (e) A person:
- 13 1. Who shares the same residence of the voter; and
- 14 2. Is designated by the voter to assist in the mail-in absentee voting
15 process;~~and~~
- 16 (f) A caregiver ***or employee***:
- 17 1. Who provides medical or healthcare assistance to the voter in a
18 residence, nursing care institution, hospice facility, assisted living
19 center, assisted living facility, assisted living home, residential care
20 institution, adult day healthcare facility, or adult foster home; and
- 21 2. Who is ***ordinarily engaged in duties related to the receiving and***
22 ***delivering of mail matter; and***~~designated by the voter to assist in the~~
23 ~~mail-in absentee voting process]~~
- 24 ***(g) An employee of a jail who is ordinarily engaged in official duties related to***
25 ***the delivery of mail matter.***
- 26 (2) ***For subsection (1)(f) and (g) of this section, the person collecting, possessing,***
27 ***delivering, or exercising control over a mail-in absentee ballot shall at all times***

1 **handle the ballot so that all information contained on the ballot remains private**
2 **to the voter as required by KRS 118.025(1).**

3 **(3)** For subsection (1)(d) ~~and~~ (e) ~~and (f)~~ of this section, the person designated by
4 the voter shall not have been:

5 (a) Declared mentally disabled by a court of competent jurisdiction, which
6 adjudication has not been set aside; or

7 (b) Convicted of an election law offense whose civil rights have not been restored
8 by the Governor.

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

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

21 (2) Write-in votes shall be counted only for candidates for election to office who have
22 filed a declaration of intent to be a write-in candidate with the Secretary of State or
23 county clerk, depending on the office being sought, on or before the fourth Friday
24 in October preceding the date of the regular election and not later than the second
25 Friday before the date of a special election. In the case of a special election
26 administered under KRS 118.730, a declaration of intent to be a write-in candidate
27 shall be filed at least twenty-eight (28) days before the day of the election. The

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

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

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

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

12 1. Death;

13 2. Disqualification to hold the office sought;

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

15 4. The nomination of an unopposed candidate.

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

26 (5) The county clerk shall provide to the precinct election officers certified lists of
27 those persons who have filed declarations of intent as provided in subsections (2)

1 and (3) of this section. Only write-in votes cast for qualified candidates shall be
2 counted.

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

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

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

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

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

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

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

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

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

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

26 (a) The judges, in the presence of the representatives mentioned in subsection (1)
27 of this section, if any, and of all other persons who may be lawfully within the

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

1 unique designation of the voting equipment, the precinct where it has been used, the
2 number on the seal, and the number on the protective or cumulative counter or
3 device at the close of the polls.

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

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

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

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

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

1 vote count. The county board of elections shall authorize representatives of the
2 news media to witness the vote count.

3 (10) For all federal provisional ballots, if applicable, and supplemental paper ballots if
4 approved as provided in KRS 118.215, after the polls are closed, the two (2) judges
5 shall return to the county clerk's office the locked federal provisional ballot
6 receptacle and the supplemental paper ballot box, all ballot stubs, spoiled ballots,
7 and unvoted ballots at the same time as the tabulation of votes from the voting
8 equipment is delivered. The county clerk shall issue a receipt for the number of
9 ballot stubs, unvoted ballots, spoiled ballots, and the ballot boxes or ballot
10 receptacle.

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

17 (12) The county board of elections shall tabulate the valid federal provisional ballots.
18 The results of the vote tally shall be certified by the county board of elections to the
19 county clerk and to the Secretary of State. The county board of elections shall mail
20 a copy of the precinct-by-precinct summary of the valid federal provisional ballot
21 tabulation sheets showing the results from each precinct to the State Board of
22 Elections.

23 (13) The county board of elections shall authorize the candidates, slates of candidates, or
24 their representatives, and representatives of the news media to be present during the
25 counting of the supplemental and federal provisional paper ballots.

26 (14) No person shall transmit or publicize any tallies or counts of ballots, or any partial
27 results, to any person except those persons, election officials, or entities authorized

1 by law to receive it, until 6 p.m. prevailing time on the day of a primary or an
2 election.

3 (15) (a) Unofficial election results transmitted online to the county board of elections
4 or the State Board of Elections shall occur by means of a secure online
5 connection after results are tallied on the tally computer that has been certified
6 in accordance with KRS 117.379 as part of a voting system as defined in KRS
7 117.001.

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

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

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

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

1 storage capacity to retain sixty (60) consecutive days of continuous recording data.

2 *A request under the Kentucky Open Records Act, KRS 61.870 to 61.884, for this*
3 *video after an election shall be made during the sixty (60) consecutive days*
4 *following the election, and the video may be disposed of after those sixty (60)*
5 *days, or upon compliance with the Kentucky Open Records Act or the completion*
6 *of an investigation or pending litigation in a District, Circuit, or federal court,*
7 *whichever is later.*

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

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

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

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

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

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

27 ~~(3)~~~~(2)~~ During the period when the voting equipment and the ballot boxes are

1 required to be kept locked, the keys thereto shall remain in the possession of the
2 county board of elections. After that period, it shall be the duty of the county board
3 of elections to return the keys to the custody of the county clerk.

4 ➔Section 12. KRS 117.389 is amended to read as follows:

5 On any day after ballots have been certified by the Secretary of State as provided in
6 KRS 118.215, and petitions to allow consolidation of precincts have been approved by
7 the State Board of Elections as provided in Section 4 of this Act, but not~~more than~~
8 ~~thirty (30) nor~~ less than five (5) days prior to the election day, the county clerk shall
9 have the automatic tabulating equipment tested in the manner prescribed by the State
10 Board of Elections.

11 ➔Section 13. KRS 117.900 is amended to read as follows:

12 (1) The Secretary of State shall implement an annual statewide essay contest for
13 students in grades nine (9) through twelve (12) and an annual statewide slogan
14 contest, each to be relative to an elections-related topic to be chosen by the
15 Secretary of State each year. The Secretary of State shall publicize the contests,
16 present awards or certificates to the essay winner in each grade level and to the
17 slogan contest winner in a public ceremony, and provide appropriate publicity for
18 the winning entries.

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

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

26 ➔Section 14. KRS 117A.070 is amended to read as follows:

27 An application for a military-overseas ballot is timely if received by the close of business

1 hours seven (7) days before the election. An application for a military-overseas ballot for
 2 a primary, whether or not timely, is effective as an application for a military-overseas
 3 ballot for the regular election. **If an application is received after seven (7) days before an**
 4 **election, the applicant shall be informed of his or her ability to utilize a federal write-in**
 5 **absentee ballot pursuant to KRS 117A.100.**

6 →Section 15. KRS 118.125 is amended to read as follows:

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

13 (2) The notification and declaration shall be in the form prescribed by the State Board
 14 of Elections. It shall be signed by the candidate and by not less than two (2)
 15 registered voters of the same party from the district or jurisdiction from which the
 16 candidate seeks nomination. Signatures for nomination papers shall not be affixed
 17 on the document to be filed prior to the first Wednesday after the first Monday in
 18 November of the year preceding the year in which the office will appear on the
 19 ballot. The notification and declaration for a candidate shall include the following
 20 oath:

21 "For the purpose of having my name placed on the official primary election
 22 ballot as a candidate for nomination by the ----- Party, I, ----- (name in full as
 23 desired on the ballot as provided in KRS 118.129), do solemnly swear that my
 24 residence address is ----- (street, route, highway, city if applicable, county, state,
 25 and zip code), that my mailing address, if different, is ----- (post office address), and
 26 that I am a registered ----- (party) voter [~~in ----- precinct~~]; that I believe in the
 27 principles of the ----- Party, and intend to support its principles and policies; that I

1 meet all the statutory and constitutional qualifications for the office which I am
2 seeking; that if nominated as a candidate of such party at the ensuing election I will
3 accept the nomination and not withdraw for reasons other than those stated in KRS
4 118.105(3); that I will not knowingly violate any election law or any law relating to
5 corrupt and fraudulent practice in campaigns or elections in this state, and if finally
6 elected I will qualify for the office."

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

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

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

17 ➔Section 16. KRS 118.215 is amended to read as follows:

18 (1) After the order of the names has been determined as provided in KRS 118.225, the
19 Secretary of State shall certify, to the county clerks of the respective counties
20 entitled to participate in the nomination or election of the respective candidates, the
21 name, place of residence, and party of each candidate or slate of candidates for each
22 office, as specified in the nomination papers or certificates and petitions of
23 nomination filed with him or her, and shall designate the device with which the
24 candidate groups, slates of candidates, or lists of candidates of each party shall be
25 printed, in the order in which they are to appear on the ballot, with precedence to be
26 given to the party that polled the highest number of votes at the preceding election
27 for presidential electors, followed by the political party which received the second

1 highest number of votes, with the order of any other political parties and
2 independents to be determined by lot. Candidates for county offices and local state
3 offices shall be listed in the following order: Commonwealth's attorney, circuit
4 clerk, property valuation administrator, county judge/executive, county attorney,
5 county clerk, sheriff, jailer, county commissioner, coroner, justice of the peace, and
6 constable. The names of candidates for President and Vice President shall be
7 certified in lieu of certifying the names of the candidates for presidential electors.

8 The names shall be certified as follows:

- 9 (a) Not later than the ~~third~~^{second} Monday after the filing deadline for the
10 primary as established in KRS 83A.045, 118.165, and 118A.060;
- 11 (b) Not later than the fourth Monday in August, except as provided in paragraph
12 (c) of this subsection; and
- 13 (c) Not later than the Monday after the Friday following the first Tuesday in
14 September preceding a regular election, for those years in which there is an
15 election for President and Vice President of the United States.

- 16 (2) Except as otherwise provided in subsection (3) of this section, all independent
17 candidates or slates of candidates whose nominating petitions are filed with the
18 county clerk or the Secretary of State shall be listed under the title and device
19 designated by them as provided in KRS 118.315, or if none is designated, under the
20 word "independent," and shall be placed on the ballot in a separate column or
21 columns or in a separate line or lines according to the office which they seek. The
22 order in which independent candidates or slates of candidates shall appear on the
23 ballot shall be determined by lot by the county clerk. If the same device is selected
24 by two (2) groups of petitioners, it shall be given to the first selecting it and the
25 county clerk shall permit the other group to select a suitable device. This section
26 shall not apply to candidates for municipal offices which come under subsection (3)
27 of this section.

- 1 (3) The ballots used at any election in which city officers are to be elected as provided
2 in subsection (2) of this section shall contain the names of candidates for the city
3 offices grouped according to the offices they seek, and the candidates shall be
4 immediately arranged with and designated by the title of office they seek. The order
5 in which the names of the candidates for each office are to be printed on the ballot
6 shall be determined by lot. Each group of candidates for each separate office for
7 which the candidates are to be elected shall be clearly separated from other groups
8 on the ballot and spaced to avoid confusion on the part of the voter.
- 9 (4) The Secretary of State shall not knowingly certify to the county clerk of any county
10 the name of any candidate or slate of candidates who has not filed the required
11 nomination papers, nor knowingly fail to certify the name of any candidate or slate
12 of candidates who has filed the required nomination papers.
- 13 (5) If the county clerk determines that the number of certified candidates or slates of
14 candidates cannot be placed on a ballot which can be accommodated by the voting
15 equipment currently in use by the county, he or she shall so notify the State Board
16 of Elections not later than the last Tuesday in February preceding the primary or the
17 last Tuesday in August preceding the regular election. The State Board of Elections
18 shall meet within five (5) days of the notice, review the ballot conditions, and
19 determine whether supplemental paper ballots are necessary for the election. Upon
20 approval of the State Board of Elections, supplemental paper ballots may be used
21 for nonpartisan candidates or slates of candidates for an office or offices and public
22 questions submitted for a yes or no vote. All candidates or slates of candidates for
23 any particular office shall be placed either on the ballot or on the supplemental
24 paper ballot. Supplemental paper ballots may also be used to conduct the voting, in
25 the instance of a small precinct as provided in KRS 117.066.
- 26 (6) The ballot position of a candidate or slate of candidates shall not be changed after
27 the ballot position has been designated by the county clerk.

1 ➔Section 17. KRS 118.225 is amended to read as follows:

- 2 (1) ~~For the purpose of determining~~ The order of~~in which~~ the names of candidates or
3 slates of candidates to be voted for by the electors of the entire state shall be
4 determined by lot and certified and printed on the ballots with the designation of
5 the respective offices.~~;~~ The Secretary of State shall prepare lists of the counties of
6 each congressional district of the state and, for each congressional district,~~;~~ the
7 Secretary of State shall draw from~~arrange~~ the names~~surnames~~ of all candidates
8 or slates of candidates for each office to determine the order in which they shall
9 appear on the ballot~~in alphabetical order for the First Congressional District, and~~
10 ~~the names shall be certified in this order to the county clerks of all the counties~~
11 ~~comprising that district. For each succeeding congressional district, taken in~~
12 ~~numerical order, the name appearing first for each office in the last preceding~~
13 ~~district shall be placed last, and the name appearing second in the last preceding~~
14 ~~district shall be placed first, and each other name shall be moved up one (1) place].~~
15 The order of names of the candidates or slates of candidates for each
16 congressional district~~lists~~ shall be certified to the county clerks of all the
17 counties that comprise the district~~accordingly~~.
- 18 (2) For all other offices for which nomination papers and petitions are filed with the
19 Secretary of State, the order of names of candidates for each office shall be
20 determined by lot at a public drawing to be held in the office of the Secretary of
21 State at 2 p.m., standard time, on the Thursday following the filing deadline for the
22 primary as established in KRS 83A.045, 118.165, and 118A.060 or the Thursday
23 following the first Tuesday after the first Monday in June preceding the regular
24 election.
- 25 (3) For all offices for which nomination papers and petitions are filed in the office of
26 the county clerk, the order in which the names of candidates for each office are to
27 be printed on the ballot shall be determined by lot at a public drawing in the office

1 of the county clerk at 2 p.m., standard time, on the Thursday following the filing
2 deadline for the primary as established in KRS 83A.045, 118.165, and 118A.060 or
3 the Thursday following the first Tuesday after the first Monday in June preceding
4 the regular election.

5 (4) For all offices for which the deadline for filing nomination papers and petitions is
6 governed by KRS 83A.165(4)(c) or 118.375(2), the order in which the names of
7 candidates for each office are to be printed shall be determined by lot at a public
8 drawing in the office at the place of filing at 2 p.m., standard time, on the Thursday
9 following the second Tuesday in August preceding the regular election.

10 (5) If the number of certified candidates or slates of candidates cannot be placed on a
11 ballot which can be accommodated on voting equipment currently in use in the
12 county, the county clerk shall notify the State Board of Elections, as provided in
13 KRS 118.215.

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

15 (1) No candidate who has been defeated or disqualified for the nomination for any
16 office in a primary shall have his or her name placed on ballots in the succeeding
17 regular election as a candidate for the same office for the nomination to which he or
18 she was a candidate in the primary, except that if a vacancy occurs in the party
19 nomination for which he or she was a candidate in the primary his or her name may
20 be placed on the ballots for the regular election as a candidate of that party if he or
21 she has been duly made such party nominee after the vacancy occurs as provided in
22 KRS 118.105.

23 (2) No person who was a candidate for nomination for any office in a primary and who,
24 before the succeeding regular election, is declared by the judgment of any court of
25 competent jurisdiction to have violated, in the primary, any provision of KRS
26 Chapter 121, or to be responsible for such violation by others, shall have his or her
27 name placed on ballots for any office to be voted for in the succeeding regular

1 election.

2 (3) This section does not apply to presidential preference primary candidates.

3 ➔Section 19. KRS 118.415 is amended to read as follows:

4 (1) The General Assembly may state the substance of the amendment proposed to the
5 Constitution of Kentucky in the form of a question in a manner calculated to inform
6 the electorate of the substance of the amendment. When an amendment to the
7 Constitution has been proposed by the General Assembly, the Secretary of State
8 shall cause the question calculated to inform the electorate of the substance of the
9 amendment which is prepared by the General Assembly~~[or the Attorney General]~~
10 to be published at least one (1) time in a newspaper of general circulation published
11 in this state, and shall also cause to be published at the same time and in the same
12 manner the fact that the amendment will be submitted to the voters for their
13 acceptance or rejection at the next regular election at which members of the General
14 Assembly are to be voted for. The publication shall be made not later than the first
15 Tuesday in August preceding the election at which the amendment is to be voted
16 on.

17 (2) The~~[Attorney General shall, if the]~~ General Assembly ***shall***~~[has not already done~~
18 ~~so,]~~ state the ***entirety***~~[substance]~~ of an amendment to the Constitution of Kentucky
19 which has been proposed by the General Assembly in the form of a question~~[in a~~
20 ~~manner calculated to inform the electorate of the substance of the amendment,]~~ and,
21 not later than ***April 15***~~[fourteen (14) days preceding the first Tuesday in August]~~
22 preceding the next regular election at which members of the General Assembly are
23 to be chosen, shall certify the question to the Secretary of State to be placed on the
24 ballots.

25 (3) The Secretary of State, not later than the second Monday after the second Tuesday
26 in August preceding the next regular election at which members of the General
27 Assembly are to be chosen in a year in which there is not an election for President

1 and Vice President of the United States, or not later than the Thursday after the first
 2 Tuesday in September preceding a regular election in a year in which there is an
 3 election for President and Vice President of the United States, shall certify the
 4 substance of the amendment, as stated and certified by the General Assembly ~~or by~~
 5 ~~the Attorney General~~, to the county clerk of each county, and the county clerk shall
 6 have the substance of the amendment, as so certified, indicated on the ballots.

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

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

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

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

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

23 (1) A copy of a proclamation issued under KRS 118.710 or 118.720, or a writ of
 24 election issued under KRS 63.200, 67C.103, 118.730, 120.205, or 120.215 shall be
 25 forwarded by mail to the sheriff of each county in the district in which the election
 26 is to be held, at least ***sixty-three (63)***~~fifty-six (56)~~ days before the election. The
 27 sheriff of each county in which an election is to be held shall give notice at least

1 fifty-six (56)~~forty-nine (49)~~ days before the day of election. If, from any cause, the
2 sheriff cannot properly act, he or she shall immediately hand the writ or
3 proclamation to the person authorized to act in his or her place.

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

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

7 When a writ of election or proclamation is issued to fill a vacancy as prescribed in KRS
8 63.200, 118.710, 118.720, or 118.730, independent, or political organization, or political
9 group petitions and certificates of nomination shall be filed at least fifty-six (56)~~forty-~~
10 ~~nine (49)~~ days before the day of election, and if filed with the Secretary of State shall be
11 immediately certified by him or her to the proper county clerks, except as may be
12 provided under KRS 63.200.

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

14 (1) Except as provided in KRS 118A.100, no person's name shall appear on a ballot,
15 including an absentee ballot, for an office of the Court of Justice without first
16 having been nominated as provided in this section.

17 (2) Each candidate for nomination shall file a petition for nomination with the
18 Secretary of State not earlier than the first Wednesday after the first Monday in
19 November of the year preceding the year in which the office will appear on the
20 ballot and not later than the first Friday following the first Monday in January
21 preceding the day fixed by law for holding the primary for the office. The petition
22 shall be sworn to before an officer authorized to administer an oath by the candidate
23 and by not less than two (2) registered voters from the district or circuit from which
24 he or she seeks nomination. Signatures for nomination papers shall not be affixed
25 on the document to be filed prior to the first Wednesday after the first Monday in
26 November of the year preceding the year in which the office will appear on the
27 ballot. The petition shall be filed no later than 4 p.m. local time at the place of filing

1 when filed on the last date on which the papers are permitted to be filed.

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

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

12 (4) The Secretary of State shall examine the petition of each candidate to determine
13 whether it is regular on its face. If there is an error, the Secretary of State shall
14 notify the candidate by certified mail within twenty-four (24) hours of filing. The
15 order of names on the ballot for each district or circuit, and numbered division if
16 divisions exist, shall be determined by lot at a public drawing to be held in the
17 office of the Secretary of State at 2 p.m., standard time, on the Thursday following
18 the filing deadline for the primary as established in this section and in KRS
19 83A.045 and 118.165.

20 (5) Not later than the date set forth in KRS 118.215(1)(a) preceding the primary, and
21 after the order of names on the ballot has been determined as required in subsection
22 (4) of this section, the 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 specified in the petitions for nomination filed with him or
27 her; and

- 1 (b) Designate for the county clerks the office of the Court of Justice with which
2 the names of candidates shall be printed and the order in which they are to
3 appear on the ballot.
- 4 (6) The ballot position of a candidate shall not be changed after the ballot position has
5 been designated by the Secretary of State.
- 6 (7) The county clerks of each county shall cause to be printed on the ballots for the
7 primary the names of the candidates for offices in the Court of Justice.
- 8 (8) The names of the candidates shall be placed on the ballots in a separate column or
9 columns or in a separate line or lines and identified by the words "Judicial Ballot."
10 The words "Vote for one," or "Vote for one in each division," shall be printed on
11 the ballot in an appropriate location. The office, numbered division if divisions
12 exist, and the candidates shall be clearly labeled. No party designation or emblem
13 of any kind, nor any sign indicating any candidate's political belief or party
14 affiliation, shall be used on the ballots.
- 15 (9) The two (2) candidates receiving the highest number of votes for nomination for
16 justice or judge of a district or circuit, or numbered division if divisions exist, shall
17 be nominated. Certificates of nomination shall be issued as provided in KRS
18 118A.190.
- 19 (10) If it appears after expiration of the time for filing petitions for nomination that there
20 are not more than two (2) candidates who have filed the necessary petitions for a
21 place on the ballot in the regular election, no drawing for ballot position shall be
22 held and the Secretary of State shall immediately issue and file in the Secretary's
23 office certificates of nomination, and send copies to the candidates.
- 24 ➔Section 24. KRS 118A.090 is amended to read as follows:
- 25 (1) For the regular election, the order of names on the ballot for each district or circuit,
26 and numbered division if divisions exist, shall be determined by lot at a public
27 drawing to be held in the office of the Secretary of State at 2 p.m., standard time, on

1 the Thursday following the first Tuesday after the first Monday in June preceding
2 the regular election, except as provided in KRS 118A.100(5)~~[(6)]~~.

3 (2) Not later than the date set forth in KRS 118.215(1)(b) after the filing deadline for
4 the regular election in a year in which there is no election for President and Vice
5 President of the United States, or not later than the date set forth in KRS
6 118.215(1)(c) preceding a regular election in a year in which there is an election for
7 President and Vice President of the United States, and after the order of names on
8 the ballot has been determined as required in subsection (1) of this section, the
9 Secretary of State shall:

10 (a) Certify to the county clerks of the respective counties entitled to participate in
11 the election of the various candidates, the name and place of residence of each
12 candidate for each office, by district or circuit, and numbered division if
13 divisions exist, as certified under KRS 118A.060; 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 (3) The ballot position of a candidate shall not be changed after the ballot position has
18 been designated by the Secretary of State. The county clerks of each county shall
19 cause to be printed on the ballots for the regular elections the names of the
20 candidates for offices of the Court of Justice.

21 (4) 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 and in such a manner that the casting of a vote for all of the candidates of a political
24 party will not operate to cast a vote for judicial candidates. The words "Vote for
25 one" or "Vote for one in each division," shall be printed on the ballot in an
26 appropriate location. The office, numbered division thereof if divisions exist, and
27 the candidates therefor shall be clearly labeled. No party designation or emblem of

1 any kind, nor any sign indicating any candidate's political belief or party affiliation,
2 shall be used on any ballot.

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

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

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

14 ~~(2) If in a regular election for judicial office no candidates nominated as provided in~~
15 ~~KRS 118A.060 are available due to death, incapacity, or withdrawal, and the~~
16 ~~candidates have not been replaced as provided in KRS 118A.060, the election to fill~~
17 ~~the regular term shall be conducted in the manner prescribed in subsections (3)~~
18 ~~through (11) of this section.~~

19 ~~(3)~~ Each candidate shall file a petition for nomination with the Secretary of State not
20 earlier than the first Wednesday after the first Monday in November of the year
21 preceding the year in which the election for the unexpired term will be held and not
22 later than the first Tuesday after the first Monday in June preceding the day fixed
23 by law for holding the regular election for the unexpired term, if the vacancy occurs
24 prior to the first Tuesday following the first Monday in June. If the vacancy occurs
25 after the first Tuesday following the first Monday in June, each candidate shall file
26 a petition for nomination with the Secretary of State not later than the second
27 Tuesday in August preceding the day fixed by law for holding the regular election

1 for the unexpired term. The petition shall be sworn to by the candidate and by not
2 less than two (2) registered voters from the district or circuit from which he or she
3 seeks nomination, before an officer authorized to administer an oath. Signatures for
4 nomination papers shall not be affixed on the document to be filed prior to the first
5 Wednesday after the first Monday in November of the year preceding the year in
6 which the office will appear on the ballot. The petition shall be filed no later than 4
7 p.m. local time at the place of filing when filed on the last date on which the papers
8 are permitted to be filed.

9 ~~(3)~~~~(4)~~ The petition for nomination shall be in the form prescribed by the State Board
10 of Elections. The petition shall include a declaration sworn to by the candidate, that
11 he or she possesses all the constitutional and statutory requirements of the office for
12 which the candidate has filed. Titles, ranks, or spurious phrases shall not be
13 accepted on the petition and shall not be printed on the ballots as part of the
14 candidate's name; however, nicknames, initials, and contractions of given names
15 may be acceptable as the candidate's name.

16 ~~(4)~~~~(5)~~ The Secretary of State shall examine the petition of each candidate to
17 determine whether it is regular on its face. If there is an error, the Secretary of State
18 shall notify the candidate by certified mail within twenty-four (24) hours of filing.

19 ~~(5)~~~~(6)~~ The order of names on the ballot for each district or circuit, and numbered
20 division if divisions exist, shall be determined by lot at a public drawing to be held
21 in the office of the Secretary of State at 2 p.m., standard time, on the Thursday
22 following the first Tuesday after the first Monday in June preceding the regular
23 election for those petitions for nomination required to be filed no later than the first
24 Tuesday following the first Monday in June. For those petitions for nomination
25 required to be filed no later than the second Tuesday in August, the order of names
26 on the ballot for each district and circuit, and numbered division if divisions exist,
27 shall be determined by lot at a public drawing to be held in the office of the

1 Secretary of State at 2 p.m., standard time, on the Thursday following the second
2 Tuesday in August preceding the regular election.

3 ~~(6)~~~~(7)~~ Not later than the date set forth in KRS 118.215 and after the order of names
4 on the ballot has been determined as required in subsection ~~(5)~~~~(6)~~ of this section,
5 the Secretary of State shall:

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

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

14 ~~(7)~~~~(8)~~ The ballot position of a candidate shall not be changed after the ballot position
15 has been designated by the county clerk.

16 ~~(8)~~~~(9)~~ The county clerks of each county shall cause to be printed on the ballots,
17 including absentee ballots, for the regular election the names of the candidates for
18 offices of the Court of Justice.

19 ~~(9)~~~~(10)~~ The names of the candidates shall be placed on the ballots in a separate
20 column or columns or in a separate line or lines and identified by the words
21 "Judicial Ballot," and in a manner so that the casting of a vote for all of the
22 candidates of a political party will not operate to cast a vote for judicial candidates.
23 The words "Vote for one" or "Vote for one in each division," shall be printed on the
24 appropriate location. The office, numbered division if divisions exist, and the
25 candidates therefor shall be clearly labeled. No party designation or emblem of any
26 kind, nor any sign indicating any candidate's political belief or party affiliation,
27 shall be used on any ballot.

1 ~~(10)~~~~(11)~~ The candidate receiving the highest number of votes cast at the regular
 2 election for a district or circuit, or for a numbered division if divisions exist, shall
 3 be elected.

4 ~~(11)~~~~(12)~~ A judge who elected to retire as a Senior Status Special Judge in accordance
 5 with KRS 21.580 shall not become a candidate or a nominee for any elected office
 6 during the five (5) year term prescribed in KRS 21.580(1)(a)1., regardless of the
 7 number of days served by the judge acting as a Senior Status Special Judge.

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

9 As used in this chapter:

10 (1) A "ballot" or "official ballot" means the official presentation of offices and
 11 candidates to be voted for, including write-in candidates, and all public questions
 12 submitted for determination, and shall include a voting machine ballot, a paper
 13 ballot, an absentee ballot, a special ballot, a federal provisional ballot, a federal
 14 provisional absentee ballot, or a supplemental paper ballot which has been
 15 authorized for the use of the voters in any primary or regular or special election by
 16 the Secretary of State or the county clerk;

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

19 (3) *"Election administration information system" means any computer-based*
 20 *information technology application used by the Commonwealth in the*
 21 *administration of elections;*

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

23 ~~(5)~~~~(4)~~ "Voting equipment" means any physical component of a voting system and
 24 includes voting machines where voting machines are in operation;

25 ~~(6)~~~~(5)~~ "Voting machine" or "machine" means a part of a voting system that consists
 26 of:

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

- 1 1. ~~Records votes by means of a ballot display provided with mechanical or~~
- 2 ~~electro-operated components that may be actuated by the voter;~~
- 3 2. ~~Processes the data by means of a computer program;~~
- 4 3. ~~Records voting data and ballot images in internal and external memory~~
- 5 ~~components; and~~
- 6 4. ~~Produces a tabulation of the voting data stored in a removable memory~~
- 7 ~~component and on a printed copy; or~~

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

11 ~~(Z)~~~~(6)~~ "Voting system" means:

12 (a) The total combination of physical, mechanical, electromechanical, or
13 electronic equipment, including the software, hardware, firmware, and
14 documentation required to program, control, and support that equipment, that
15 is used to:

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

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

- 21 1. Identify system components and versions of those components;
- 22 2. Test the system during its development and maintenance;
- 23 3. Maintain records of system errors and defects;
- 24 4. Determine specific system changes to be made to a system after the
25 initial qualification of the system; and
- 26 5. Make available any materials to the voter, such as notices, instructions,
27 forms, or paper ballots.

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

- 2 (1) Any unauthorized person found in possession of any key to a voting machine,
3 voting equipment, or voting system to be used or being used in any primary, regular
4 election, or special election shall be guilty of a Class A misdemeanor.
- 5 (2) Any person who, during or before any primary, regular election, or special election,
6 willfully tampers with or attempts to tamper with, disarrange, deface,~~[-or]~~ impair in
7 any manner whatsoever, injures, or destroys any ballot, **e-poll book, election**
8 **administration information system,**~~[or destroys any]~~ voting machine, voting
9 equipment, or voting system while in use at an election or at any other time, or who
10 shall, after such voting machine, voting equipment, or voting system is locked and
11 sealed in order to preserve the record of the vote, tamper with or attempt to tamper
12 with the record of the vote, or who aids or abets with intent to destroy or change the
13 record of the vote shall be guilty of a Class D felony.
- 14 (3) Any election official, or other person entrusted with the custody or control of any
15 voting machine, voting equipment, or voting system shall be guilty of a Class D
16 felony if he or she knowingly and intentionally:
- 17 (a) Causes or permits any voting machine, voting equipment, or voting system to
18 fail to correctly register or count votes cast, tampers with or disarranges such
19 voting machine, voting equipment, or voting system in any way;
- 20 (b) Unlawfully opens a voting machine, voting equipment, or voting system;
- 21 (c) Prevents or attempts to prevent the correct operation of a voting machine,
22 voting equipment, or voting system;
- 23 (d) Causes a voting machine, voting equipment, or voting system to be used or
24 consents to its being used for any election with knowledge of the fact that the
25 voting machine, voting equipment, or voting system is not in order, or not
26 perfectly set and adjusted to correctly register all votes cast;
- 27 (e) Removes, changes, or mutilates any ballot; or

1 (f) Directly connects or attempts to directly connect a voting machine, voting
2 equipment, or voting system that tabulates or aggregates votes to a public
3 network, including the Internet, at any time.

4 ➔Section 28. KRS 160.190 is amended to read as follows:

5 (1) Any vacancy in any board of education shall be filled by a majority vote of the
6 remaining members of the local board within sixty (60) days after the vacancy
7 occurs. Within thirty (30) days of the vacancy, the local board shall, for two (2)
8 weeks, have solicited applications by posting a notice announcing the vacancy on
9 the district's website~~[Web site]~~ and by placing an advertisement in the newspaper of
10 the largest general circulation in the county. An applicant shall file a letter of intent
11 with the local board affirming that the applicant meets the eligibility requirements
12 as established by KRS 160.180 and shall submit with the application a transcript
13 evidencing completion of the twelfth grade or results of a twelfth grade equivalency
14 examination. After the two (2) weeks of advertisement on the district's website~~[Web
15 site]~~ and in the newspaper, the local board shall select from the applicants under
16 this subsection to fill the vacancy.

17 (2) If the local board fails to make an appointment under subsection (1) of this section,
18 then the chief state school officer shall fill the vacancy within sixty (60) days of the
19 failure.

20 (3) The member chosen under this section shall meet the eligibility requirements as
21 established by KRS 160.180 and shall hold office until his or her successor is
22 elected or appointed, and has qualified.

23 (4) Any vacancy having an unexpired term of one (1) year or more on August 1 after
24 the vacancy occurs shall be filled for the unexpired term by an election to be held at
25 the next regular election after the vacancy occurs. The elected member shall
26 succeed the member chosen under subsection (1) or (2) of this section to fill the
27 vacancy. **Nominating petitions shall be filed with the county clerk not later than**

1 *the second Tuesday in August preceding the day for holding the regular election*
2 *for the unexpired term. Declarations of intent to be a write-in candidate shall be*
3 *filed with the county clerk in accordance with Section 9 of this Act.*

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

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

13 ➔Section 29. Notwithstanding subsection (2)(a) of Section 2 of this Act,
14 members appointed by the State Board of Elections to the county board of elections
15 whose terms expire on June 30, 2024, shall be reappointed by the State Board of
16 Elections for a term of one year to expire on June 30, 2025. Thereafter, appointments
17 shall be made every four years in accordance with subsection (2)(a) of Section 2 of this
18 Act.

19 ➔Section 30. Whereas it is critically important to protect the integrity and
20 reliability of the electoral process in order to safeguard the fundamental right to vote, and
21 it is a reasonable legislative task to seek improvement and modernization of election
22 procedures without undue delay in notice to the people of the Commonwealth and its
23 election officials tasked with administering the election laws within this state, an
24 emergency is declared to exist, and this Act takes effect upon its passage and approval by
25 the Governor or upon its otherwise becoming a law.