

1 AN ACT relating to emergency absentee voting.

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

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

5 *(1) For purposes of this section and Sections 2, 3, 4, and 5 of this Act:*

6 *(a) "Emergency service worker absentee ballot" means an application for an*  
7 *absentee ballot for the sole use of an emergency service worker during an*  
8 *emergency voting situation;*

9 *(b) "Emergency service worker" means a member of law enforcement,*  
10 *emergency medical services personnel, the Kentucky National Guard, a*  
11 *firefighter, a utility worker, employees or volunteers for the American Red*  
12 *Cross, and any other emergency worker.*

13 *(c) "Emergency voting situation" means that emergency service workers have*  
14 *been called to respond to a catastrophe, declared emergency, or disaster*  
15 *within fourteen (14) or less of an election;*

16 *(2) The Secretary of State may delegate to the State Board of Elections*  
17 *responsibilities under this chapter, including but not limited to the promulgation*  
18 *of administrative regulations necessary to implement Sections 1 through 5 of this*  
19 *Act.*

20 *(3) The Secretary of State shall establish an electronic transmission system through*  
21 *which an emergency service worker in an emergency voting situation may apply*  
22 *for, receive, and return an absentee ballot and absentee ballot materials. The*  
23 *absent ballot and absentee ballot materials may also be returned by mail or hand-*  
24 *delivery.*

25 ➔Section 2. KRS 117.085 is amended to read as follows:

26 (1) All requests for an application for an absentee ballot, *except as established in*  
27 *Section 1 of this Act,* may be transmitted by telephone, facsimile machine, by mail,

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

20 (a) The following ~~voters~~ may apply to cast their votes by mail-in absentee ballot  
 21 if the application is received not later than the close of business hours seven  
 22 (7) days before the election, qualified voters who are:

- 23 1. ~~Voters~~ Permitted to vote by absentee ballot pursuant to KRS 117.075;
- 24 2. ~~Voters who are~~ Residents of Kentucky who are covered voters as  
 25 defined in KRS 117A.010;
- 26 3. ~~Voters who are~~ Students who temporarily reside outside the county of  
 27 their residence;

- 1           4. ~~[Voters who are ]~~Incarcerated in jail who have been charged with a  
2           crime but have not been convicted of the crime;
- 3           5. **Changing or have changed**~~[Voters who change ]~~their place of residence  
4           to a different state while the registration books are closed in the new  
5           state of residence before an election of electors for President and Vice  
6           President of the United States, who shall be permitted to cast **a mail-**  
7           **in**~~[an]~~ absentee ballot for electors for President and Vice President of the  
8           United States only;
- 9           6. ~~[Voters who ]~~Temporarily **residing**~~[reside]~~ outside the state but who are  
10          still eligible to vote in this state;
- 11          7. ~~[Voters who are ]~~Prevented from voting in person at the polls on  
12          election day and from casting an absentee ballot in person in the county  
13          clerk's office on all days **in-person** absentee voting is conducted prior to  
14          election day because their employment location requires them to be  
15          absent from the county **of their residence** all hours and all days **in-**  
16          **person** absentee voting is conducted in the county clerk's office; and
- 17          8. ~~[Voters who are ]~~Program participants in the Secretary of State's crime  
18          victim address confidentiality protection program as authorized by KRS  
19          14.312.
- 20          (b) Residents of Kentucky who are covered voters as defined in KRS 117A.010  
21          may apply for **a mail-in**~~[an]~~ absentee ballot by means of the federal post-card  
22          application, which may be transmitted to the county clerk's office by mail, by  
23          facsimile machine, or by means of the electronic transmission system  
24          established under KRS 117A.030(4). The **federal post-card** application may  
25          be used to register, reregister, and to apply for **a mail-in**~~[an]~~ absentee ballot. If  
26          the federal post-card application is received at any time not less than seven (7)  
27          days before the election, the county clerk shall affix his or her seal to the

1 application form upon receipt.

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

8 (d) Any qualified voter in the county who is not permitted to vote by **a mail-in**  
9 absentee ballot under paragraph (a) of this subsection who will be absent from  
10 the county on any election day may, at any time during normal business hours  
11 on those days **in-person** absentee voting is conducted in the county clerk's  
12 office, make application in person to the county clerk to **cast an in-person**  
13 **absentee** vote on a voting machine in the county clerk's office or other place  
14 designated by the county board of elections and approved by the State Board  
15 of Elections.

16 (e) The following~~[voters]~~ may, at any time during normal business hours on  
17 those days **in-person** absentee voting is conducted in the county clerk's office,  
18 make application in person to the county clerk to vote on a voting machine in  
19 the county clerk's office or other place designated by the county board of  
20 elections and approved by the State Board of Elections, **qualified voters who**  
21 **are:**

- 22 1. ~~[Voters who are]~~ Residents of Kentucky who are covered voters as  
23 defined in KRS 117A.010, who will be absent from the county on any  
24 election day;
- 25 2. ~~[Voters who are]~~ Students who temporarily reside outside the county of  
26 their residence;
- 27 3. ~~[Voters who have surgery]~~ Scheduled **to have surgery** that will require

- 1 hospitalization on election day, and the spouse of the voter;
- 2 4. ~~{Voters who }~~Temporarily **residing**~~{reside}~~ outside the state but who are
- 3 still eligible to vote in this state and who will be absent from the county
- 4 on any election day;
- 5 5. ~~{Voters who are }~~Residents of Kentucky who are uniformed-service
- 6 voters as defined in KRS 117A.010 confined to a military base on
- 7 election day and who learn of that confinement within seven (7) days or
- 8 less of an election and are not eligible for a paper absentee ballot under
- 9 this subsection;~~{and}~~
- 10 6. ~~{A voter who is a }~~Pregnant ~~{woman in her last trimester of pregnancy }~~
- 11 **and have sworn on an application form prescribed by the State Board**
- 12 **of Elections, that**~~{at the time she wishes to vote under this paragraph.~~
- 13 ~~The application form for a voter under this subparagraph shall be~~
- 14 ~~prescribed by the State Board of Elections, which shall contain the~~
- 15 ~~woman's sworn statement that she is}~~ in fact **they will be** in **the**~~{her}~~ last
- 16 trimester of pregnancy at the time **they wish**~~{she wishes}~~ to vote.
- 17 **7. Emergency service workers in an emergency voting situation as**
- 18 **defined in Section 1 of this Act.**
- 19 (f) Voters who change their place of residence to a different state while the
- 20 registration books are closed in the new state of residence before a presidential
- 21 election shall be permitted to cast an **in-person** absentee ballot for President
- 22 and Vice President only, by making application in person to the county clerk
- 23 to vote on a voting machine in the county clerk's office or other place
- 24 designated by the county board of elections and approved by the State Board
- 25 of Elections.
- 26 (g) Any member of the county board of elections, any precinct election officer
- 27 appointed to serve in a precinct other than that in which he or she is registered,

1 any alternate precinct election officer, any deputy county clerk, any staff for  
2 the State Board of Elections, and any staff for the county board of elections  
3 may vote on a voting machine in the county clerk's office or other place  
4 designated by the county board of elections, and approved by the State Board  
5 of Elections, up to the close of normal business hours on the day before the  
6 election. The application form for those persons shall be prescribed by the  
7 State Board of Elections and, in the case of application by precinct election  
8 officers, shall contain a verification of appointment signed by a member of the  
9 county board of elections. If an alternate precinct election officer or a precinct  
10 election officer appointed to serve in a precinct other than that in which he or  
11 she is registered receives his or her appointment while *in-person* absentee  
12 voting is being conducted in the county, such officer may vote on a voting  
13 machine in the county clerk's office or other place designated by the county  
14 board of elections, and approved by the State Board of Elections, up to the  
15 close of normal business hours on the day before the election. In case of such  
16 voters, the verification of appointment shall also contain the date of  
17 appointment. The applications shall be restricted to the use of the voter only.

- 18 (h) The members of the county board of elections or their designees who provide  
19 equal representation of both political parties may serve as precinct election  
20 officers, without compensation, for all absentee voting performed 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. If the  
23 members of the county board of elections or their designees serve as precinct  
24 election officers for the *in-person* absentee voting, they shall perform the  
25 same duties and exercise the same authority as precinct election officers who  
26 serve on the day of an election. If the members of the county board of  
27 elections or their designees do not serve as precinct election officers for the

1           *in-person* absentee voting, the county clerk or deputy county clerks shall  
2           supervise the *in-person* absentee voting.

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

9           (2) The *county* clerk shall type the name of the voter permitted to vote by *mail-in*  
10           absentee ballot on the application form for that person's use and no other. The *mail-*  
11           *in* absentee ballot application form shall be ~~in the form~~ prescribed by the State  
12           Board of Elections, shall bear the seal of the county clerk, and shall contain the  
13           following information: name, residential address, precinct, party affiliation,  
14           statement of the reason the person cannot vote in person on election day, statement  
15           of where the voter shall be on election day, statement of compliance with residency  
16           requirements for voting in the precinct, and the voter's mailing address for *a mail-*  
17           *in* ~~an~~ absentee ballot. The form shall be verified and signed by the voter. A notice  
18           of the actual penalty provisions in KRS 117.995(2) and (5) shall be printed on the  
19           application.

20           (3) If the county clerk finds that the voter is properly registered as stated in his or her  
21           application and qualifies to receive *a mail-in* ~~an~~ absentee ballot by mail, he or she  
22           shall mail to the voter *a mail-in* ~~an~~ absentee ballot, two (2) official envelopes for  
23           returning the *mail-in absentee* ballot, and instructions for voting. The county clerk  
24           shall complete a postal form for a certificate of mailing for *mail-in absentee* ballots  
25           mailed within the fifty (50) states, and it shall be stamped by the postal service  
26           when the *mail-in absentee* ballots are mailed. An absentee ballot may be  
27           transmitted by facsimile machine or by the electronic transmission system

1 established under KRS 117A.030(4) to a covered voter as defined in KRS  
2 117A.010. The covered voter shall be notified of the options for transmittal of the  
3 mail-in absentee ballot, and the mail-in absentee ballot shall be transmitted by the  
4 method chosen for receipt by the resident of Kentucky who is a covered voter.

5 (4) Mail-in absentee ballots which are requested prior to the printing of the mail-in  
6 absentee ballots shall be mailed or otherwise transmitted as provided in subsection  
7 (3) of this section by the county clerk to the voter within three (3) days of the receipt  
8 of the mail-in absentee printed ballots, Mail-in ~~[-, and]~~ absentee ballots ~~[- which are]~~  
9 requested after ~~[- subsequent to]~~ the receipt of the mail-in absentee ballots by the  
10 county clerk shall be mailed or otherwise transmitted as provided in subsection (3)  
11 of this section to the voter within three (3) days of the receipt of the request.

12 (5) The county clerk shall cause mail-in absentee ballots to be printed fifty (50) days  
13 prior to each primary or regular election, and forty-five (45) days prior to a special  
14 election.

15 (6) The outer envelope shall bear the words "Absentee Ballot" and the address and  
16 official title of the county clerk and shall provide space for the voter's signature,  
17 voting address, precinct number, and signatures of two (2) witnesses if the voter  
18 signs the form with the use of a mark instead of the voter's signature. A detachable  
19 flap on the inner envelope shall provide space for the voter's signature, voting  
20 address, precinct number, signatures of two (2) witnesses if the voter signs the form  
21 with the use of a mark instead of the voter's signature and notice of penalty provided  
22 in KRS 117.995(5). The county clerk shall type the voter's address and precinct  
23 number in the upper left hand corner of the outer envelope and of the detachable  
24 flap on the inner envelope immediately below the blank space for the voter's  
25 signature. The inner envelope shall be blank. The county clerk shall retain the ballot  
26 application and the postal form required by subsection (3) of this section for twenty-  
27 two (22) months after the election.



- 1 (7) Any person who has received a mail-in~~[an]~~ absentee ballot by mail but~~[who]~~  
2 knows at least seven (7) days before the date of the election that he or she will be in  
3 the county on election day and he or she~~[who]~~ has not voted pursuant to the  
4 provisions of KRS 117.086 shall cancel his or her mail-in absentee ballot and vote  
5 in person. The voter shall return the mail-in absentee ballot to the county clerk's  
6 office no later than seven (7) days prior to the date of the election. Upon the return  
7 of the mail-in absentee ballot, the county clerk shall mark on the outer envelope of  
8 the sealed ballot or the unmarked ballot the words "Canceled because voter  
9 appeared to vote in person." Sealed envelopes so marked shall not be opened. The  
10 county clerk shall remove the voter's name from the list of persons who were sent  
11 mail-in absentee ballots, and the voter may vote in the precinct in which he or she is  
12 properly registered.
- 13 (8) Any voter qualified for a mail-in absentee ballot who does not receive a requested  
14 mail-in ballot within a reasonable amount of time shall contact the county clerk,  
15 who shall reissue a second ballot. The county clerk shall keep a record of the mail-  
16 in absentee ballots issued and returned by mail, and the in-person absentee voting  
17 that is performed 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, to verify that only the first voted ballot to be returned by the voter is  
20 counted. Upon the return of any mail-in absentee ballot after the first ballot is  
21 returned, the county clerk shall mark on the outer envelope of the sealed ballot the  
22 words "Canceled because ballot reissued."
- 23 (9) Any covered voter as defined in KRS 117A.010 who has received a mail-in~~[an]~~  
24 absentee ballot but who knows that he or she will be in the county on election day  
25 and who has not voted pursuant to the provisions of KRS 117.086 shall cancel his  
26 or her mail-in absentee ballot and vote in person. The voter shall return the mail-in  
27 absentee ballot to the county clerk's office on or before election day. Upon the

1 return of the mail-in absentee ballot, the county clerk shall mark on the outer  
2 envelope of the sealed ballot or the unmarked ballot the words "Canceled because  
3 voter appeared to vote in person." Sealed envelopes so marked shall not be opened.  
4 If the covered voter is unable to return the mail-in absentee ballot to the county  
5 clerk's office on or before election day, at the time he or she votes in person, he or  
6 she shall sign a written oath as to his or her qualifications on the form prescribed by  
7 the State Board of Elections pursuant to KRS 117.245. The county clerk shall  
8 remove the voter's name from the list of persons who were sent mail-in absentee  
9 ballots, provide the voter with written authorization to vote at the precinct, and the  
10 voter may vote in the precinct in which he or she is properly registered.

11 (10) Notwithstanding the provisions of the Kentucky Open Records Act, KRS 61.870 to  
12 61.884, the information contained in an application for an absentee ballot shall not  
13 be made public until after the close of business hours on the election day for which  
14 the application applies. This subsection shall not prohibit at any time the disclosure,  
15 upon request, of the total number of applications for absentee ballots that have been  
16 filed, or the disclosure to the Secretary of State or the State Board of Elections, if  
17 requested or if otherwise required by law, of any information in an application for  
18 an absentee ballot.

19 ➔Section 3. KRS 117.0851 is amended to read as follows:

20 Absentee ballots cast, as provided by KRS 117.075, 117.077,~~and~~ 117.085, and Section  
21 1 of this Act shall all be tabulated in the same manner, as shall be provided by this  
22 chapter.

23 ➔Section 4. KRS 117.086 is amended to read as follows:

24 (1) (a) The voter returning his or her absentee ballot by mail shall mark his or her  
25 ballot, seal it in the inner envelope and then in the outer envelope, and mail it  
26 to the county clerk as shall be provided by this chapter. The voter shall sign  
27 the detachable flap and the outer envelope in order to validate the ballot. A

1 person having power of attorney for the voter and who signs the detachable  
2 flap and outer envelope for the voter shall complete the voter assistance form  
3 as required by KRS 117.255. The signatures of two (2) witnesses are required  
4 if the voter signs the form with the use of a mark instead of the voter's  
5 signature.

6 **(b)** A resident of Kentucky who is a covered voter as defined in KRS 117A.010  
7 who has received **a mail-in~~an~~** absentee ballot transmitted by facsimile  
8 machine or by means of the electronic transmission system established under  
9 KRS 117A.030(4) shall transmit the voted **mail-in absentee** ballot to the  
10 county clerk by mail only, conforming with ballot security requirements that  
11 may be promulgated by the State Board **of Elections** by administrative  
12 regulation.

13 **(c)** In order to be counted, the **absentee** ballots **specified in paragraphs (a) and**  
14 **(b) of this subsection** shall be received by the **county** clerk by at least the time  
15 established by the election laws generally for the closing of the polls, which  
16 time shall not include the extra hour during which those voters may vote who  
17 were waiting in line to vote at the scheduled poll closing time.

18 (2) Any voter who shall be absent from the county on election day, but who does not  
19 qualify to receive **a mail-in~~an~~** absentee ballot by mail under the provisions of  
20 KRS 117.085, and all voters qualified to vote prior to the election under the  
21 provisions of KRS 117.085, shall vote at the main office of the county clerk or other  
22 place designated by the county board of elections, and approved by the State Board  
23 of Elections, prior to the day of election. The **county** clerk may provide for such  
24 voting by the voting equipment in general use in the county either at the precinct,  
25 the equipment as may be used to tabulate absentee ballots, or any other voting  
26 equipment approved by the State Board of Elections for use in Kentucky, except as  
27 follows:

- 1 (a) Any voter qualifying to vote in the county clerk's office or other place  
2 designated by the county board of elections, and approved by the State Board  
3 of Elections, who receives assistance to vote shall complete the voter  
4 assistance form required by KRS 117.255.
- 5 (b) Any voter qualifying to vote in the county clerk's office or other place  
6 designated by the county board of elections, and approved by the State Board  
7 of Elections, whose qualifications are challenged by any clerk or deputy shall  
8 complete an "Oath of Voter" affidavit.
- 9 (3) When the county clerk uses general voting equipment as provided~~[for]~~ in  
10 subsection (2) of this section, each voter casting his or her vote at the county clerk's  
11 office or other place designated by the county board of elections, and approved by  
12 the State Board of Elections, shall sign an "Absentee Ballot Signature Roster."
- 13 (4) The county clerk shall designate a location within his or her office where the  
14 ballots shall be cast secretly. The county clerk, with the approval of the State Board  
15 of Elections, may establish locations other than his or her main office in which the  
16 voters may execute their ballots. Public notice of the locations shall be given  
17 pursuant to KRS Chapter 424 and similar notice by mail shall be given to the county  
18 chairs~~[chairmen]~~ of the two (2) political parties whose candidates polled the largest  
19 number of votes in the county at the last regular~~[general]~~ election.
- 20 (5) The State Board of Elections shall promulgate administrative regulations to provide  
21 for casting ballots as provided in subsection (2) of this section.
- 22 (6) The county clerk shall deposit all of the absentee ballots returned by mail in a  
23 locked ballot box immediately upon receipt without opening the outer envelope.  
24 The ballot box shall be locked with three (3) locks. The keys to the box shall be  
25 retained by the three (3) members of the central absentee ballot counting board, if  
26 one is appointed, or by the members of the county board of elections, and the box  
27 shall remain locked until the ballots are counted. All voting equipment on which

1 ballots are cast as permitted in subsection (2) of this section shall also remain  
2 locked and the keys shall be retained by the three (3) members of the central  
3 absentee ballot counting board, if one is appointed, or by the members of the county  
4 board of elections, and the equipment shall remain locked until the ballots are  
5 counted.

6 (7) The county clerk shall keep a list for each election of all persons who return their  
7 absentee ballots by mail, or as provided in Section 1 of this Act, or who cast their  
8 in-person absentee ballots in the county clerk's office or other place designated by  
9 the county board of elections and approved by the State Board of Elections, and  
10 shall send a copy of each list to the State Board of Elections after the election day  
11 for which the list applies. Notwithstanding the provisions of the Kentucky Open  
12 Records Act, KRS 61.870 to 61.884, each list of all persons who return their  
13 absentee ballots by mail, or as provided in Section 1 of this Act, or cast their ballots  
14 in the county clerk's office or other designated and approved place shall not be  
15 made public until after the close of business hours on the election day for which the  
16 list applies. The county clerk and the Secretary of State shall keep a record of the  
17 number of votes cast by absentee ballots returned by mail, or as provided by  
18 Section 1 of this Act, and cast on the voting machine in the county clerk's office or  
19 other place designated by the county board of elections and approved by the State  
20 Board of Elections, which are cast in any election as a part of the official returns of  
21 the election.

22 (8) The county board of elections shall report to the State Board of Elections within ten  
23 (10) days after any primary or regular~~general~~ election as to the number of rejected  
24 mail-in absentee ballots and the reasons for rejected absentee ballots on a form  
25 prescribed by the State Board of Elections in administrative regulations  
26 promulgated under KRS Chapter 13A.

27 ➔Section 5. KRS 117.087 is amended to read as follows:

- 1 (1) The challenge of an absentee ballot returned by mail or returned in accordance with  
2 Section 1 of this Act shall be in writing and in the hands of the county clerk before  
3 8 a.m. on election day.
- 4 (2) The county board of elections shall count the absentee ballots returned by mail, and  
5 the votes cast on the voting machine in the county clerk's office or other place  
6 designated by the county board of elections and approved by the State Board of  
7 Elections. The county board of elections may appoint a central ballot counting  
8 board of not less than three (3) members, who shall be qualified voters and no more  
9 than two-thirds (2/3) of whom shall be members of the same political party, to  
10 count the ballots at the direction of the county board of elections.
- 11 (3) Beginning at 8 a.m. on election day, the county board of elections shall meet at the  
12 county clerk's office to count the absentee ballots returned in accordance with  
13 Section 1 of this Act, by mail, and the ballots cast on the voting machine in the  
14 county clerk's office or other place designated by the county board of elections and  
15 approved by the State Board of Elections. Candidates, slates of candidates, or their  
16 representatives shall be permitted to be present. The county board of elections shall  
17 authorize representatives of the news media to observe the counting of the ballots.
- 18 (4) The county board of elections shall open the boxes containing absentee ballots  
19 returned by mail and remove the envelopes one (1) at a time. As each envelope is  
20 removed, it shall be examined to ascertain whether the outer envelope and the  
21 detachable flap are in proper order and have been signed by the voter. A person  
22 having power of attorney for the voter and who signs the detachable flap and outer  
23 envelope for the voter shall complete the voter assistance form required by KRS  
24 117.255. The signatures of two (2) witnesses are required if the voter signs the form  
25 with the use of a mark instead of the voter's signature. All unsigned mail-in  
26 absentee ballots shall be rejected automatically. The chair~~chairman~~ of the county  
27 board of elections shall compare the signatures on the outer envelope and the

1 detachable flap with the signature of the voter that appears on the registration card.  
2 If the outer envelope and the detachable flap are found to be in order, the  
3 **chair**~~[chairman]~~ shall read aloud the name of the voter. If the vote of the voter is  
4 not rejected on a challenge then made as provided in subsection **(5)**~~[(4)]~~ of this  
5 section, the **chair**~~[chairman]~~ shall remove the detachable flap and place the inner  
6 envelope unopened in a ballot box which has been provided for the purpose.

7 **(5)**~~[(4)]~~ When the name of a voter who cast an absentee ballot by mail is read aloud by  
8 the **chair**~~[chairman]~~, the vote of the voter may be challenged by any **county** board  
9 **of elections** member or by the written challenge provided in subsection (1) of this  
10 section and the challenge may be determined and the vote accepted or rejected by  
11 the **county** board **of elections** as if the voter was present and voting in person; but if  
12 the outer envelope and the detachable flap are regular, and substantially comply  
13 with the provisions of this chapter, they shall be considered as showing that the  
14 voter is prima facie entitled to vote. If the vote of a voter is rejected pursuant to the  
15 challenge, the inner envelope shall not be opened, but returned to the outer envelope  
16 upon which the **chair**~~[chairman]~~ shall write on the envelope the word "rejected."

17 **(6)**~~[(5)]~~ After the challenges have been made and all the blank inner envelopes have  
18 been placed in a ballot box, the box shall be thoroughly shaken to redistribute the  
19 **mail-in** absentee ballots **and ballots returned as provided in Section 1 of this Act**  
20 in the box. The **county** board **of elections** shall open the ballot box, remove the  
21 absentee ballots from the inner envelopes, and count the ballots.

22 **(7)**~~[(6)]~~ The **county** board **of elections** shall unlock any voting equipment used to cast  
23 ballots in the **county** clerk's office or other place designated by the county board of  
24 elections, and approved by the State Board of Elections, as provided~~[for]~~ in KRS  
25 117.086, and a total of all ballots shall be made and recorded on the form provided  
26 by the State Board of Elections.

27 **(8)**~~[(7)]~~ The county board of elections, the county clerk, and all individuals permitted

1           to be present for the counting of absentee ballots pursuant to subsection (2) of this  
2           section shall not make public the absentee ballot results determined as provided in  
3           this section until after 6 p.m. prevailing time.