

1 AN ACT relating to elections.

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

3 ➔Section 1. KRS 118.035 is amended to read as follows:

- 4 (1) **(a) Except for counties with a population of ninety thousand (90,000) or more,**
5 the polls shall be opened on the day of a primary, special election, or regular
6 election at 6 a.m., prevailing time, and shall remain open until each voter who
7 is waiting in line at the polls at 6 p.m., prevailing time, has voted. At 6 p.m.,
8 prevailing time, if voters are waiting at the polls to vote, the precinct election
9 sheriff shall announce that a voter wishing to vote must immediately get in
10 line. When all voters waiting at the polls at that time are in line, the precinct
11 election sheriff shall then determine which voter is the last in line, and that
12 voter shall be the last voter permitted to vote. The precinct election sheriff
13 shall wait in line with the last voter who shall be permitted to vote until that
14 voter has voted and shall inform a voter who subsequently arrives at the polls
15 that no one shall be permitted to vote after the last voter in line at 6 p.m.,
16 prevailing time. After the last voter waiting in line at 6 p.m., prevailing time,
17 has voted, the polls shall then be closed.
- 18 **(b) For counties with a population of ninety thousand (90,000) or more, the**
19 **polls shall be opened on the day of a primary, special election, or regular**
20 **election at 6 a.m., prevailing time, and shall remain open until each voter**
21 **who is waiting in line at the polls at 7 p.m., prevailing time, has voted. At 7**
22 **p.m., prevailing time, if voters are waiting at the polls to vote, the precinct**
23 **election sheriff shall announce that a voter wishing to vote must**
24 **immediately get in line. When all voters waiting at the polls at that time are**
25 **in line, the precinct election sheriff shall then determine which voter is last**
26 **in line, and that voter shall be the last voter permitted to vote. The precinct**
27 **election sheriff shall wait in line with the last voter who shall be permitted**

1 to vote until that voter has voted and shall inform a voter who subsequently
 2 arrives at the polls that no one shall be permitted to vote after the last voter
 3 in line at 7 p.m., prevailing time. After the last voter waiting in line at 7
 4 p.m., prevailing time, has voted, the polls shall then be closed.

5 (c) In order that a fixed and approved standard of population as prescribed in
 6 paragraphs (a) and (b) of this subsection may be adopted, the annual
 7 estimates of population as determined by the Kentucky State Data Center at
 8 the University of Louisville shall be used in every year except a year in
 9 which the most recent official census data is reported, and in that year the
 10 United States government census figures of population shall be controlling.

11 (2) As provided in Section 148 of the Constitution of Kentucky, any person entitled to
 12 a] vote at any primary, special election, or regular election in this state shall ~~if he~~
 13 has made application for leave prior to the day he appears before the county clerk to
 14 request an application for or to execute an absentee ballot,] be entitled to be absent~~]~~
 15 himself] from any services or employment in which the voter~~he]~~ is then engaged or
 16 employed for a reasonable time, but not less than four (4) hours on the day the
 17 voter:

18 (a) Appears~~he appears]~~ before the county clerk to request an application for or to
 19 execute an absentee ballot, during normal business hours of the office of the
 20 county clerk, if the voter has requested leave prior to that day; or

21 (b) Casts~~or to cast]~~ his or her ballot on the day of the primary, special election,
 22 or regular election between the time of opening and closing the polls.

23 The employer may specify the hours during which an employee may be absent~~]~~
 24 himself].

25 (3) No person shall be penalized for taking a reasonable time off to vote, unless, under
 26 circumstances which did not prohibit him or her from voting, the voter~~he]~~ fails to
 27 vote. Any qualified voter who exercises his or her right to voting leave under this

1 section but fails to cast his or her vote, under circumstances which did not prohibit
2 the voter~~[him]~~ from voting, may be subject to disciplinary action.

3 (4) Any person selected to serve as an election officer shall be entitled to be absent~~[~~
4 ~~himself]~~ from any services or employment in which the election officer~~[he]~~ is then
5 engaged or employed for a period of an entire day to attend training or to serve as an
6 election officer. The person shall not, because of the absence~~[so absenting himself]~~,
7 be liable to any penalty. The employer may specify the hours during which the
8 employee may be absent~~[himself]~~. No person shall refuse an employee the privilege
9 that has been~~[hereby]~~ conferred by this section, or discharge or threaten to
10 discharge an employee or subject an employee to a penalty, because of the exercise
11 of the privilege.

12 ➔Section 2. KRS 117.087 is amended to read as follows:

13 (1) The challenge of an absentee ballot returned by mail shall be in writing and in the
14 hands of the county clerk before 8 a.m. on any primary, regular election, or special
15 election day.

16 (2) The county board of elections shall count the absentee ballots returned by mail and
17 the votes cast on the voting machine in the county clerk's office or other place
18 designated by the county board of elections and approved by the State Board of
19 Elections. The board may appoint a central ballot counting board of not less than
20 three (3) members, who shall be qualified voters and no more than two-thirds (2/3)
21 of whom shall be members of the same political party, to count the ballots at the
22 direction of the county board of elections.

23 (3) Beginning at 8 a.m. on any primary, regular election, or special election day, the
24 board shall meet at the county clerk's office to count the absentee ballots returned
25 by mail and the ballots cast on the voting machine in the county clerk's office or
26 other place designated by the county board of elections and approved by the State
27 Board of Elections. Candidates or their representatives shall be permitted to be

1 present. The county board of elections shall authorize representatives of the news
2 media to observe the counting of the ballots. The board shall open the boxes
3 containing absentee ballots returned by mail and remove the envelopes one (1) at a
4 time. As each envelope is removed, it shall be examined to ascertain whether the
5 outer envelope and the detachable flap are in proper order and have been signed by
6 the voter. A person having power of attorney for the voter and who signs the
7 detachable flap and outer envelope for the voter shall complete the voter assistance
8 form required by KRS 117.255. The signatures of two (2) witnesses are required if
9 the voter signs the form with the use of a mark instead of the voter's signature. All
10 unsigned absentee ballots shall be rejected automatically. The chair~~[chairman]~~ of
11 the county board of elections shall compare the signatures on the outer envelope and
12 the detachable flap with the signature of the voter that appears on the registration
13 card. If the outer envelope and the detachable flap are found to be in order, the
14 chair~~[chairman]~~ shall read aloud the name of the voter. If the vote of the voter is
15 not rejected on a challenge then made as provided in subsection (4) of this section,
16 the chair~~[chairman]~~ shall remove the detachable flap and place the inner envelope
17 unopened in a ballot box which has been provided for the purpose.

18 (4) When the name of a voter who cast an absentee ballot by mail is read aloud by the
19 chair~~[chairman]~~, the vote of the voter may be challenged by any board member or
20 by the written challenge provided in subsection (1) of this section and the challenge
21 may be determined and the vote accepted or rejected by the board as if the voter was
22 present and voting in person; but if the outer envelope and the detachable flap are
23 regular, and substantially comply with the provisions of this chapter, they shall be
24 considered as showing that the voter is prima facie entitled to vote. If the vote of a
25 voter is rejected pursuant to the challenge, the inner envelope shall not be opened,
26 but returned to the outer envelope upon which the chair~~[chairman]~~ shall write on
27 the envelope the word "rejected."

- 1 (5) After the challenges have been made and all the blank inner envelopes have been
2 placed in a ballot box, the box shall be thoroughly shaken to redistribute the
3 absentee ballots in the box. The board shall open the ballot box, remove the
4 absentee ballots from the inner envelopes, and count the ballots.
- 5 (6) The board shall unlock any voting equipment used to cast ballots in the county
6 clerk's office or other place designated by the county board of elections, and
7 approved by the State Board of Elections, as provided~~[for]~~ in KRS 117.086, and a
8 total of all ballots shall be made and recorded on the form provided by the State
9 Board of Elections.
- 10 (7) The county board of elections, the county clerk, and all individuals permitted to be
11 present for the counting of absentee ballots pursuant to subsection (2) of this section
12 shall not make public the absentee ballot results determined as provided in this
13 section until:
- 14 (a) After 6 p.m. prevailing time, *for those counties where the polls remain open*
15 *until 6 p.m. prevailing time; or*
- 16 (b) *After 7 p.m. prevailing time, for those counties where the polls remain open*
17 *until 7 p.m., prevailing time.*