

AN ACT relating to student assistants.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 117 IS CREATED TO READ AS FOLLOWS:

*(1) A minor under the age of eighteen (18) shall be eligible for appointment as a student election assistant to serve in a primary or election. To be eligible for appointment as a student election assistant, a minor shall:*

*(a) Have reached the age of sixteen (16) years at the time of the primary or election in which the minor is appointed to serve;*

*(b) Be a resident of the county in which the minor is appointed;*

*(c) Be enrolled in a secondary educational institution, including a private, parochial, or church regular day school, with an exemplary academic record as determined by that institution or school;*

*(d) Be recommended by the principal or director of the secondary educational institution, or by the principal, director, or other supervisor of academic instruction of the private, parochial, or church regular day school, in which the minor is enrolled; and*

*(e) Have the consent of a parent or legal custodian or guardian.*

*(2) The county board of elections may appoint student election assistants pursuant to administrative regulations promulgated by the State Board of Elections. No more than two (2) student election assistants shall be assigned to any precinct. Each student election assistant shall work under the direct supervision of the precinct election officers in the precinct to which the student election assistant is assigned. Student election assistants shall attend the same training and shall be sworn in the same manner as a precinct election officer, and, if not prohibited by a requirement of an internship program in which the student election assistant is participating, shall be compensated in the same manner as precinct election*

officers. The county board of elections shall prescribe the duties of a student election assistant, following administrative regulations promulgated by the State Board of Elections. Under no circumstances may a student ineligible to vote be appointed or act as a precinct election officer, challenger, or inspector in any primary or election. The date of birth of a student election assistant shall be kept confidential.

(3) A student election assistant shall only undertake tasks as ordered by, and under the direct supervision of, an election officer. The Secretary of State shall provide each county board of elections with a detailed list of permitted tasks for student election assistants before each primary and election. Under no circumstance shall a student election assistant assist a disabled voter in marking a ballot, dispute the rights of any voter, maintain a check-off list of voters already having voted, provide voter identification by personal acquaintance, or sign an oath of voter form or any type of form certifying the status or results of the precinct where he or she is assigned.

➔Section 2. KRS 117.045 is amended to read as follows:

(1) The county board of elections shall in the manner prescribed by this section, not later than March 20 each year, except in a year in which no primary and regular elections are scheduled, appoint for each precinct in the county two (2) judges, one (1) clerk and one (1) sheriff of election. They shall serve in all elections held in the county during the year, except for minors seventeen (17) years of age who will become eighteen (18) years of age on or before the day of the regular election who may only serve as election officers for the primary and regular elections as provided in subsection (9) of this section. If a special election is ordered to be held in a year in which no elections are scheduled, the county executive committee of each political party in each county in the territory affected by the special election shall, not later than twenty-eight (28) days preceding the date of the special election,

submit a written list of nominees for precinct election officers to serve in the special election in a manner consistent with the provisions of subsection (2) of this section. The county board of elections in each county in the territory affected by the special election shall, not later than twenty-one (21) days preceding the date of the special election, appoint precinct election officers to serve in the special election in a manner consistent with the provisions of subsections (4), (5), and (6) of this section. The State Board of Elections shall promulgate an administrative regulation establishing evaluation procedures which county boards of elections may use to qualify persons nominated to serve as precinct election officers.

- (2) The county executive committees of the two (2) political parties having representation on the State Board of Elections may, on or before March 15 each year, designate in writing to the county board of elections a list of not less than four (4) names for each precinct; except that, in any precinct where there are not as many as four (4) persons possessing the qualifications of an election officer belonging to the political party filing the list, a lesser number may be designated. If there are two (2) or more contending executive committees of the same party in any county, the one recognized by the written certificate of the chairman of the state central committee of the party shall be the one authorized to submit the lists. The lists shall contain the full name, address, phone number, and Social Security number, if available, of each person listed. The lists shall be accompanied by a signed statement from each person stating that he is willing to serve, has not failed to serve without excuse in the past, and has not been convicted of an election law offense or any felony, unless the person's civil rights have been restored by the Governor. The State Board of Elections shall prescribe by administrative regulation the form of the list.
- (3) The Attorney General shall notify each party state central committee of the duties of the party.

- (4) If lists are submitted, the county board of elections shall select one (1) judge at each voting place from each political party's list, and the county board shall select the sheriff from one (1) political party's list and the clerk from the other. If no lists are submitted, the two (2) members of the county board of elections who are appointed by the State Board of Elections may submit lists; and the county board shall select the sheriff and one (1) judge from one (1) list and the clerk and the other judge from the remaining list. If no lists are submitted, the county board shall select the sheriff and one (1) judge from the membership of one (1) party and the clerk and the other judge from the membership of the remaining party. The county board shall, when possible, also appoint an adequate number of alternate precinct election officers from names on the lists which were submitted but which were not selected by the county board as precinct election officers. If alternate precinct election officers are not appointed from the lists of nominees who were not selected as precinct election officers, the county board of elections shall submit its method of selecting alternate precinct election officers to the State Board of Elections for its approval.
- (5) If, after all reasonable efforts have been made, the county board of elections is unable to find two (2) qualified officers for each precinct who are affiliated with the two (2) political parties having representation on the State Board of Elections, the county board shall submit a list of emergency election officer appointments to the State Board of Elections. The county board shall also present, in writing, its efforts to recruit and appoint election officers as prescribed in subsection (4) of this section. The list of emergency appointments may include qualified voters not affiliated with the two (2) parties represented on the state board. The state board, after its review, may approve any or all of the emergency appointments submitted by the county board or may direct the county board to take other action. Any emergency appointment shall be made for the next ensuing election only.
- (6) In addition to precinct election officers appointed under subsection (1) of this

section, a county board of elections may appoint up to two (2) additional precinct election officers or student election assistants under Section 1 of this Act per precinct with the approval of the State Board of Elections. The state board shall promulgate an administrative regulation establishing conditions under which additional precinct officers or student election assistants may be approved.

- (7) The county board of elections shall, not less than ten (10) days before the next ensuing election, send to each election officer and student election assistant written notice of his appointment. The board may direct the sheriff of the county to serve the notice of appointment, if it deems the action is necessary.
- (8) The State Board of Elections may require the county board of elections to submit its list of precinct officers for review. The State Board of Elections may, after a hearing, direct the removal of any election officer who the board finds would not fairly administer the state election laws. The state board shall replace any officer so removed. The board shall provide for the method and manner of the hearing by administrative regulation.
- (9) An election officer shall be a qualified voter of the precinct; except that, where no qualified voter of the required political party is available within the precinct, the election officer shall be a qualified voter of the county. A minor seventeen (17) years of age who will become eighteen (18) years of age on or before the day of the regular election may serve as an election officer for the primary and regular elections in which he or she is qualified to vote; however, no precinct shall have more than two (2)~~one (1)~~ persons~~person~~ serving as an election officer or a student election assistant who are minors under eighteen (18)~~is a minor seventeen (17)~~ years of age as authorized by this subsection or Section 1 of this Act. An election officer shall not be a candidate for office during the election year. An election officer or student election assistant shall not be the spouse, parent, brother, sister, or child of a candidate who is to be voted for at the election in the

precinct in which the election officer or student election assistant will serve on election day. An election officer shall not have changed his voter registration party affiliation for one (1) year prior to his appointment. An election officer or student election assistant may be removed, for cause, at any time up to five (5) days before an election. Vacancies shall be filled by the county board with alternate precinct election officers or student election assistants and the person appointed to fill the vacancy shall be of the same political party as the vacating officer, except for student election assistants and emergency appointments made as provided in subsection (5) of this section.

- (10) If the county board of elections fails to appoint election officers, or if any officer is not present at the precinct at the time for commencing the election, or refuses to act, and if no alternate is available, the officer in attendance representing the political party of the absentee shall appoint a suitable person to act in his place for that election. If both representatives of the same political party are absent, qualified voters present affiliating with that party shall elect, viva voce, suitable persons to act in their places.
- (11) Each election officer and student election assistant shall be paid a minimum of sixty dollars (\$60) per primary or election day served, and such an additional amount as compensation as may be determined by the county board of elections, with the approval of the governing body which would be responsible for funding the election officers' pay, for each primary or election in which the election officer or student election assistant serves, to be paid by the county. For delivering the election packets to the polls, the precinct election officers shall receive in addition the mileage reimbursement provided for state employees, for each mile necessarily traveled in the delivery of the packets to the polls, or a flat fee if the fee equals or exceeds that amount. For delivering election returns, the precinct election judges shall receive in addition the mileage reimbursement provided for state employees

for each mile necessarily traveled from the place of voting to and from the place of delivery, or a flat fee if the fee equals or exceeds that amount. The fee paid to the precinct election judges for delivering election returns shall be paid by the county.

→Section 3. KRS 339.230 is amended to read as follows:

A minor who has passed his or her fourteenth birthday but is under eighteen (18) years of age may be employed, permitted, or suffered to work in, about, or in connection with any gainful occupation, except:

- (1) If he or she is under sixteen (16) years of age, he or she may not be employed during regular school hours, unless:
  - (a) The school authorities have made arrangements for him or her to attend school at other than the regular hours, in which event he or she may be employed subject to administrative regulations promulgated by~~of~~ the commissioner of workplace standards during ~~such of the~~ regular school hours that the student~~as he or she~~ is not required to be in attendance under the arrangement; or
  - (b) He or she has graduated from high school.
- (2) A minor who has passed his or her fourteenth birthday but is under eighteen (18) years of age, may not be employed, permitted, or suffered to work:
  - (a) In any place of employment or at any occupation, that the commissioner of workplace standards shall determine to be hazardous or injurious to the life, health, safety, or welfare of such minor unless:
    1. The minor is at least sixteen (16) years of age;
    2. The minor is employed by his or her parent or a person standing in place of a parent and works under adult supervision; and
    3. The minor is engaged in nonhazardous aspects of the electrical trades, including but not limited to activities such as pulling wire, setting boxes, or bending conduit;

- (b) More than the number of days per week, nor more than the number of hours per day that the commissioner of workplace standards shall determine to be injurious to the life, health, safety, or welfare of such minor. The commissioner of workplace standards in promulgating administrative~~[these]~~ regulations may make them more restrictive than those promulgated by the United States Secretary of Labor under provisions of the Fair Labor Standards Act and its amendments, but in no event may he or she make them less restrictive;
- (c) During the hours of the day that the commissioner of workplace standards shall determine to be injurious to the life, health, safety, or welfare of such minor. The commissioner of workplace standards in promulgating these regulations may make them more restrictive than those promulgated by the United States Secretary of Labor under provisions of the Fair Labor Standards Act and its amendments but in no event may he or she make them less restrictive; and
- (d) In, about, or in connection with any establishment where alcoholic liquors are distilled, rectified, compounded, brewed, manufactured, bottled, sold for consumption, or dispensed unless permitted by the rules and regulations of the Alcoholic Beverage Control Board (except that he or she may be employed in places where the sale of alcoholic beverages by the package is merely incidental to the main business actually conducted); or in a pool or billiard room.
- (3) The commissioner of workplace standards shall promulgate administrative regulations to properly protect the life, health, safety, or welfare of minors. He or she may consider sex, age, premises of employment, substances to be worked with, machinery to be operated, number of hours, hours of the day, nature of the employment, and other pertinent factors. The commissioner of workplace standards



in promulgating administrative~~[these]~~ regulations may make them more restrictive than those promulgated by the United States Secretary of Labor under provisions of the Fair Labor Standards Act and its amendments but in no event may he or she make them less restrictive, provided, however, administrative~~[these]~~ regulations promulgated under this section shall have no effect on the definition of "gainful occupation" under KRS 339.210. To advise the commissioner with respect to the promulgation of administrative regulations, the Governor shall appoint a committee of four (4) persons which shall consist of a representative from the Cabinet for Health and Family Services, the Department of Education, the Kentucky Commission on Human Rights and the Personnel Cabinet. The administrative regulations promulgated in accordance with this section shall be reviewed by the~~[such]~~ committee whenever deemed necessary by the commissioner of workplace standards.

**(4) A student election assistant appointed under Section 1 of this Act shall be exempt from:**

- (a) The limitation on the number of hours that he or she may work while on duty as a student election assistant on any primary or election day; and**
- (b) The requirement to issue an age certificate as established in KRS 339.360 and 339.370.**

**The exceptions established in this subsection for a minor are solely for the period of time when he or she works as a student election assistant and shall not be invoked in any other employment situation.**