

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 242.020 is amended to read as follows:

4 (1) A petition for an election shall be signed by a number of constitutionally qualified
5 voters of the territory to be affected, equal to twenty-five percent (25%) of the votes
6 cast in the territory at the last preceding general election. The petition may consist
7 of one (1) or more separate units, and shall be filed with the county clerk ***in***
8 ***accordance with this section.***

9 (2) ***(a) Before a petition for election may be presented for signatures, an intent to***
10 ***circulate the petition, including a copy of the unsigned petition, shall be***
11 ***filed with the county clerk by any person or group of persons seeking the***
12 ***local option election.***

13 ***(b) After a petition for a local option election has received no fewer than the***
14 ***number of qualifying signatures required by subsection (1) of this section,***
15 ***the signed petition shall be filed with the county clerk.***

16 ***(c) If the election is to be held on any day other than a primary or regular***
17 ***election date, a person or group of persons seeking the local option election***
18 ***shall post bond with the Circuit Court to cover all costs of the election***
19 ***within five (5) days after the signed petition is filed under paragraph (b) of***
20 ***this subsection. The cost of the election shall be established by the county***
21 ***judge/executive to determine the bond amount.***

22 ***(3)*** The petition for election, in addition to the ***signature and legibly printed*** name of
23 ***each***~~the~~ voter, shall state also the voter's residence address, ***year***~~date~~ of birth,
24 and the correct date upon which the voter's name was signed.

25 ~~***(4)***~~~~***(3)***~~ No signer ***of the petition*** may withdraw his or her name or have it taken from
26 the petition after the petition has been filed. If the name of any person has been
27 placed on the petition for election without that person's authority, the person may

1 appear before the county judge/executive before the election is ordered and upon
 2 proof that the person's name was placed on the petition without his or her authority,
 3 the person's name **and personal information required in subsection (3) of this**
 4 **section shall**~~may~~ be eliminated by an order of the county judge/executive. When
 5 the person's name **and personal information** has been eliminated, he or she shall
 6 not be counted as a petitioner.

7 ~~(5)~~~~(4)~~ A petition seeking a local option election under this section shall state "We
 8 the undersigned registered voters hereby petition for an election on the following
 9 question: 'Are you in favor of the sale of alcoholic beverages in (name of
 10 territory)?"'. No petition for a referendum shall be circulated for more than six (6)
 11 months prior to its filing.

12 ~~(6)~~~~(5)~~ After a petition for election has been filed **in conformity with this section**, the
 13 county judge/executive shall make an order on the order book of the court directing
 14 **that the local option questions may be placed on the ballot for the next primary or**
 15 **regular**~~an~~ election to be held in that territory. **If the date of the local option**
 16 **election stated in the petition as provided in subsection (1) of Section 2 of this Act**
 17 **is a date other than a primary or regular election day, all election costs for such a**
 18 **local option election shall be borne by the person or group of persons who**
 19 **circulated the petition.**

20 ~~(7)~~~~(6)~~ Substantial compliance with the wording designated under this chapter for a
 21 particular type of petition is sufficient to validate the actual wording of the petition.

22 ➔Section 2. KRS 242.030 is amended to read as follows:

23 (1) The date of the local option election **shall**~~may~~ be stated in the petition for **the**
 24 **local option** election. ~~If the date is not stated, it shall be designated by the county~~
 25 ~~judge/executive.~~

26 (2) The local option election shall be held not earlier than sixty (60) **and not**~~nor~~ later
 27 than **one hundred fifty (150)**~~ninety (90)~~ days after the date the petition is filed

1 with the county clerk.

2 (3) The local option election ~~may~~^{shall not} be held on the same day that a primary or
3 ~~regular~~^{general} election is held in the territory ~~or any part of the territory, nor~~
4 ~~within thirty (30) days next preceding or following a regular political election~~.

5 (4) A local option election in any territory less than the county ~~may~~^{shall not} be held
6 on the same day on which an election for the entire county is held~~, except as~~
7 ~~approved in KRS 242.125~~.

8 (5) No local option election shall be held in the same territory more than once in every
9 three (3) years.

10 **(6) In order for the local option election to be held on the day fixed by law for**
11 **holding a primary, the petition shall be filed not earlier than the first Wednesday**
12 **after the first Monday in November of the year preceding the day on which the**
13 **primary is to be held and not later than the last Tuesday in January preceding the**
14 **day fixed by law for holding the primary.**

15 **(7) In order for the local option election to be held on the day fixed by law for a**
16 **regular election, the petition shall be filed not later than the second Tuesday in**
17 **August preceding the day fixed by law for holding the regular election.**

18 ➔Section 3. KRS 242.1242 is amended to read as follows:

19 (1) (a) To promote economic development and tourism in any dry or moist county,
20 **urban-county government, charter county, consolidated local government,**
21 **unified local government,** or city, in which a qualified historic site is located,
22 a local option election for the limited sales of alcoholic beverages by the drink
23 may be held in the precinct of the county, **urban-county government, charter**
24 **county, consolidated local government, or unified local government** where
25 the qualified historic site is located, notwithstanding any other provision of the
26 Kentucky Revised Statutes.

27 (b) A petition seeking a local option election under this section shall state "We

1 the undersigned registered voters hereby petition for an election under this
2 section on the following question: 'Are you in favor of the sale of alcoholic
3 beverages by the drink at qualified historic sites in (name of precinct)?'".

4 (2) A local option election for the limited sale of alcoholic beverages by the drink held
5 under subsection (1) of this section shall be conducted in the same manner as
6 specified in KRS 242.020; 242.030~~[(1), (2), and (5)]~~; 242.040; and 242.060 to
7 242.120. The form of the proposition to be voted upon shall be "Are you in favor of
8 the sale of alcoholic beverages by the drink at qualified historic sites in the (name of
9 precinct)?".

10 ➔Section 4. KRS 242.1244 is amended to read as follows:

11 (1) (a) In order to promote economic development and tourism, other provisions of
12 the Kentucky Revised Statutes notwithstanding, a dry or moist city,~~[-or]~~
13 county, urban-county government, charter county, consolidated local
14 government, or unified local government may, by petition in accordance with
15 KRS 242.020, hold a local option election on the sale of alcoholic beverages
16 by the drink at restaurants and dining facilities that seat a minimum of fifty
17 (50) persons and derive a minimum of seventy percent (70%) of their gross
18 receipts from the sale of food if alcoholic beverages are purchased in
19 conjunction with a meal. A petition seeking a local option election under this
20 subsection shall state "We the undersigned registered voters hereby petition
21 for an election on the following question: 'Are you in favor of the sale of
22 alcoholic beverages by the drink at restaurants and dining facilities with a
23 seating capacity of at least fifty (50) persons and which derive at least seventy
24 percent (70%) of their gross receipts from the sale of food if the alcoholic
25 beverage is purchased in conjunction with a meal?'".

26 (b) The local option election shall be held in accordance with KRS 242.030~~[(1),~~
27 ~~(2), and (5)]~~, 242.040, and 242.060 to 242.120, and the proposition on the

1 ballot shall state "Are you in favor of the sale of alcoholic beverages by the
2 drink in (name of city or county) at restaurants and dining facilities with a
3 seating capacity of at least fifty (50) persons and which derive at least seventy
4 percent (70%) of their gross receipts from the sale of food if the alcoholic
5 beverage is purchased in conjunction with a meal?". If the majority of the
6 votes in an election held pursuant to this subsection are "Yes," licenses may
7 be issued to qualified restaurants and dining facilities, and the licensees may
8 be regulated and taxed in accordance with KRS 243.072.

9 (2) (a) In order to promote economic development and tourism, other provisions of
10 the Kentucky Revised Statutes notwithstanding, a dry or moist city, ~~or~~
11 county, urban-county government, charter county, consolidated local
12 government, or unified local government may, by petition in accordance with
13 KRS 242.020, hold a local option election on the sale of alcoholic beverages
14 by the drink at restaurants and dining facilities which seat a minimum of one
15 hundred (100) persons and derive a minimum of seventy percent (70%) of
16 their gross receipts from the sale of food.

17 (b) A petition seeking a local option election under this subsection shall state "We
18 the undersigned registered voters hereby petition for an election on the
19 following question: 'Are you in favor of the sale of alcoholic beverages by the
20 drink in (name of city or county) at restaurants and dining facilities with a
21 seating capacity of at least one hundred (100) persons and which derive at
22 least seventy percent (70%) of their gross receipts from the sale of food?'"

23 (c) The local option election shall be held in accordance with KRS 242.030~~(1),~~
24 ~~(2), and (5)~~, 242.040, and 242.060 to 242.120, and the proposition on the
25 ballot shall state "Are you in favor of the sale of alcoholic beverages by the
26 drink in (name of city or county) at restaurants and dining facilities with a
27 seating capacity of at least one hundred (100) persons and which derive at

1 least seventy percent (70%) of their gross receipts from the sale of food?". If
 2 the majority of the votes in an election held pursuant to this subsection are
 3 "Yes," licenses may be issued to qualified restaurants and dining facilities and
 4 the licensees may be regulated and taxed in accordance with KRS 243.072.

5 (3) A local option proposition under subsection (1) of this section is a separate
 6 proposition than a local option proposition held under subsection (2) of this section,
 7 so that a separate limited local option election is required for sales under each
 8 subsection. A territory may, by separate limited local option elections,
 9 simultaneously allow alcoholic beverage sales under subsections (1) and (2) of this
 10 section. A territory may also hold a limited local option election to allow alcoholic
 11 beverage sales under either subsection (1) or (2) of this section without authorizing
 12 alcoholic beverage sales under the other subsection.

13 ➔Section 5. KRS 242.022 is amended to read as follows:

14 (1) (a) To promote economic development and tourism in any dry or moist county,
 15 urban-county government, charter county, consolidated local government,
 16 unified local government, or city, in which a state park is located, a local
 17 option election for the limited sales of alcoholic beverages by the drink may
 18 be held in a city,~~or~~ county, urban-county government, charter county,
 19 consolidated local government, or unified local government, precinct where
 20 the state park's qualifying lodge or golf course is located, notwithstanding any
 21 other provision of the Kentucky Revised Statutes.

22 (b) A petition seeking a local option election under this section shall state "We
 23 the undersigned registered voters hereby petition for an election under KRS
 24 242.022 on the following question: 'Are you in favor of the sale of alcoholic
 25 beverages by the drink at the state park located in (name of precinct)?'".

26 (2) A local option election for the limited sale of alcoholic beverages by the drink held
 27 under subsection (1) of this section shall be conducted in the same manner as

1 specified in KRS 242.020; 242.030~~[(1), (2), and (5)]~~; 242.040; and 242.060 to
 2 242.120. The form of the proposition to be voted upon shall be "Are you in favor of
 3 the sale of alcoholic beverages by the drink at the state park located in the (name of
 4 precinct)?".

5 (3) When a majority of the votes cast at an election held under subsections (1) and (2)
 6 of this section are in favor of establishing moist territory, the entire state park shall
 7 become moist in the manner specified in KRS 242.200.

8 ➔Section 6. KRS 117.075 is amended to read as follows:

9 (1) Any qualified voter who has not been declared mentally disabled by a court of
 10 competent jurisdiction, and who, on account of age, disability or illness, is not able
 11 to appear at the polls on election day may vote by a mail-in absentee ballot
 12 pursuant to subsection (2) of this section or in person pursuant to Section 7 of
 13 this Act~~[in the following manner]~~.

14 (2) At least seven (7) days prior to the date of the election and prior to the close of
 15 normal business hours, a qualified voter may~~he shall~~ present to the county clerk
 16 by mail or in person his or her application for a mail-in~~an~~ absentee ballot
 17 containing a verified statement that his or her inability to appear is due to age,
 18 disability, or illness. The request for the mail-in absentee ballot application may be
 19 made by telephone, facsimile machine, mail, or in person. Within three (3) days of
 20 receipt of the request, the county clerk shall mail to the voter a mail-in~~an~~ absentee
 21 ballot and envelopes, and the voter shall cast his or her vote in accordance with
 22 KRS 117.086. The mail-in absentee ballot shall be returned by the voter to the
 23 county clerk by mail.

24 (3)~~(2)~~ Ballots furnished pursuant to the provisions of this section shall include the
 25 slates of candidates and~~names of~~ all candidates for which the voter is entitled to
 26 vote.

27 ➔Section 7. KRS 117.085 is amended to read as follows:

- 1 (1) All requests for an application for a mail-in~~[an]~~ absentee ballot may be transmitted
2 by telephone, facsimile machine, by mail, by electronic mail, or in person. The
3 county clerk shall transmit all applications for a mail-in absentee ballot~~[Except as~~
4 ~~provided in paragraph (b) of this subsection, all applications for an absentee ballot~~
5 ~~shall be transmitted only]~~ by mail to the voter or in person at the option of the voter,
6 except as provided in paragraph (b) of this subsection~~[except that the county clerk~~
7 ~~shall hand an application for an absentee ballot to a voter permitted to vote by~~
8 ~~absentee ballot who appears in person to request the application, or shall mail the~~
9 ~~application to a voter permitted to vote by absentee ballot who requests the~~
10 ~~application by telephone, facsimile machine, or mail].~~ The mail-in absentee ballot
11 application may be requested by the voter or the spouse, parents, or children of the
12 voter, but shall be restricted to the use of the voter. Except for qualified voters who
13 apply pursuant to the requirements of KRS 117.075 and 117.077, those who are
14 incarcerated in jail but have yet to be convicted, those who are uniformed-service
15 voters as defined in KRS 117A.010 that are confined to a military base on election
16 day, and persons who qualify under paragraph (a)7. of this subsection, mail-in
17 absentee ballots shall not be mailed to a voter's residential address located in the
18 county in which the voter is registered. ~~[In the case of ballots returned by mail,]~~ The
19 county clerk shall provide a mail-in~~[an]~~ absentee ballot, two (2) official envelopes
20 for returning the mail-in absentee ballot, and instructions for voting to a voter who
21 presents a completed application for mail-in~~[an]~~ absentee ballot as provided in this
22 section and who is properly registered as stated in his or her mail-in absentee ballot
23 application.
- 24 (a) A qualified voter~~[The following voters]~~ may apply to cast his or her
25 vote~~[their votes]~~ by mail-in absentee ballot if the application is received not
26 later than the close of business hours seven (7) days before the election, and if
27 the voter is:

1. ~~[Voters]~~ Permitted to vote by **a mail-in** absentee ballot pursuant to KRS 117.075;
2. **A resident**~~[Voters who are Residents]~~ of Kentucky who **is a**~~[are]~~ covered **voter**~~[voters]~~ as defined in KRS 117A.010;
3. **A student**~~[Voters who are Students]~~ who temporarily **resides**~~[reside]~~ outside the county of **his or her**~~[their]~~ residence;
4. ~~[Voters who are]~~ Incarcerated in jail **and**~~[who have been]~~ charged with a crime, but **has**~~[have]~~ not been convicted of the crime;
5. **Changing or has changed his or her**~~[Voters who change their]~~ place of residence to a different state while the registration books are closed in the new state of residence before an election of electors for President and Vice President of the United States, **in which case the voter**~~[who]~~ shall be permitted to cast **a mail-in**~~[an]~~ absentee ballot for electors for President and Vice President of the United States only;
6. ~~[Voters who]~~ Temporarily **residing**~~[reside]~~ outside the state but~~[who are]~~ still eligible to vote in this state;
7. ~~[Voters who are]~~ Prevented from voting in person at the polls on election day and from casting an **in-person** absentee ballot~~[in person]~~ in the county clerk's office on all days **in-person** absentee voting is conducted~~[prior to election day]~~ because **his or her**~~[their]~~ employment location requires **him or her**~~[them]~~ to be absent from the county **of his or her residence** all hours and all days **in-person** absentee voting is conducted in the county clerk's office; **or**~~[and]~~
8. **A participant**~~[Voters who are program Participants]~~ in the Secretary of State's crime victim address confidentiality protection program as authorized by KRS 14.312.

(b) Residents of Kentucky who are covered voters as defined in KRS 117A.010

1 may apply for a mail-in~~[an]~~ absentee ballot by means of the federal post-card
2 application, which may be transmitted to the county clerk's office by mail, by
3 facsimile machine, or by means of the electronic transmission system
4 established under KRS 117A.030(4). The federal post-card application may
5 be used to register, reregister, and to apply for a mail-in~~[an]~~ absentee ballot. If
6 the federal post-card application is received at any time not less than seven (7)
7 days before the election, the county clerk shall affix his or her seal to the
8 application form upon receipt.

9 (c) In-person absentee voting shall be conducted in the county clerk's office or
10 other place designated by the county board of elections and approved by the
11 State Board of Elections during normal business hours for at least the twelve
12 (12) working days before the election. A county board of elections may permit
13 in-person absentee voting to be conducted on a voting machine for a period
14 longer than the twelve (12) working days before the election.

15 (d) Any qualified voter in the county of his or her residence who is not permitted
16 to vote by a mail-in absentee ballot under paragraph (a) of this subsection
17 who will be absent from the county of his or her residence on any election
18 day may, at any time during normal business hours on those days in-person
19 absentee voting is conducted in the county clerk's office, make application in
20 person to the county clerk to cast an in-person absentee vote on a voting
21 machine in the county clerk's office or other place designated by the county
22 board of elections and approved by the State Board of Elections.

23 (e) A qualified voter~~[The following voters]~~ may, at any time during normal
24 business hours on those days in-person absentee voting is conducted in the
25 county clerk's office, make application in person to the county clerk to vote on
26 a voting machine in the county clerk's office or other place designated by the
27 county board of elections and approved by the State Board of Elections, if the

1 voter:

- 2 1. Is a resident~~[Voters who Are residents]~~ of Kentucky who is a~~[are]~~
- 3 covered voter~~[voters]~~ as defined in KRS 117A.010, who will be absent
- 4 from the county of his or her residence on any election day;
- 5 2. Is a student~~[Voters who Are students]~~ who temporarily resides~~[reside]~~
- 6 outside the county of his or her~~[their]~~ residence;
- 7 3. Has~~[Voters who Have]~~ surgery, or whose spouse has surgery,
- 8 scheduled that will require hospitalization on election day~~[, and the~~
- 9 ~~spouse of the voter]~~;
- 10 4. ~~[Voters who]~~Temporarily resides~~[reside]~~ outside the state, but is~~[who~~
- 11 ~~are]~~ still eligible to vote in this state and~~[who]~~ will be absent from the
- 12 county of his or her residence on any election day;
- 13 5. Is a resident~~[Voters who Are residents]~~ of Kentucky who is a~~[are]~~
- 14 uniformed-service voter~~[voters]~~ as defined in KRS 117A.010 confined
- 15 to a military base on election day, learns~~[and who learn]~~ of that
- 16 confinement within seven (7) days or less of an election, and is~~[are]~~ not
- 17 eligible for a mail-in~~[paper]~~ absentee ballot under this subsection;~~[and]~~
- 18 6. Is~~[A voter who is a pregnant woman]~~ in her last trimester of pregnancy
- 19 at the time she wishes to vote under this paragraph. The application form
- 20 for a voter under this subparagraph shall be prescribed by the State
- 21 Board of Elections, which shall contain the woman's sworn statement
- 22 that she is in fact in her last trimester of pregnancy at the time she
- 23 wishes to vote; or
- 24 7. Has not been declared mentally disabled by a court of competent
- 25 jurisdiction and, on account of age, disability, or illness, is not able to
- 26 appear at the polls on election day.

27 (f) Voters who change their place of residence to a different state while the

1 registration books are closed in the new state of residence before a presidential
2 election shall be permitted to cast an *in-person* absentee ballot for President
3 and Vice President only, by making application in person to the county clerk
4 to vote on a voting machine in the county clerk's office or other place
5 designated by the county board of elections and approved by the State Board
6 of Elections, *up to the close of normal business hours on the day before the*
7 *election.*

- 8 (g) Any member of the county board of elections, any precinct election officer
9 appointed to serve in a precinct other than that in which he or she is registered,
10 any alternate precinct election officer, any deputy county clerk, any staff for
11 the State Board of Elections, and any staff for the county board of elections
12 may vote on a voting machine in the county clerk's office or other place
13 designated by the county board of elections, and approved by the State Board
14 of Elections, up to the close of normal business hours on the day before the
15 election. The application form for those persons shall be prescribed by the
16 State Board of Elections and, in the case of application by precinct election
17 officers, shall contain a verification of appointment signed by a member of the
18 county board of elections. If an alternate precinct election officer or a precinct
19 election officer appointed to serve in a precinct other than that in which he or
20 she is registered receives his or her appointment while *in-person* absentee
21 voting is being conducted in the county, ~~*the*~~^[such] officer may vote on a
22 voting machine in the county clerk's office or other place designated by the
23 county board of elections, and approved by the State Board of Elections, up to
24 the close of normal business hours on the day before the election. *Precinct*
25 *election officers* ~~[In case of such voters, the]~~ verification of appointment shall
26 also contain the date of appointment. The applications shall be restricted to the
27 use of the voter only.

1 (h) The members of the county board of elections or their designees who provide
2 equal representation of both political parties may serve as precinct election
3 officers, without compensation, for all in-person absentee voting performed
4 on a voting machine in the county clerk's office or other place designated by
5 the county board of elections and approved by the State Board of Elections. If
6 the members of the county board of elections or their designees serve as
7 precinct election officers for the in-person absentee voting, they shall perform
8 the same duties and exercise the same authority as precinct election officers
9 who serve on the day of an election. If the members of the county board of
10 elections or their designees do not serve as precinct election officers for in-
11 person~~the~~ absentee voting, the county clerk or deputy county clerks shall
12 supervise the in-person absentee voting.

13 (i) Any individual qualified to appoint challengers for the day of an election may
14 also appoint challengers to observe all in-person absentee voting performed at
15 the county clerk's office or other place designated by the county board of
16 elections, and approved by the State Board of Elections, and those challengers
17 may exercise the same privileges as challengers appointed for observing
18 voting on the day of an election at a regular polling place.

19 (2) The county clerk shall type the name of the voter permitted to vote by mail-in
20 absentee ballot on the mail-in absentee ballot application form for that person's use
21 and no other. The mail-in absentee ballot application form shall be in the form
22 prescribed by the State Board of Elections, shall bear the seal of the county clerk,
23 and shall contain the following information: name, residential address, precinct,
24 party affiliation, statement of the reason the person cannot vote in person on
25 election day, statement of where the voter shall be on election day, statement of
26 compliance with residency requirements for voting in the precinct, and the voter's
27 mailing address for a mail-in~~an~~ absentee ballot. The mail-in absentee ballot

- 1 application form shall be verified and signed by the voter. A notice of the actual
2 penalty provisions in KRS 117.995(2) and (5) shall be printed on the mail-in
3 absentee ballot application form~~[application]~~.
- 4 (3) If the county clerk finds that the voter is properly registered as stated in his or her
5 mail-in absentee ballot application form~~[application]~~ and qualifies to receive a
6 mail-in~~[an]~~ absentee ballot by mail, he or she shall mail to the voter a mail-in~~[an]~~
7 absentee ballot, two (2) official envelopes for returning the mail-in absentee ballot,
8 and instructions for voting. The county clerk shall complete a postal form for a
9 certificate of mailing for mail-in absentee ballots mailed within the fifty (50) states,
10 and it shall be stamped by the postal service when the mail-in absentee ballots are
11 mailed. A mail-in~~[An]~~ absentee ballot may be transmitted by facsimile machine or
12 by the electronic transmission system established under KRS 117A.030(4) to a
13 covered voter as defined in KRS 117A.010. The covered voter shall be notified of
14 the options for transmittal of the mail-in absentee ballot, and the mail-in absentee
15 ballot shall be transmitted by the method chosen for receipt by the resident of
16 Kentucky who is a covered voter.
- 17 (4) Mail-in absentee ballots which are requested prior to the printing of the mail-in
18 absentee ballots shall be mailed or otherwise transmitted as provided in subsection
19 (3) of this section by the county clerk to the voter within three (3) days of the receipt
20 of the printed ballots.~~;~~ ~~and~~ Mail-in absentee ballots~~[which are]~~ requested
21 after~~[subsequent to]~~ the receipt of the ballots by the county clerk shall be mailed or
22 otherwise transmitted as provided in subsection (3) of this section to the voter
23 within three (3) days of the receipt of the request.
- 24 (5) The county clerk shall cause mail-in absentee ballots to be printed fifty (50) days
25 prior to each primary or regular election, and forty-five (45) days prior to a special
26 election.
- 27 (6) The outer envelope shall bear the words "Absentee Ballot" and the address and

1 official title of the county clerk and shall provide space for the voter's signature,
2 voting address, precinct number, and signatures of two (2) witnesses if the voter
3 signs the form with the use of a mark instead of the voter's signature. A detachable
4 flap on the inner envelope shall provide space for the voter's signature, voting
5 address, precinct number, signatures of two (2) witnesses if the voter signs the form
6 with the use of a mark instead of the voter's signature and notice of penalty provided
7 in KRS 117.995(5). The **county** clerk shall type the voter's address and precinct
8 number in the upper left hand corner of the outer envelope and of the detachable
9 flap on the inner envelope immediately below the blank space for the voter's
10 signature. The inner envelope shall be blank. The **county** clerk shall retain the **mail-**
11 **in ballot application form**~~[application]~~ and the postal form required by subsection
12 (3) of this section for twenty-two (22) months after the election.

13 (7) Any person who has received **a mail-in**~~[an]~~ absentee ballot by mail but who knows
14 at least seven (7) days before the date of the election that he or she will be in **his or**
15 **her county of residence**~~[the county]~~ on election day and who has not voted pursuant
16 to the provisions of KRS 117.086 shall cancel his or her **mail-in** absentee ballot and
17 vote in person. The voter shall return the **mail-in** absentee ballot to the county
18 clerk's office no later than seven (7) days prior to the date of the election. Upon the
19 return of the **mail-in** absentee ballot, the **county** clerk shall mark on the outer
20 envelope of the sealed ballot or the unmarked ballot the words "Canceled because
21 voter appeared to vote in person." Sealed envelopes so marked shall not be opened.
22 The **county** clerk shall remove the voter's name from the list of persons who were
23 sent **mail-in** absentee ballots, and the voter may vote in the precinct in which he or
24 she is properly registered.

25 (8) Any voter qualified for a mail-in absentee ballot who does not receive a requested
26 mail-in **absentee** ballot within a reasonable amount of time shall contact the county
27 clerk, who shall reissue a second **mail-in absentee** ballot. The county clerk shall

1 keep a record of the mail-in absentee ballots issued and returned by mail, and the
2 in-person absentee voting that is performed on the voting machine in the county
3 clerk's office or other place designated by the county board of elections and
4 approved by the State Board of Elections, to verify that only the first voted ballot to
5 be returned by the voter is counted. Upon the return of any ballot after the first
6 ballot is returned, the county clerk shall mark on the outer envelope of the sealed
7 ballot the words "Canceled because ballot reissued."

8 (9) Any covered voter as defined in KRS 117A.010 who has received a mail-in~~[an]~~
9 absentee ballot but who knows that he or she will be in the county on election day
10 and who has not voted pursuant to the provisions of KRS 117.086 shall cancel his
11 or her mail-in absentee ballot and vote in person. The voter shall return the mail-in
12 absentee ballot to the county clerk's office on or before election day. Upon the
13 return of the mail-in absentee ballot, the county clerk shall mark on the outer
14 envelope of the sealed mail-in absentee ballot or the unmarked mail-in absentee
15 ballot the words "Canceled because voter appeared to vote in person." Sealed
16 envelopes so marked shall not be opened. If the covered voter is unable to return the
17 mail-in absentee ballot to the county clerk's office on or before election day, at the
18 time he or she votes in person, he or she shall sign a written oath as to his or her
19 qualifications on the form prescribed by the State Board of Elections pursuant to
20 KRS 117.245. The county clerk shall remove the voter's name from the list of
21 persons who were sent mail-in absentee ballots, provide the voter with written
22 authorization to vote at the precinct, and the voter may vote in the precinct in which
23 he or she is properly registered.

24 (10) Notwithstanding the provisions of the Kentucky Open Records Act, KRS 61.870 to
25 61.884, the information contained in an application for a mail-in~~[an]~~ absentee
26 ballot shall not be made public until after the close of business hours on the election
27 day for which the application applies. This subsection shall not prohibit at any time

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

5 ➔Section 8. Whereas, the cost of local option elections has burdened local fiscal
6 court budgets to the breaking point and it is necessary to permit local option elections to
7 be held at the same time that primaries and regular elections are scheduled in order to
8 relieve local governments of this burden, an emergency is hereby declared to exist, and
9 this Act takes effect upon its passage and approval by the Governor or upon its otherwise
10 becoming a law.