

1 AN ACT relating to elections.

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

3 ➔Section 1. KRS 83A.045 is amended to read as follows:

4 (1) Except as provided in KRS 83A.047, partisan elections of city officers shall be  
5 governed by the following provisions, regardless of the form of government or  
6 classification of the city:

7 (a) A candidate for party nomination to city office shall file his or her nomination  
8 papers with the county clerk of the county not earlier than the first Wednesday  
9 after the first Monday in November of the year preceding the year in which the  
10 office will appear on the ballot and not later than the first Friday following the  
11 first Monday in January before the day fixed by KRS Chapter 118 for holding  
12 a primary for the office sought. Signatures for nomination papers shall not be  
13 affixed on the document to be filed prior to the first Wednesday after the first  
14 Monday in November of the year preceding the year in which the office will  
15 appear on the ballot. All nomination papers shall be filed no later than 4 p.m.  
16 local time when filed on the last day on which the papers are permitted to be  
17 filed;

18 (b) An independent candidate for nomination to city office shall not participate in  
19 a primary, but shall file his or her nomination papers with the county clerk of  
20 the county not earlier than the first Wednesday after the first Monday in  
21 November of the year preceding the year in which the office will appear on  
22 the ballot and not later than the first Tuesday after the first Monday in June  
23 before the day fixed by KRS Chapter 118 for holding a regular election for the  
24 office. Signatures for nomination papers shall not be affixed on the document  
25 to be filed prior to the first Wednesday after the first Monday in November of  
26 the year preceding the year in which the office will appear on the ballot. All  
27 nomination papers shall be filed no later than 4 p.m. local time when filed on

1 the last day on which the papers are permitted to be filed; and

2 (c) A candidate for city office who is defeated in a partisan primary shall be  
3 ineligible as a candidate for the same office in the regular election. However,  
4 if a vacancy occurs in the party nomination for which he or she was an  
5 unsuccessful candidate in the primary, his or her name may be placed on the  
6 ballot~~[voting machines]~~ for the regular election as a candidate of that party if  
7 he or she has been duly made the party nominee after the vacancy occurs, as  
8 provided in KRS 118.105.

9 (2) Except as provided in KRS 83A.047, nonpartisan elections of city officers shall be  
10 governed by KRS 83A.050, 83A.170, 83A.175, and the following provisions,  
11 regardless of the form of government or classification of the city:

12 (a) A candidate for city office shall file his or her nomination papers with the  
13 county clerk of the county not earlier than the first Wednesday after the first  
14 Monday in November of the year preceding the year in which the office will  
15 appear on the ballot and not later than the first Friday following the first  
16 Monday in January before the day fixed by KRS Chapter 118 for holding a  
17 primary for nominations for the office. Signatures for nomination papers shall  
18 not be affixed on the document to be filed prior to the first Wednesday after  
19 the first Monday in November of the year preceding the year in which the  
20 office will appear on the ballot. All nomination papers shall be filed no later  
21 than 4 p.m. local time when filed on the last day on which the papers are  
22 permitted to be filed;

23 (b) Any city of the home rule class may by ordinance provide that the nomination  
24 and election of candidates for city office in a nonpartisan election shall be  
25 conducted pursuant to the provisions of this subsection:

26 1. A city may forgo conducting a nonpartisan primary for the nomination  
27 of candidates to city office, regardless of the number of candidates

1 running for each office, and require all candidates to file their  
2 nomination papers with the county clerk of the county not earlier than  
3 the first Wednesday after the first Monday in November of the year  
4 preceding the year in which the office will appear on the ballot and not  
5 later than the first Tuesday after the first Monday in June before the day  
6 fixed by KRS Chapter 118 for holding a regular election for the office.  
7 Signatures for nomination papers shall not be affixed on the document to  
8 be filed prior to the first Wednesday after the first Monday in November  
9 of the year preceding the year in which the office will appear on the  
10 ballot;

- 11 2. All nomination papers shall be filed no later than 4 p.m. local time when  
12 filed on the last day on which the papers are permitted to be filed;
- 13 3. If a city does not conduct a primary pursuant to this subsection, the  
14 election of candidates to city office shall be governed by the provisions  
15 of this subsection, KRS 83A.175(2) to (6), and KRS Chapters 116 to  
16 121;
- 17 4. In the absence of a primary pursuant to this subsection, the number of  
18 candidates equal to the number of city offices to be filled who receive  
19 the highest number of votes cast in the regular election for each city  
20 office shall be elected;
- 21 5. Candidates shall be subject to all other applicable election laws pursuant  
22 to this chapter and KRS Chapters 116 to 121;
- 23 6. If a vacancy occurs in a candidacy for city office in any city which has  
24 not held a primary pursuant to this subsection after the expiration of  
25 time for filing nomination papers, or if there are fewer candidates than  
26 there are offices to be filled, the vacancy in candidacy shall be filled by  
27 write-in voting; and

1           7. At the regular election, the voters shall be instructed to vote for one (1)  
2           candidate, except when there is more than one (1) candidate for which  
3           voters may vote, the instruction "vote for up to .... candidates" shall be  
4           used on the ballot; and

5           (c) A candidate for city office who is defeated in a nonpartisan primary shall be  
6           ineligible as a candidate for the same office in the regular election.

7           ➔Section 2. KRS 116.046 is amended to read as follows:

8           (1) The county clerk shall provide voter registration forms to each principal or assistant  
9           principal of every public high school, each area vocational school, and upon  
10          request, private schools, who shall designate a person in each school who shall be  
11          responsible for informing students and school personnel of the availability of the  
12          registration forms and assist them in properly registering. The completed forms  
13          shall be returned to the county clerk, for official registration by the county clerk.

14          (2) Any person designated to assist in registration in subsection (1) of this section shall  
15          fulfill this responsibility in an impartial and fair manner and shall not recruit a  
16          registrant for any particular party.

17          (3) The State Board of Education shall implement programs of public education  
18          regarding elections, voting procedures, and election fraud, which shall include an  
19          audio-visual presentation for high school juniors and seniors. The State Board of  
20          Education, after consultation with the State Board of Elections, shall update the  
21          public education programs required by this section as relevant statutory changes  
22          occur, as different types of voting systems~~[machines]~~ are used, or as more effective  
23          methods of presentation shall be developed.

24          ➔Section 3. KRS 117.055 is amended to read as follows:

25          Subject to KRS 117.0551 to 117.0555:

26          (1) Each county shall be divided into election precincts by the county board of  
27          elections. Each election precinct shall be composed of contiguous and, as nearly as

1 practicable, compact areas having clearly definable boundaries and wholly  
2 contained within any larger district. The county board of elections shall establish  
3 precincts so that no boundary of a precinct crosses the boundary of:

4 (a) The Commonwealth;

5 (b) A county or urban-county;

6 (c) A congressional district;

7 (d) A state senatorial district;

8 (e) A state representative district;

9 (f) A justice of the peace or county commissioner's district established under  
10 KRS Chapter 67; or

11 (g) An aldermanic ward established under KRS 83.440.

12 (2) The county board of elections shall have the authority to draw precinct lines so as to  
13 enable more than one (1) precinct to vote at one (1) location. The county board of  
14 elections shall review election precinct boundaries as often as necessary. Without  
15 exception, they shall review the boundaries of all election precincts exceeding seven  
16 hundred (700) votes cast in the last regular election prior to each primary election,  
17 and the State Board of Elections may require a written report at least sixty (60) days  
18 prior to the candidate filing deadline set forth in KRS 118.165(1) and (2) on each  
19 election precinct exceeding seven hundred (700) votes cast in the last regular  
20 election. Consideration to the division of said election precincts should be based on  
21 the anticipated growth factor within the specified boundaries; however, the county  
22 board of elections shall not be prohibited from dividing election precincts in excess  
23 of seven hundred (700) votes cast in the last regular election or less than seven  
24 hundred (700) votes cast in the last regular election if they elect to do so. However,  
25 the State Board of Elections may, in its discretion, withhold from a county the  
26 expenses of an election under KRS 117.345 for any precinct containing more than  
27 one thousand five hundred (1,500) registered voters, excluding those precincts

1 utilizing optical scan voting equipment~~[machines]~~ and those periods of time in  
2 which the precinct boundaries have been frozen under KRS 117.056.

3 (3) No election precinct shall be created, divided, abolished, or consolidated or the  
4 boundaries therein changed prior to any primary election to comply with the  
5 provisions of KRS 117.055 to 117.0555 and KRS 117.0557 later than the last date  
6 prescribed by election law generally for filing notification and declaration forms  
7 with the county clerk or Secretary of State. No election precinct shall be created,  
8 divided, abolished, or consolidated or the boundaries therein changed prior to any  
9 general election to comply with the provisions of KRS 117.055 to 117.0555 and  
10 KRS 117.0557 later than the last date prescribed by election law generally for filing  
11 certificates or petitions of nomination with the county clerk or Secretary of State.

12 (4) The county board of elections shall designate the name or number and the  
13 boundaries of the election precincts. Each precinct shall contain, as nearly as  
14 practicable, an equal number of voters, based on the number of registered voters in  
15 the county.

16 (5) A map and listing of the exact election precinct boundaries shall be filed by the  
17 county board of elections with the State Board of Elections, and any changes in  
18 boundaries thereafter made shall also be filed with the State Board of Elections. A  
19 copy of this map indicating all precinct boundaries within the county shall be  
20 included in the election supplies of each precinct.

21 (6) If the county board of elections fails to perform any of the duties required by KRS  
22 117.055 to 117.0555 and KRS 117.0557:

23 (a) The State Board of Elections or any citizen and voter of the county may apply  
24 to the Circuit Court of the county for a summary mandatory order requiring  
25 the board to perform the duty. Appeals may be taken to the Court of Appeals  
26 by either party; and

27 (b) The State Board of Elections shall not submit claims for payments to the

1 county under KRS 117.343 and 117.345 until the State Board of Elections  
2 determines in writing that the duty has been performed.

3 (7) The county board of elections shall coordinate all precinct boundary changes with  
4 the affected school board, magisterial, and municipal boundaries.

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

6 (1) In the case of a precinct comprised of a small number of registered voters, the  
7 county board of elections may, pursuant to KRS 117.055, utilize the facilities of  
8 another precinct as a voting location. Additionally, the county board of elections  
9 may petition the State Board of Elections to allow the precinct election officers of  
10 the larger precinct to serve as precinct election officers for the precinct that is the  
11 subject of the petition. The petition shall designate both the smaller precinct and the  
12 larger precinct with which it is to be included, the type of voting  
13 equipment~~[machine or machines]~~ to be used, and whether supplemental paper  
14 ballots are to be used. The petition shall contain a full explanation of the reasons  
15 why inclusion is desirable.

16 (2) If the petition submitted pursuant to subsection (1) of this section is approved by the  
17 State Board of Elections, the election shall be conducted according to the following  
18 provisions:

19 (a) The same~~[One]~~ voting equipment~~[machine]~~ may be utilized for both  
20 precincts if the State Board of Elections certifies that separate ballots may be  
21 placed upon any~~[the]~~ voting equipment~~[machine]~~ to be used without  
22 endangering the integrity of the ballots or without violating any other election  
23 law. Otherwise, separate voting equipment~~[machines]~~ shall be used for each  
24 precinct. In the instance of a precinct which has a small number of voters such  
25 that the use of~~[a]~~ separate voting equipment~~[machine]~~ would be cost-  
26 prohibitive, the county clerk may make application to the State Board of  
27 Elections to use supplemental paper ballots under KRS 118.215 to conduct the

1 voting for the small precinct on election day. If the use of supplemental paper  
2 ballots is approved by the State Board of Elections, at the close of voting on  
3 election day, the locked ballot box shall be transported to the county board of  
4 elections and ballots shall be counted by the county board of elections as  
5 provided by KRS 117.275(10) to (13);

6 (b) Separate precinct voter rosters shall be maintained for each precinct, and steps  
7 shall be taken to ensure~~insure~~ that voters cast their ballot in their duly  
8 authorized precinct; and

9 (c) A separate set of election~~elections~~ forms and reports required by this chapter  
10 and the State Board of Elections shall be maintained for each precinct.

11 ➔Section 5. KRS 117.085 is amended to read as follows:

12 (1) All requests for an application for a mail-in absentee ballot may be transmitted by  
13 telephone, facsimile machine, by mail, by electronic mail, or in person. The county  
14 clerk shall transmit all applications for a mail-in absentee ballot to the voter by  
15 mail, electronic mail, or in person at the option of the voter, except as provided in  
16 paragraph (b) of this subsection. The mail-in absentee ballot application may be  
17 requested by the voter or the spouse, parents, or children of the voter, but shall be  
18 restricted to the use of the voter.

19 (a) A qualified voter may apply to cast his or her vote by mail-in absentee ballot  
20 if the completed application is received not later than the close of business  
21 hours seven (7) days before the election, and if the voter is:

- 22 1. A resident of Kentucky who is a covered voter as defined in KRS  
23 117A.010;
- 24 2. A student who temporarily resides outside the county of his or her  
25 residence;
- 26 3. Incarcerated in jail and charged with a crime, but has not been convicted  
27 of the crime;



- 1           4.    Changing or has changed his or her place of residence to a different state  
2                   while the registration books are closed in the new state of residence  
3                   before an election of electors for President and Vice President of the  
4                   United States, in which case the voter shall be permitted to cast a mail-in  
5                   absentee ballot for electors for President and Vice President of the  
6                   United States only;
- 7           5.    Temporarily residing outside the state but still eligible to vote in this  
8                   state;
- 9           6.    Prevented from voting in person at the polls on election day and from  
10                   casting an in-person absentee ballot in the county clerk's office on all  
11                   days in-person absentee voting is conducted because his or her  
12                   employment location requires him or her to be absent from the county of  
13                   his or her residence all hours and all days in-person absentee voting is  
14                   conducted in the county clerk's office;
- 15          7.    A participant in the Secretary of State's crime victim address  
16                   confidentiality protection program as authorized by KRS 14.312; or
- 17          8.    Not able to appear at the polls on election day on the account of age,  
18                   disability, or illness, and who has not been declared mentally disabled by  
19                   a court of competent jurisdiction.
- 20          (b) Residents of Kentucky who are covered voters as defined in KRS 117A.010  
21                   may apply for a mail-in 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 be  
25                   used to register, reregister, and to apply for a mail-in absentee ballot. If the  
26                   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) A qualified voter may, at any time during normal business hours on those days  
9 in-person absentee voting is conducted in the county clerk's office, make  
10 application in person to the county clerk to vote~~[on a voting machine]~~ in the  
11 county clerk's office or other place designated by the county board of elections  
12 and approved by the State Board of Elections, if the voter:

- 13 1. Is a resident of Kentucky who is a covered voter as defined in KRS  
14 117A.010, who will be absent from the county of his or her residence on  
15 any election day;
- 16 2. Is a student who temporarily resides outside the county of his or her  
17 residence;
- 18 3. Has surgery, or whose spouse has surgery, scheduled that will require  
19 hospitalization on election day;
- 20 4. Temporarily resides outside the state, but is still eligible to vote in this  
21 state and will be absent from the county of his or her residence on any  
22 election day;
- 23 5. Is a resident of Kentucky who is a uniformed-service voter as defined in  
24 KRS 117A.010 confined to a military base on election day, learns of that  
25 confinement within seven (7) days or less of an election, and is not  
26 eligible for a mail-in absentee ballot under this subsection;
- 27 6. Is in her last trimester of pregnancy at the time she wishes to vote under

- 1           this paragraph. The application form for a voter under this subparagraph  
2           shall be prescribed by the State Board of Elections, which shall contain  
3           the woman's sworn statement that she is in fact in her last trimester of  
4           pregnancy at the time she wishes to vote;
- 5           7. Has not been declared mentally disabled by a court of competent  
6           jurisdiction and, on account of age, disability, or illness, is not able to  
7           appear at the polls on election day; or
- 8           8. Is not permitted to vote by a mail-in absentee ballot under paragraph (a)  
9           of this subsection, but who will be absent from the county of his or her  
10          residence on election day.
- 11       (e) Voters who change their place of residence to a different state while the  
12       registration books are closed in the new state of residence before a presidential  
13       election shall be permitted to cast an in-person absentee ballot for President  
14       and Vice President only, by making application in person to the county clerk  
15       to vote~~[on a voting machine]~~ in the county clerk's office or other place  
16       designated by the county board of elections and approved by the State Board  
17       of Elections, up to the close of normal business hours on the day before the  
18       election.
- 19       (f) Any member of the county board of elections, any precinct election officer  
20       appointed to serve in a precinct other than that in which he or she is registered,  
21       any alternate precinct election officer, any deputy county clerk, any staff for  
22       the State Board of Elections, and any staff for the county board of elections  
23       may 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, up to the close of normal business hours on the day before the  
26       election. The application form for those persons shall be prescribed by the  
27       State Board of Elections and, in the case of application by precinct election

1 officers, shall contain a verification of appointment signed by a member of the  
2 county board of elections. If an alternate precinct election officer or a precinct  
3 election officer appointed to serve in a precinct other than that in which he or  
4 she is registered receives his or her appointment while in-person absentee  
5 voting is being conducted in the county, the officer may vote ~~on a voting~~  
6 ~~machine~~ in the county clerk's office or other place designated by the county  
7 board of elections, and approved by the State Board of Elections, up to the  
8 close of normal business hours on the day before the election. Precinct  
9 election officers' verification of appointment shall also contain the date of  
10 appointment. The applications shall be restricted to the use of the voter only.

11 (g) The members of the county board of elections or their designees who provide  
12 equal representation of both political parties may serve as precinct election  
13 officers, without compensation, for all in-person absentee voting  
14 conducted~~performed on a voting machine~~ in the county clerk's office or  
15 other place designated by the county board of elections and approved by the  
16 State Board of Elections. If the members of the county board of elections or  
17 their designees serve as precinct election officers for the in-person absentee  
18 voting, they shall perform the same duties and exercise the same authority as  
19 precinct election officers who serve on the day of an election. If the members  
20 of the county board of elections or their designees do not serve as precinct  
21 election officers for in-person absentee voting, the county clerk or deputy  
22 county clerks shall supervise the in-person absentee voting.

23 (h) Any individual qualified to appoint challengers for the day of an election may  
24 also appoint challengers to observe all in-person absentee voting performed at  
25 the county clerk's office or other place designated by the county board of  
26 elections, and approved by the State Board of Elections, and those challengers  
27 may exercise the same privileges as challengers appointed for observing

1           voting on the day of an election at a regular polling place.

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

14     (3) If the county clerk finds that the voter is properly registered as stated in his or her  
15     mail-in absentee ballot application form and qualifies to receive a mail-in absentee  
16     ballot by mail, he or she shall mail to the voter a mail-in absentee ballot, two (2)  
17     official envelopes for returning the mail-in absentee ballot, and instructions for  
18     voting. The county clerk shall complete a postal form for a certificate of mailing for  
19     mail-in absentee ballots mailed within the fifty (50) states, and it shall be stamped  
20     by the postal service when the mail-in absentee ballots are mailed. A mail-in  
21     absentee ballot may be transmitted by facsimile machine or by the electronic  
22     transmission system established under KRS 117A.030(4) to a covered voter as  
23     defined in KRS 117A.010. The covered voter shall be notified of the options for  
24     transmittal of the mail-in absentee ballot, and the mail-in absentee ballot shall be  
25     transmitted by the method chosen for receipt by the resident of Kentucky who is a  
26     covered voter.

27     (4) Mail-in absentee ballots which are requested prior to the printing of the mail-in

1 absentee ballots shall be mailed or otherwise transmitted as provided in subsection  
2 (3) of this section by the county clerk to the voter within three (3) days of the receipt  
3 of the printed ballots. Mail-in absentee ballots requested after the receipt of the  
4 ballots by the county clerk shall be mailed or otherwise transmitted as provided in  
5 subsection (3) of this section to the voter within three (3) days of the receipt of the  
6 request.

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

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

23 (7) Any person who has received a mail-in absentee ballot by mail but who knows at  
24 least seven (7) days before the date of the election that he or she will be in his or her  
25 county of residence on election day and who has not voted pursuant to the  
26 provisions of KRS 117.086 shall cancel his or her mail-in absentee ballot and vote  
27 in person. The voter shall return the mail-in absentee ballot to the county clerk's

1 office no later than seven (7) days prior to the date of the election. Upon the return  
2 of the mail-in absentee ballot, the county clerk shall mark on the outer envelope of  
3 the sealed ballot or the unmarked ballot the words "Canceled because voter  
4 appeared to vote in person." Sealed envelopes so marked shall not be opened. The  
5 county clerk shall remove the voter's name from the list of persons who were sent  
6 mail-in absentee ballots, and the voter may vote in the precinct in which he or she is  
7 properly registered.

8 (8) Any voter qualified for a mail-in absentee ballot who does not receive a requested  
9 mail-in absentee ballot within a reasonable amount of time shall contact the county  
10 clerk, who shall reissue a second mail-in absentee ballot. The county clerk shall  
11 keep a record of the mail-in absentee ballots issued and returned by mail, and the in-  
12 person absentee voting that is conducted~~[performed on the voting machine]~~ in the  
13 county clerk's office or other place designated by the county board of elections and  
14 approved by the State Board of Elections, to verify that only the first voted ballot to  
15 be returned by the voter is counted. Upon the return of any ballot after the first  
16 ballot is returned, the county clerk shall mark on the outer envelope of the sealed  
17 ballot the words "Canceled because ballot reissued."

18 (9) Any covered voter as defined in KRS 117A.010 who has received a mail-in  
19 absentee ballot but who knows that he or she will be in the county on election day  
20 and who has not voted pursuant to the provisions of KRS 117.086 shall cancel his  
21 or her mail-in absentee ballot and vote in person. The voter shall return the mail-in  
22 absentee ballot to the county clerk's office on or before election day. Upon the  
23 return of the mail-in absentee ballot, the county clerk shall mark on the outer  
24 envelope of the sealed mail-in absentee ballot or the unmarked mail-in absentee  
25 ballot the words "Canceled because voter appeared to vote in person." Sealed  
26 envelopes so marked shall not be opened. If the covered voter is unable to return the  
27 mail-in absentee ballot to the county clerk's office on or before election day, at the

1 time he or she votes in person, he or she shall sign a written oath as to his or her  
2 qualifications on the form prescribed by the State Board of Elections pursuant to  
3 KRS 117.245. The county clerk shall remove the voter's name from the list of  
4 persons who were sent mail-in absentee ballots, provide the voter with written  
5 authorization to vote at the precinct, and the voter may vote in the precinct in which  
6 he or she is properly registered.

7 (10) Notwithstanding the provisions of the Kentucky Open Records Act, KRS 61.870 to  
8 61.884, the information contained in an application for a mail-in absentee ballot  
9 shall not be made public until after the close of business hours on the election day  
10 for which the application applies. This subsection shall not prohibit at any time the  
11 disclosure, upon request, of the total number of applications for mail-in absentee  
12 ballots that have been filed, or the disclosure to the Secretary of State or the State  
13 Board of Elections, if requested or if otherwise required by law, of any information  
14 in an application for a mail-in absentee ballot.

15 ➔Section 6. KRS 117.086 is amended to read as follows:

16 (1) The voter returning his or her absentee ballot by mail shall mark his or her ballot,  
17 seal it in the inner envelope and then in the outer envelope, and mail it to the county  
18 clerk as shall be provided by this chapter. The voter shall sign the detachable flap  
19 and the outer envelope in order to validate the ballot. A person having power of  
20 attorney for the voter and who signs the detachable flap and outer envelope for the  
21 voter shall complete the voter assistance form as required by KRS 117.255. The  
22 signatures of two (2) witnesses are required if the voter signs the form with the use  
23 of a mark instead of the voter's signature. A resident of Kentucky who is a covered  
24 voter as defined in KRS 117A.010 who has received an absentee ballot transmitted  
25 by facsimile machine or by means of the electronic transmission system established  
26 under KRS 117A.030(4) shall transmit the voted ballot to the county clerk by mail  
27 only, conforming with ballot security requirements that may be promulgated by the



1        State Board of Elections in~~[state board by]~~ administrative regulations~~[regulation]~~  
2        promulgated under KRS Chapter 13A. In order to be counted, the ballots shall be  
3        received by the clerk no later than~~[by at least]~~ the time established by the election  
4        laws generally for the closing of the polls, which time shall not include the extra  
5        hour during which those voters may vote who were waiting in line to vote at the  
6        scheduled poll closing time.

7        (2) Any voter who shall be absent from the county on election day, but who does not  
8        qualify to receive an absentee ballot by mail under the provisions of KRS 117.085,  
9        and all voters qualified to vote prior to the election under the provisions of KRS  
10       117.085, shall vote at the main office of the county clerk or other place designated  
11       by the county board of elections, and approved by the State Board of Elections,  
12       prior to the day of election. The clerk may provide for such voting by the voting  
13       equipment in general use in the county either at the precinct, the equipment as may  
14       be used to tabulate absentee ballots, or any other voting equipment or voting system  
15       approved by the State Board of Elections for use in Kentucky, except as follows:

16       (a) Any voter qualifying to vote in the clerk's office or other place designated by  
17       the county board of elections, and approved by the State Board of Elections,  
18       who receives assistance to vote shall complete the voter assistance form  
19       required by KRS 117.255.

20       (b) Any voter qualifying to vote in the clerk's office or other place designated by  
21       the county board of elections, and approved by the State Board of Elections,  
22       whose qualifications are challenged by any clerk or deputy shall complete an  
23       "Oath of Voter" affidavit.

24       (3) When the clerk uses general voting equipment as provided for in subsection (2) of  
25       this section, each voter casting his or her vote at the clerk's office or other place  
26       designated by the county board of elections, and approved by the State Board of  
27       Elections, shall sign an "Absentee Ballot Signature Roster."

- 1 (4) The clerk shall designate a location within the clerk's~~his~~ office where the ballots  
2 shall be cast secretly. The county clerk, with the approval of the State Board of  
3 Elections, may establish locations other than the clerk's~~his~~ main office in which  
4 the voters may execute their ballots. Public notice of the locations shall be given  
5 pursuant to KRS Chapter 424 and similar notice by mail shall be given to the county  
6 chairs~~chairmen~~ of the two (2) political parties whose candidates polled the largest  
7 number of votes in the county at the last general election.
- 8 (5) The State Board of Elections shall promulgate administrative regulations to provide  
9 for casting ballots as provided in subsection (2) of this section.
- 10 (6) The clerk shall deposit all of the absentee ballots returned by mail in a locked ballot  
11 box immediately upon receipt without opening the outer envelope. The ballot box  
12 shall be locked with three (3) locks. The keys to the box shall be retained by the  
13 three (3) members of the central absentee ballot counting board, if one is appointed,  
14 or by the members of the board of elections, and the box shall remain locked until  
15 the ballots are counted. All voting equipment on which ballots are cast as permitted  
16 in subsection (2) of this section shall also remain locked and the keys shall be  
17 retained by the three (3) members of the central absentee ballot counting board, if  
18 one is appointed, or by the members of the board of elections, and the equipment  
19 shall remain locked until the ballots are counted. **Any additional ballots cast as**  
20 **permitted in subsection (2) of this section shall also be secured in a locked ballot**  
21 **box and maintained as provided in this subsection until counted.**
- 22 (7) The clerk shall keep a list for each election of all persons who return their absentee  
23 ballots by mail or who cast their ballots in the clerk's office or other place  
24 designated by the county board of elections and approved by the State Board of  
25 Elections, and shall send a copy of each list to the state board after the election day  
26 for which the list applies. Notwithstanding the provisions of the Kentucky Open  
27 Records Act, KRS 61.870 to 61.884, each list of all persons who return their

1 absentee ballots by mail or cast their ballots in the clerk's office or other designated  
2 and approved place shall not be made public until after the close of business hours  
3 on the election day for which the list applies. The county clerk and the Secretary of  
4 State shall keep a record of the number of votes cast by absentee ballots returned by  
5 mail and 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, which are cast in any election as a part of the official returns of the  
8 election.

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

14 ➔Section 7. KRS 117.0863 is amended to read as follows:

- 15 (1) Except for those voters who have been certified as requiring assistance in voting on  
16 a permanent or annual basis, any person voting by means of an absentee ballot by  
17 mail or ~~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, as provided in this chapter who receives assistance in voting shall be  
20 required to complete the voter assistance form required by KRS 117.255.
- 21 (2) Any person who assists another person in voting by use of an absentee ballot by  
22 mail or ~~on a voting machine~~ in the county clerk's office or other place designated  
23 by the county board of elections, and approved by the State Board of Elections,  
24 shall complete the voter assistance form required by KRS 117.255.
- 25 (3) The detachable flap on all absentee ballot envelopes shall have printed upon it the  
26 voter assistance form required by KRS 117.255, as well as a notice of the penalty  
27 for failure to complete the form.

1 (4) The State Board of Elections shall promulgate a voter assistance form which shall  
2 be in a form acceptable to the Attorney General.

3 ➔Section 8. KRS 117.087 is amended to read as follows:

4 (1) The challenge of an absentee ballot returned by mail shall be in writing and in the  
5 hands of the county clerk before 8 a.m. on election day.

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

13 (3) Beginning at 8 a.m. on election day, the board shall meet at the clerk's office to  
14 count the absentee ballots returned by mail and the ballots cast ~~on the voting~~  
15 ~~machine~~ in the county clerk's office or other place designated by the county board  
16 of elections and approved by the State Board of Elections. Candidates or their  
17 representatives shall be permitted to be present. The county board of elections shall  
18 authorize representatives of the news media to observe the counting of the ballots.  
19 The board shall open the boxes containing absentee ballots returned by mail and  
20 remove the envelopes one (1) at a time. As each envelope is removed, it shall be  
21 examined to ascertain whether the outer envelope and the detachable flap are in  
22 proper order and have been signed by the voter. A person having power of attorney  
23 for the voter and who signs the detachable flap and outer envelope for the voter  
24 shall complete the voter assistance form required by KRS 117.255. The signatures  
25 of two (2) witnesses are required if the voter signs the form with the use of a mark  
26 instead of the voter's signature. All unsigned absentee ballots shall be rejected  
27 automatically. The chairman of the county board of elections shall compare the

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

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

18 (5) After the challenges have been made and all the blank inner envelopes have been  
19 placed in a ballot box, the box shall be thoroughly shaken to redistribute the  
20 absentee ballots in the box. The board shall open the ballot box, remove the  
21 absentee ballots from the inner envelopes, and count the ballots.

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

27 (7) The county board of elections, the county clerk, and all individuals permitted to be

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

4 ➔Section 9. KRS 117.088 is amended to read as follows:

- 5 (1) For purposes of this section, "blind or visually impaired individual" means an  
6 individual who:
- 7 (a) Has a visual acuity of 20/200 or less in the better eye with correcting lenses or  
8 has a limited field of vision so that the widest diameter of the visual field  
9 subtends an angle no greater than twenty (20) degrees;
  - 10 (b) Has a medically indicated expectation of visual deterioration;
  - 11 (c) Has a medically diagnosed limitation in visual functioning that restricts the  
12 individual's ability to read and write standard print at levels expected of  
13 individuals of comparable ability;
  - 14 (d) Has been certified as requiring permanent assistance to vote under KRS  
15 117.255(5) for reason of blindness; or
  - 16 (e) Qualifies to receive assistance to vote under KRS 117.255(2) for reason of  
17 blindness.
- 18 (2) For purposes of this section, "pilot program" means a program in a county  
19 containing a consolidated local government or containing a city of the first class for  
20 unassisted voting by blind or visually impaired individuals.
- 21 (3) A county board of elections in a county containing a consolidated local government  
22 or containing a city of the first class may establish a pilot program. As part of this  
23 pilot program, the State Board of Elections shall approve the use of voting  
24 equipment under KRS 117.379 that is designed to permit blind and visually  
25 impaired individuals to vote without assistance, for use beginning in the 2002  
26 general election. No county board of elections in a county containing a consolidated  
27 local government or containing a city of the first class shall be required to operate a

1 pilot program.

2 (4) The State Board of Elections, if it approves the voting equipment under KRS  
3 117.379, may approve the use of voting equipment designed to permit blind and  
4 visually impaired individuals to vote without assistance in as many locations within  
5 a county containing a consolidated local government or containing a city of the first  
6 class as are designated by the county board of elections.

7 (5) A county board of elections in a county containing a consolidated local government  
8 or containing a city of the first class shall provide a report to the State Board of  
9 Elections after every primary or regular~~general~~ election regarding the number of  
10 blind or visually impaired individuals that have utilized the voting equipment  
11 during the pilot program.

12 (6) Notwithstanding the provisions of KRS 116.025, or any other statute to the  
13 contrary, a blind or visually impaired voter residing in a county containing a  
14 consolidated local government or containing a city of the first class that is operating  
15 a pilot program shall be permitted to vote at a location outside the precinct of his or  
16 her registration by voting at a location within the county of his or her registration  
17 on ~~a~~ voting equipment~~machine~~ designed to permit blind or visually impaired  
18 individuals to vote without assistance, which may include voting at the county  
19 clerk's office, or other place designated by the county board of elections, and  
20 approved by the State Board of Elections.

21 (7) Notwithstanding the provisions of KRS 117.085, 117.086, or 117.0863 or any other  
22 statute to the contrary, a blind or visually impaired individual residing in a county  
23 containing a consolidated local government or containing a city of the first class that  
24 is operating a pilot program shall be permitted to vote in the location within the  
25 county of his or her registration as provided under subsection (6) of this section, on ~~a~~  
26 equipment~~machine~~ designed to permit blind or visually impaired  
27 individuals to vote without assistance, at any time during which absentee voting is

1 conducted in the clerk's office or other place designated by the county board of  
2 elections during normal business hours on at least any of the twelve (12) working  
3 days before the election, and the county board of elections may permit the voting to  
4 be conducted ~~on a voting machine~~ for a period longer than the twelve (12)  
5 working days before the election prescribed above. An application for those blind or  
6 visually impaired individuals wishing to vote on ~~a~~ voting equipment ~~machine~~  
7 approved for use by blind or visually impaired individuals shall be prescribed by the  
8 State Board of Elections and shall include the individual's sworn statement that the  
9 individual is blind or visually impaired.

10 (8) ~~Notwithstanding the requirements of KRS 117.381, or any other statute to the~~  
11 ~~contrary,~~ The State Board of Elections may certify, as a part of the pilot project of a  
12 county containing a consolidated local government or containing a city of the first  
13 class, voting equipment which utilizes audio recordings, voice-activated technology,  
14 or vocal recognition technology to record a vote, and may require such  
15 accommodations as would permit a blind or visually impaired voter to cast a vote in  
16 secret, **provided the voting equipment produces a voter verified paper audit trail.**

17 (9) Notwithstanding the provisions of KRS 117.255, a blind or visually impaired voter  
18 residing in a county containing a consolidated local government or containing a city  
19 of the first class that is operating a pilot project may cast his or her vote alone and  
20 without assistance on ~~a~~ voting equipment ~~machine~~ approved for use by blind or  
21 visually impaired individuals. However, the blind or visually impaired voter shall be  
22 instructed by the officers of election, with the aid of the instruction cards and the  
23 model, in the use of the equipment ~~machine~~, if the voter so requests.

24 (10) Nothing in this section shall impair the right of any qualified voter under KRS  
25 117.255 to receive assistance and vote according to the procedures specified in that  
26 section.

27 ➔Section 10. KRS 117.105 is amended to read as follows:



1 (1) The ~~{fiscal court of any county}~~ **legislative body of any county, urban-county,**  
 2 **charter county, consolidated local, or unified local government,** shall purchase or  
 3 lease, from available funds or from the proceeds of bonds which may be issued for  
 4 that purpose, voting **systems**~~{machines, including extra or reserve machines,}~~ for  
 5 use in **primaries,** regular **elections,** **and** special~~{and primary}~~ elections.~~{The fiscal~~  
 6 ~~court may, prior to any election, authorize the use of additional voting machines in~~  
 7 ~~any particular precinct}.~~

8 (2) **Any voting system purchased, leased, or otherwise acquired by the legislative**  
 9 **body of any county, urban-county, charter county, consolidated local, or unified**  
 10 **local government on or after the effective date of this Act shall comply with the**  
 11 **requirements of Section 12 of this Act.**

12 (3) **Nothing in this section shall prohibit a county board of elections from**  
 13 **performing maintenance on voting equipment that has been previously certified**  
 14 **by the State Board of Elections and is in use on the effective date of this Act.**

15 → Section 11. KRS 117.115 is amended to read as follows:

16 The **legislative body**~~{fiscal court}~~ of any county, **urban-county, charter county,**  
 17 **consolidated local, or unified local government** may select, in its discretion, any type  
 18 and make of voting **system**~~{machine}~~ that complies with the specifications and  
 19 requirements of this chapter. The **legislative body**~~{fiscal court}~~ may employ engineers and  
 20 other skilled persons to advise and aid in the selection of **voting systems**~~{the machines}~~  
 21 and in determining **compliance with** the specifications **and requirements of this**  
 22 **chapter**~~{thereof}~~.

23 → Section 12. KRS 117.125 is amended to read as follows:

24 No~~{make of}~~ voting **system**~~{machine}~~ shall be approved for use **on or after the effective**  
 25 **date of this Act by the State Board of Elections, either upon initial examination or**  
 26 **reexamination,** unless **the system has been certified under Section 31 of this Act and**~~{it}~~  
 27 is so constructed that **it shall:**

- 1 (1) ~~Ensure~~~~It will insure~~ secrecy to the voter in the act of voting **so that no person can**  
 2 **see or know for whom any other voter has voted or is voting, except for those**  
 3 **voters requiring assistance under Section 23 of this Act;**
- 4 (2) ~~It provides facilities that will~~ Permit votes to be cast for any candidate entitled to  
 5 have his **or her** name printed upon the ballots at any **primary**, regular **election**, **or**  
 6 special ~~or primary~~ election, and for or against any public question entitled to be  
 7 placed upon the ballots;
- 8 (3) ~~It will,~~ Except at **a** primary ~~elections~~, permit a voter to vote for all the candidates  
 9 of one (1) party or for one (1) or more candidates of every party having candidates  
 10 entitled to be voted for, or for one (1) or more independent, **political organization**,  
 11 **or political group** candidates;
- 12 (4) ~~It will~~ Permit a voter to vote for as many persons for an office as **the voter**~~he~~ is  
 13 lawfully entitled to vote ~~for~~, and no more;
- 14 (5) ~~It will~~ Prevent a voter from voting **for more persons for any office than the voter**  
 15 **is entitled to vote, and from voting** for the same person, or for or against the same  
 16 question, more than once;
- 17 (6) ~~It will~~ Permit a voter to vote for or against any question **the voter**~~he~~ may have  
 18 the right to vote on, but no other;
- 19 **(7) Provide for a nonpartisan ballot;**
- 20 ~~(8)(7)~~ **Be capable of being**~~It may be~~ adjusted for use in **a** primary ~~elections~~ so  
 21 that a voter may not vote for any person except those seeking nomination as  
 22 candidates of **the voter's**~~his~~ party, **as candidates for a nonpartisan office**, or as  
 23 candidates for an office of the Court of Justice;
- 24 ~~(9)(8)~~ **Permit each voter to vote for all the candidates for presidential electors of**  
 25 **any party by one (1) operation;**
- 26 **(10) Permit each voter to vote, in any regular or special election, for any person for**  
 27 **whom the voter desires to vote whose name does not appear upon the ballot by**

1 providing a method of write-in voting;

2 (11) Be safe, efficient, and accurate in the conduct of elections, and~~[It will]~~ correctly  
3 register and accurately count all votes cast for each person, and for or against each  
4 public question;~~[-]~~

5 (12) Provide each voter an opportunity to verify votes recorded on the permanent  
6 paper ballot, either visually or using assistive voting technology, by producing a  
7 voter-verified paper audit trail; to change votes or correct any error before the  
8 voter's ballot is cast and counted; and to provide a voter who spoils his or her  
9 ballot another ballot as provided under this chapter;

10 (13) Use an individual, discrete, permanent, paper ballot cast by the voter for  
11 tabulating purposes;

12 (14) Preserve the paper ballot as an official record available for use in any audit or  
13 recount;

14 (15) Be suitably designed for the purpose used, constructed of a durable material, and  
15 safely transportable;

16 (16) ~~[(9) It can ]~~Be capable of determining~~[determined]~~ whether the voting  
17 equipment~~[machine]~~ has been unlocked and operated or adjusted in any manner  
18 after once being locked;~~[-]~~

19 (17)~~[(10)]~~ Have a public counter with a register which is visible from the outside of the  
20 counter or device that~~[It]~~ will show at all times during an election how many  
21 persons have voted; ~~[by a device hereinafter referred to as a public counter.]~~

22 (18)~~[(11)]~~ Have a protective cumulative~~[The]~~ counter indicating the number of votes  
23 cast for each person, and the votes cast~~[and]~~ for or against each public question  
24 which cannot be seen, reset, or tampered with without unlocking a covering device~~[~~  
25 ~~that cannot be unlocked]~~ by a key or other security apparatus that cannot  
26 unlock~~[unlocks]~~ any other part of the equipment, and which prevents changes to  
27 the cumulative counter once the system has been put into operation on the day of

1 ~~any election;~~[machine. When such counters are so exposed the machine can no  
 2 longer be placed into condition for operation without the use of a special key, which  
 3 key shall not have been in the possession of the election officers at the polling  
 4 places; but if this requirement has the effect of eliminating from consideration any  
 5 other make of machine such requirement shall not apply.]

6 **(19) Provide for the tabulating of votes at the precinct as required under Section 25 of**  
 7 **this Act;**

8 ~~(20)~~[~~(12)~~] **Provide locks or other security apparatus by which the operation of the**  
 9 **voting equipment**[The operating device and operating mechanism] may be locked  
 10 before the time for opening the polls and after the time for closing the polls;[;]-]

11 ~~(21)~~[~~(13)~~] **Permit a voter to readily learn the method of operating it, to expeditiously**  
 12 **cast a vote for all candidates and on all questions of the voter's choice, and when**  
 13 **operated properly, register and record correctly and accurately every vote cast;**[It  
 14 is accompanied by a mechanical model illustrating the manner of voting on the  
 15 machine, suitable for the instruction of voters.]

16 ~~(14)~~ It will permit a voter to vote for all the candidates for presidential electors of any  
 17 party by one (1) operation.

18 ~~(15)~~ It will permit a voter to vote, in any regular or special election, for any person  
 19 desired to be voted for whose name does not appear upon the voting machine.]

20 ~~(22)~~[~~(16)~~] **Bear**[It bears] a number **or other unique designation** that will distinguish it  
 21 from any other **voting equipment or voting system;**

22 **(23) Produce a real-time audit log record for the voting system, and produce a paper**  
 23 **record with a manual audit capacity which shall be available as an official record**  
 24 **for any recount conducted related to any primary or election in which the system**  
 25 **is used;**

26 **(24) Be accessible for individuals with impairments, including nonvisual accessibility**  
 27 **for the blind or visually impaired, in a manner that provides the same opportunity**

1 for access and participation, including privacy and independence, as for other  
 2 voters;

3 (25) Meet or exceed the standards for a voting system established by the Federal  
 4 Election Commission, as amended from time to time, or the Election Assistance  
 5 Commission, as amended from time to time, under Section 31 of this Act; and

6 (26) Meet such other requirements as may be established by the State Board of  
 7 Elections in administrative regulations promulgated under KRS Chapter 13A to  
 8 reflect changes in technology to ensure the integrity and security of voting  
 9 systems~~[machine.~~

10 ~~(17) The frames in which ballot labels are placed shall be constructed with transparent~~  
 11 ~~protective devices, in order that the names thereon cannot be mutilated or altered].~~

12 ➔Section 13. KRS 117.145 is amended to read as follows:

13 (1) At least forty-five (45)~~[fifteen (15)]~~ days before any special election, and at least  
 14 fifty (50) days before any primary or regular election, the county clerk of each  
 15 county shall cause to be printed and ready for use ballots listing~~[ballot labels for]~~  
 16 each candidate who, and each question which, is entitled to be voted upon in such  
 17 primary or election. The ballots~~[ballot labels]~~ shall be printed on clear white paper  
 18 or other material,~~[ which shall be furnished by the printer. They shall be printed]~~ in  
 19 black ink, in plain, clear type clearly legible to a person with normal vision, and~~[~~  
 20 ~~shall be of a size to fit the ballot frames. The labels]~~ shall include the necessary  
 21 party designations. The quality of the paper and the size of the ballots shall be  
 22 established by the State Board of Elections in administrative regulations  
 23 promulgated under Chapter 13A.

24 (2) Each county clerk shall have printed a sufficient number of paper absentee ballots.  
 25 The absentee ballot shall be used for voting by absent voters; by precinct officers  
 26 who have been assigned to a precinct other than their own; by members of a county  
 27 board of elections; by voters so disabled by age, infirmity or illness as to be unable

1 to appear at the polls; and for voting in an emergency situation. The ballots~~[ballot~~  
 2 ~~stubs]~~ shall be consecutively numbered and the county board shall keep a record, by  
 3 number, of all absentee ballots used for any of the purposes listed herein.

4 (3) *Each county clerk shall have printed a sufficient number of paper ballots to be*  
 5 *used for voting on any primary or election day. The methods of securing the*  
 6 *integrity of the ballots from the time of certification of each candidate and each*  
 7 *question to be voted upon in any primary or election until the conclusion of the*  
 8 *primary or election, and the method of tracking all voted, unvoted, or spoiled*  
 9 *ballots shall be established by the State Board of Elections in administrative*  
 10 *regulations promulgated under KRS Chapter 13A.*

11 (4) No later than the Friday preceding a special or regular election, the county clerk  
 12 shall equip the voting equipment~~[machines]~~ with the necessary supplies for the  
 13 purpose of write-in votes. The county clerk shall also provide~~[attach]~~ a pencil or  
 14 pen or ballot marking device for~~[to]~~ the voting equipment~~[machine]~~ for write-in  
 15 purposes.

16 (5)~~(4)~~ If supplemental paper ballots have been approved as provided in KRS  
 17 118.215, the county clerk shall cause to be printed a sufficient number of paper  
 18 ballots for the registered voters of each precinct. The supplemental paper ballots  
 19 shall have stubs which are numbered consecutively. The quality of paper on which  
 20 the supplemental paper ballots are printed shall be determined by administrative  
 21 regulations promulgated by the State Board of Elections under KRS Chapter  
 22 13A~~[secretary of the Finance and Administration Cabinet].~~

23 ➔Section 14. KRS 117.155 is amended to read as follows:

24 ~~[Upon receiving the printed ballot labels,]~~The county clerk shall place all ballots  
 25 required to be placed upon voting equipment~~[them in the ballot frames upon the~~  
 26 ~~machines,]~~ in such a manner as will most nearly conform to the plan of arrangement  
 27 prescribed by the Secretary of State under~~[in the manner prescribed in]~~ KRS 118.215.

1 *The county clerk*~~[He]~~ shall then see that the counters referred to in subsections *(17) and*  
 2 *(18) of Section 12 of this Act*~~[(10) and (11) of KRS 117.125]~~ are set at zero, and shall  
 3 lock the operating device and mechanism and the devices protecting the counters and  
 4 *ballots*~~[ballot labels]~~. *The county clerk*~~[He]~~ shall then enter in an appropriate book,  
 5 opposite the number of each precinct the distinguishing number of the *voting*  
 6 *equipment*~~[machine]~~ to be used in that precinct.

7 ➔Section 15. KRS 117.165 is amended to read as follows:

8 (1) Upon completing the preparation of the *voting systems, including any voting*  
 9 *equipment*~~[machines]~~ *in operation,* in accordance with~~[the provisions of]~~ KRS  
 10 117.155, and not later than the Thursday preceding the day of the election, the  
 11 county clerk shall notify the members of the county board of elections that the  
 12 *voting equipment is*~~[machines are]~~ ready for use. The board shall thereupon  
 13 convene at the office of the county clerk, not later than the Friday preceding the day  
 14 of the election, and examine the *voting equipment*~~[machines]~~ to determine whether  
 15 the requirements of KRS 117.155 have been met. The county board of elections  
 16 shall publish notice, in accordance with KRS 424.130(1)(d), at least twenty-four  
 17 (24) hours in advance of the time when the *voting equipment is*~~[machines are]~~ to be  
 18 examined by the board. If found in proper order, the members of the county board  
 19 of elections shall endorse their approval in the book in which the county clerk has  
 20 entered the numbers of the *voting equipment*~~[machines]~~ opposite the numbers of  
 21 the precincts. The clerk shall then deliver all of the keys to the *voting*  
 22 *equipment*~~[machines]~~ to the county board of elections who shall give a receipt for  
 23 the keys which shall contain identification of the keys. Not later than one (1) hour  
 24 before the time set for the opening of the polls, the board shall deliver all election  
 25 supplies including the precinct list, tabulation sheets, and the key to the device  
 26 covering the registering counters and other keys necessary for the operation of the  
 27 *voting equipment*~~[machine]~~ in registering votes, to the election officers of the

1 precinct in which the voting equipment~~[machine]~~ is being used, who shall give the  
2 board a receipt containing identification of the keys. The master key and all other  
3 keys shall remain in the possession of the county board of elections.

4 (2) Not later than four (4) business days preceding the date set by the county board of  
5 elections to conduct absentee voting in accordance with KRS 117.085(1)(c), the  
6 county clerk shall notify the members of the county board of elections that the  
7 voting equipment~~[machines]~~ designated for use during absentee voting are ready  
8 for use. The board shall thereupon convene at the office of the county clerk, not  
9 later than three (3) business days preceding the date set by the county board of  
10 elections to conduct absentee voting, and examine the voting equipment~~[machines]~~  
11 to determine whether the requirements of KRS 117.155 have been met. The county  
12 board of elections shall publish notice, in accordance with KRS 424.130(1)(d), at  
13 least twenty-four (24) hours in advance of the time when the absentee voting  
14 equipment is~~[machines are]~~ to be examined by the board. If found in proper order,  
15 the members of the county board of elections shall endorse their approval in the  
16 book in which the county clerk has entered the identification number of the voting  
17 equipment~~[machines]~~ designated for use during absentee voting.

18 (3) Any candidate, one (1) representative of each political party having candidates to be  
19 voted for at the election, and representatives of the news media may be present  
20 when the examination of the voting equipment~~[machines]~~ is made by the county  
21 board of elections.

22 ➔Section 16. KRS 117.175 is amended to read as follows:

23 The county clerk shall, with the county attorney, prepare a sufficient number of  
24 instruction cards containing~~[ a diagram showing the front of the voting machine as it will~~  
25 ~~appear on the day of the election,]~~ instructions as to the proper method of voting by the  
26 use of the voting equipment~~[machine]~~ and instructions as to the proper method of casting  
27 a write-in vote. If supplemental paper ballots have been approved~~[,]~~ as provided in KRS



1 118.215, the instruction cards shall indicate the offices, candidates, and questions which  
2 will appear on the supplemental paper ballots and the instructions for marking and  
3 depositing the ballots. The instruction cards shall be examined and approved by the  
4 county board of elections at the time the voting equipment is~~[machines are]~~ examined  
5 and approved. The instruction cards shall be delivered to each election clerk by the  
6 county clerk at the time that other election supplies are delivered and the election clerk  
7 shall post the instruction card at the polling place.

8 ➔Section 17. KRS 117.187 is amended to read as follows:

9 (1) The State Board of Elections shall regularly provide special training regarding the  
10 election laws and methods of enforcement to all members of county boards of  
11 elections, county attorneys, Commonwealth's attorneys, and certain members of the  
12 Department of Kentucky State Police.

13 (2) The county board of elections shall provide special training before each primary and  
14 regular election, and any special election held during a year in which no elections  
15 are scheduled, to all election officers, alternates, and certified challengers regarding  
16 their duties and the penalties for failure to perform. Election officers, including  
17 alternates, and certified challengers shall attend the training session, unless excused  
18 by the county board of elections for reason of illness or other emergency. Any  
19 person who fails to attend a training session without being excused shall be  
20 prohibited from serving as an election officer or challenger for a period of five (5)  
21 years. The training provided by the county board of elections shall include but not  
22 be limited to the following:

- 23 (a) Operation of the voting equipment, and voting system as applicable~~[machine~~  
24 ~~or ballot cards]~~;
- 25 (b) Posting of necessary signs and notices at the polling place;
- 26 (c) Voter assistance;
- 27 (d) Maintaining precinct rosters;

- 1 (e) Confirmation of a voter's identity;
- 2 (f) Challenge of a voter;
- 3 (g) Completing changes of address or name at the polling place;
- 4 (h) Qualifications for voting in a primary~~[election]~~;
- 5 (i) Electioneering and exit polling;
- 6 (j) Write-in voting procedures;
- 7 (k) Persons who may be in the voting room;
- 8 (l) Election violations and penalties;
- 9 (m) Assistance which may be provided by law enforcement officers;
- 10 (n) Election reports;
- 11 (o) Disability awareness;
- 12 (p) Provisional voting process;
- 13 (q) Election emergency contingency plan; and
- 14 (r) Elections, voting equipment, and voting systems~~[equipment]~~ security plan.
- 15 (3) The county attorney shall attend the training session for election officers to assist in
- 16 explaining the duties and penalties for failure to perform.
- 17 (4) Compensation in the minimum amount of ten dollars (\$10) for reimbursement of
- 18 actual expenses shall be paid by the county to the election officers for attending the
- 19 training session.
- 20 ➔Section 18. KRS 117.195 is amended to read as follows:
- 21 (1) At least one (1) hour prior to the opening of the polls, the county clerk shall deliver
- 22 the voting equipment~~[each machine]~~, with the operating device and mechanism and
- 23 the device covering the registering counters securely locked, to the clerk of the
- 24 precinct in which it is to be used, and shall take a receipt indicating the
- 25 distinguishing number or other unique designation of the voting
- 26 equipment~~[machine]~~. The clerk of the precinct shall cause any voting
- 27 equipment~~[the machine]~~ to be arranged in the voting place so that the front of the

1 equipment~~[machine]~~, on which~~[- appear]~~ the ballots appear, if applicable,~~[ballot~~  
 2 ~~labels]~~ and the operating devices, will not be visible, when being operated, to any  
 3 person other than the voter.

4 (2) In polling places in which voting equipment~~[machines]~~ for multiple precincts are  
 5 located, the county clerk shall post a sign near the voting equipment~~[each machine]~~  
 6 identifying the precinct for which the voting equipment~~[machine]~~ has been  
 7 designated.

8 (3) ~~[If supplemental paper ballots have been approved as provided in KRS 118.215,~~  
 9 ~~]The county clerk shall, at least one hour prior to the opening of the polls, deliver or~~  
 10 confirm that a sufficient number of ballots for the registered voters of each precinct  
 11 are available, in addition to a sufficient number of voting booths for voting paper  
 12 ballots, string, rubber stamps for marking "Spoiled" and "Unused" ballots and a  
 13 locked ballot box for each precinct. The county clerk shall take a receipt for the  
 14 number of ballots issued for the precinct and the ballot box for each precinct. The  
 15 county clerk shall retain the keys to all ballot boxes.

16 ➔Section 19. KRS 117.205 is amended to read as follows:

17 Before permitting any person to vote on the day of the election, the election officers shall  
 18 examine the voting equipment~~[machine]~~ to ascertain whether it has been operated since  
 19 the counters referred to in subsections (17) and (18) of Section 12 of this Act~~[(10) and~~  
 20 ~~(11) of KRS 117.125]~~ were set at zero, and to ascertain whether the ballots~~[ballot labels]~~  
 21 are arranged as previously specified~~[- on the printed instruction cards]~~. If the voting  
 22 equipment~~[machine]~~ indicates that it has been operated or if the ballots~~[ballot labels]~~ are  
 23 not properly~~[so]~~ arranged, the officers shall not unlock the operating device or  
 24 mechanism, but shall immediately secure the attendance of the county clerk and one (1)  
 25 member of the county board of elections other than the county clerk, who shall reset the  
 26 counters at zero and relock the device covering the counters, or properly arrange the  
 27 ballots~~[ballot labels]~~, as the case may be, in the presence of the election officers. If the

1 attendance of members of the board of elections cannot be obtained before the opening of  
 2 the polls or within one (1) hour thereafter, the election officers shall notify the county  
 3 clerk of the foregoing facts and obtain from the county clerk~~[-a]~~ reserve voting  
 4 equipment~~[machine]~~, and proceed to conduct the election. Any reserve voting  
 5 equipment~~[machine]~~ shall have been certified for use at the election by the county board  
 6 of elections and prepared for use at the election by the election officers in the precinct in  
 7 the same manner as the original voting equipment~~[machine]~~ was prepared for the  
 8 election. The voting equipment~~[machine]~~ found to have been so operated shall be  
 9 returned immediately to the custody of the county clerk, whose duty it shall be to  
 10 promptly repair same so~~[in order]~~ that it may be used as~~[-a]~~ reserve voting  
 11 equipment~~[machine]~~ in the election if needed.

12       ➔Section 20. KRS 117.215 is amended to read as follows:

13 (1) If, during the conduct of an election,~~[-a]~~ voting equipment, or any part of a voting  
 14 system, no longer operates~~[machine becomes in a state of disrepair so that it cannot~~  
 15 ~~be operated]~~ in a manner that will comply with the provisions of this chapter, the  
 16 election officers shall lock or seal the voting equipment~~[machine in such a manner~~  
 17 ~~as]~~ to prevent further voting thereon and record the numbers shown by the public  
 18 counter. Then the election officers shall secure from the county clerk~~[-a]~~ reserve  
 19 voting equipment~~[machine]~~,~~[- which shall be]~~ prepared and made ready for use as  
 20 provided in KRS 117.205, and~~[- thereupon]~~ proceed to conduct the election. When  
 21 the polls are closed both the original and reserve voting equipment~~[machines]~~ shall  
 22 be examined and the votes thereon registered shall be counted as provided in KRS  
 23 117.275, and the aggregate number of votes cast on all voting equipment~~[both~~  
 24 ~~machines]~~ for each candidate and on each question shall be certified as the result of  
 25 the primary or election in that precinct.

26 (2) If an emergency should arise due to the malfunction of the voting  
 27 equipment~~[machine]~~, the county clerk shall provide~~[-a]~~ backup voting

1 equipment,~~[machine]~~ or~~[-supplemental]~~ paper ballots for use at the precinct and a  
 2 ballot box in which to deposit the voted ballots. The ballot box shall be locked with  
 3 two (2) locks and the judges of the precinct shall each hold the key to one (1) lock.  
 4 At the close of voting, the paper ballots shall be counted at the precinct or a central  
 5 counting center and added to the votes cast using voting equipment~~[by machine]~~.  
 6 The aggregate of these votes shall be certified as the result of the election in that  
 7 precinct.

8 ➔Section 21. KRS 117.225 is amended to read as follows:

9 (1) Any person desiring to vote on election day shall give his or her name and address  
 10 to the clerk of the election. If the person's name is listed on the precinct list  
 11 furnished by the State Board of Elections as provided in KRS 117.025 and if no  
 12 challenge is made, the voter~~[he]~~ shall sign his or her name on the precinct list in the  
 13 space opposite the voter's~~[his]~~ printed name. The voter's signature shall constitute  
 14 the voter's~~[his]~~ verification that he or she is a properly registered and qualified  
 15 voter. The voter shall then retire alone to cast his or her vote on the ballot  
 16 provided~~[voting machine]~~. The county board of elections may provide to each  
 17 precinct the original registration form of each voter entitled to vote in that precinct.  
 18 These forms shall be used to compare signatures in those precincts to which the  
 19 forms are provided.

20 (2) If supplemental paper ballots are used~~[,]~~ as provided in KRS 118.215, after voting  
 21 using the voting equipment,~~[on the voting machine]~~ the voter shall take the  
 22 supplemental paper ballot with the stub intact and retire alone to the voting booth  
 23 provided for voting paper ballots. After voting the supplemental paper ballot, the  
 24 voter shall remove the numbered stub, hand the stub to an election official and  
 25 deposit the voted supplemental paper ballot in the locked ballot box.

26 ➔Section 22. KRS 117.235 is amended to read as follows:

27 (1) No person, other than the election officers, challengers, person assisting voters in

1 accordance with KRS 117.255(3), and a minor child in the company of a voter, shall  
2 be permitted within the voting room while the vote is being polled, except as  
3 follows:

- 4 (a) For the purpose of voting;
- 5 (b) By authority of the election officers to keep order and enforce the law;
- 6 (c) With the express approval of the county board of elections to repair or replace  
7 voting equipment that is malfunctioning, and to provide additional voting  
8 equipment; or
- 9 (d) At the voter's discretion, a minor child in the company of a voter may  
10 accompany the voter into a voting booth or other private area provided for  
11 casting a vote.

12 (2) No officer of election shall do any electioneering on election day.

13 (3) (a) No person shall electioneer at the polling place on the day of any election, as  
14 established in KRS 118.025, **or** within a distance of one hundred (100) feet of  
15 any entrance to a building in which~~—a~~ voting~~—machine~~ is  
16 **conducted**~~located~~ if that entrance is unlocked and is used by voters on **any**  
17 **primary or** election day.

18 (b) No person shall electioneer within the interior of a building or affix any  
19 electioneering materials to the exterior or interior of a building where the  
20 county clerk's office is located, or any building designated by the county board  
21 of elections and approved by the State Board of Elections for absentee voting,  
22 during the hours absentee voting is being conducted in the building by the  
23 county clerk pursuant to KRS 117.085(1)(c).

24 (c) Electioneering shall include the displaying of signs, the distribution of  
25 campaign literature, cards, or handbills, the soliciting of signatures to any  
26 petition, or the solicitation of votes for or against any bona fide candidate or  
27 ballot question in a manner which expressly advocates the election or defeat

1 of the candidate or expressly advocates the passage or defeat of the ballot  
 2 question, but shall not include exit polling, bumper stickers affixed to a  
 3 person's vehicle while parked within or passing through a distance of one  
 4 hundred (100) feet of any entrance to a building in which ~~[a] voting machine~~  
 5 is conducted~~located~~, private property as provided in subsection (7) of this  
 6 section, or other exceptions established by the State Board of Elections  
 7 through the promulgation of administrative regulations under KRS Chapter  
 8 13A.

9 (4) No voter shall be permitted to converse with others while in any room in which  
 10 voting, including absentee voting, is conducted concerning their support or  
 11 nonsupport of any candidate, party, or issue to be voted on, except as provided in  
 12 KRS 117.255.

13 (5) Any precinct election officer, county clerk, deputy county clerk, or any law  
 14 enforcement official may enforce the election laws and maintain law and order at  
 15 the polls and within one hundred (100) feet of any entrance to the building in which  
 16 voting is conducted~~the voting machine is located~~ if that entrance is unlocked and  
 17 is used by voters. Assistance may be requested of any law enforcement officer.

18 (6) Notwithstanding the provisions of subsection (1) of this section, the State Board of  
 19 Elections may establish a program designed to instill in school children a respect for  
 20 the democratic principles of voting by conducting in any county a mock election for  
 21 school children in conjunction with any primary,~~or~~ regular, or special election.  
 22 The State Board of Elections shall promulgate administrative regulations under  
 23 KRS Chapter 13A regarding the mock elections to ensure~~insure~~ that the regular  
 24 voting process will not be impaired.

25 (7) Notwithstanding the provisions of subsection (3) of this section, nothing in this  
 26 section shall prohibit the displaying of political campaign signs on private property  
 27 or private establishments by a person having a leased or ownership interest in that

1 private property or private establishment within the campaign-free zone, regardless  
 2 of the distance from the polling place. In the case of a polling location being on  
 3 private property that is leased or otherwise under contract for the purpose of serving  
 4 as a polling location, the provisions of subsection (3) of this section shall be  
 5 applicable to that leased or contracted-for private property.

6 ➔Section 23. KRS 117.255 is amended to read as follows:

7 (1) The voter shall be instructed by the officers of election, with the aid of the  
 8 instruction cards and ~~any~~~~the~~ model *if applicable*, in the use of the *voting*  
 9 *equipment*~~machine~~, if the voter so requests.

10 (2) Except for those voters who have been certified as requiring assistance on a  
 11 permanent basis *under this section*, no voter shall be permitted to receive any  
 12 assistance in voting at the polls unless *the voter*~~he~~ makes and signs an oath that,  
 13 because of blindness, other physical disability, or an inability to read English, *the*  
 14 *voter*~~he~~ is unable to vote without assistance. *The voter shall state in the oath the*  
 15 *specific reason that requires the voter to receive assistance.* The oath shall be upon  
 16 a voter assistance form prescribed by the State Board of Elections *in administrative*  
 17 *regulations promulgated under KRS Chapter 13A. No voter shall be assisted*  
 18 *under this section unless the judges and the sheriff of election are satisfied as to*  
 19 *the truth of the facts stated in the oath*~~. Any person assisting a voter shall~~  
 20 ~~complete the voter assistance form~~.

21 (3) Upon making and filing the oath with the precinct clerk, the voter requiring  
 22 assistance shall retire to the voting *booth*~~machine~~ or ballot completion area with  
 23 the precinct judges, and one (1) of the judges shall, in the presence of the other  
 24 judge and the voter,~~operate the machine or~~ complete the ballot as the voter  
 25 directs. A voter requiring assistance in voting may, if *the voter*~~he~~ prefers, be  
 26 assisted by a person of *the voter's*~~his~~ own choice who is not an election officer,  
 27 except that the voter's employer, an agent of the voter's employer, or an officer or



1 agent of the voter's union shall not assist a voter. **Any person assisting a voter shall**  
 2 **complete the voter assistance form prescribed by the State Board of Elections in**  
 3 **administrative regulations promulgated under KRS Chapter 13A.**

4 (4) The precinct election clerk shall swear a person assisting a voter in voting to  
 5 ~~operate the voting machine or~~ complete the ballot in accordance with the directions  
 6 of the voter, and the person sworn shall enter the voting booth or ballot completion  
 7 area and~~operate the machine or~~ complete the ballot for the voter as the voter  
 8 directs.

9 (5) A voter who requires voting assistance on a permanent basis because of blindness  
 10 or other physical disability may apply to the county board of elections for  
 11 certification. Application may be made when registering to vote or completing the  
 12 voter assistance form by indicating that the reason for obtaining assistance is  
 13 permanent. The county board of elections shall determine whether the applicant  
 14 requires assistance on a permanent basis. The county board of elections shall notify  
 15 the county clerk of persons certified as requiring permanent voting assistance and  
 16 the county clerk shall enter the certification on the voter's registration record. The  
 17 State Board of Elections shall indicate on the precinct roster of voters those voters  
 18 who are certified to receive assistance permanently without signing the voter  
 19 assistance form at the precinct.

20 (6) ~~["Voting booth" or "ballot completion area" means an area in which a voter casts his~~  
 21 ~~vote or completes his ballot which is designed to insure the secrecy of the vote. No~~  
 22 ~~voter shall be assisted under this subsection unless the judges and the sheriff of~~  
 23 ~~election are satisfied of the truth of the facts stated in the oath. The voter shall state~~  
 24 ~~in his oath the specific reason that requires him to receive assistance.~~

25 (7) ~~]~~No voter shall be permitted to occupy the voting **booth or ballot completion**  
 26 **area**~~[machine]~~ more than **four (4)**~~[two (2)]~~ minutes if other voters are waiting to  
 27 use it, except that those voters who because of a disability need extra time to cast a

1 ballot shall be given a reasonable amount of time to vote.

2 ~~(7)~~~~(8)~~ In a primary~~[-elections]~~, before a voter is permitted to use the voting  
3 equipment~~[machine]~~, a judge of the election shall adjust the voting  
4 equipment~~[machine]~~ so that the voter will only be able to vote for the persons for  
5 whom the voter is qualified to vote.

6 ~~(8)~~~~(9)~~ If the voting equipment~~[machine]~~ is so constructed as to require adjustment  
7 after one person has voted before another person may vote, the judges of election  
8 shall adjust it after each person has voted.

9 ~~(9)~~~~(10)~~ The election officers shall constantly maintain a watch in order to prevent any  
10 person from voting more than once.

11 ~~(10)~~~~(11)~~ If supplemental paper ballots have been approved~~[-]~~ as provided in KRS  
12 118.215, the voter shall vote his or her supplemental ballot in privacy in a booth  
13 provided for that purpose by the county clerk. If the voter spoils his or her  
14 supplemental ballot, the voter~~[he]~~ shall return the spoiled supplemental paper  
15 ballot to an election official who shall stamp the ballot "Spoiled," initial~~u~~, and place  
16 the spoiled supplemental paper ballot in an envelope provided for that purpose.  
17 The voter shall be issued a second supplemental paper ballot. Upon completion of  
18 voting, the voter shall remove the numbered stub from the supplemental ballot,  
19 hand the stub to an election official~~u~~, and deposit the voted supplemental ballot in  
20 the locked ballot box in the presence of precinct election officials.

21 ~~(11)~~~~(12)~~ The election sheriff shall be responsible for reporting violations of this  
22 section.

23 ➔Section 24. KRS 117.265 is amended to read as follows:

24 (1) A voter may, at any regular or special election, cast a write-in vote for any person  
25 qualified as provided in subsection (2) or (3) of this section, whose name does not  
26 appear upon the ballot~~[-label]~~ for any office, by writing the name of his or her  
27 choice upon the appropriate ballot~~[device]~~ for the office being voted on~~[-provided]~~

1       ~~on the voting machine~~] as required by KRS 117.125. Any candidate for city, county,  
2       urban-county, consolidated local government, charter county government, or unified  
3       local government office who is defeated in a partisan or nonpartisan primary shall  
4       be ineligible as a candidate for the same office in the regular election. Any voter  
5       utilizing an absentee ballot for a regular or special election may write in a vote for  
6       any eligible person whose name does not appear upon the ballot, by writing the  
7       name of his or her choice under the office.

8       (2) Write-in votes shall be counted only for candidates for election to office who have  
9       filed a declaration of intent to be a write-in candidate with the Secretary of State or  
10       county clerk, depending on the office being sought, on or before the fourth Friday in  
11       October preceding the date of the regular election and not later than the second  
12       Friday before the date of a special election. In the case of a special election  
13       administered under KRS 118.730, a declaration of intent to be a write-in candidate  
14       shall be filed at least twenty-eight (28) days before the day of the election. The  
15       declaration of intent shall be filed no earlier than the first Wednesday after the first  
16       Monday in November of the year preceding the year the office will appear on the  
17       ballot, and no later than 4 p.m. local time at the place of filing when filed on the last  
18       date on which papers may be filed. The declaration of intent shall be on a form  
19       prescribed by the Secretary of State.

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

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

22       (b) If his or her name appears upon the ballot~~[label]~~ for any office, except that  
23       the candidate may file a notice of withdrawal prior to filing an intent to be a  
24       write-in candidate for office when a vacancy in a different office occurs  
25       because of:

26               1. Death;

27               2. Disqualification to hold the office sought;

- 1           3. Severe disabling condition which arose after the nomination; or  
2           4. The nomination of an unopposed candidate.

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

13 (5) The county clerk shall provide to the precinct election officers certified lists of those  
14 persons who have filed declarations of intent as provided in subsections (2) and (3)  
15 of this section. Only write-in votes cast for qualified candidates shall be counted.

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

18 ➔Section 25. KRS 117.275 is amended to read as follows:

19 (1) At the count of the votes in any precinct, any candidate or slate of candidates and  
20 any representatives to witness and check the count of the votes therein~~[-]~~ who are  
21 authorized to be appointed as is provided in subsection (9) of this section, shall be  
22 admitted and~~[-be]~~ permitted to be present and witness the count.

23 (2) As soon as the polls are closed, and the last voter has voted, the judges shall  
24 immediately lock and seal the voting equipment so that the voting and counting  
25 mechanisms~~[-mechanism]~~ will be prevented from operating~~[-operation]~~, and they  
26 shall sign a certificate stating:

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

- 1 (b) The number of voters, as shown on the public counters;
- 2 (c) The number registered on the protective or cumulative~~accumulative~~ counter  
3 or device~~, if any~~; and
- 4 (d) The number or other designation of the voting equipment, which certificate  
5 shall be returned by the judges of election to the officials authorized by law to  
6 receive it. The judges shall compare the number of voters, as shown by the  
7 counter of the voting equipment, with the number of those who have voted as  
8 shown by the protective or cumulative~~accumulative~~ counter or device~~, if  
9 any~~.
- 10 (3) Where voting equipment is used which does not print the candidates' names along  
11 with the total votes received on a general return sheet or record for that equipment,  
12 the procedure to be followed shall be as follows:
- 13 (a) The judges, in the presence of the representatives mentioned in subsection (1)  
14 of this section, if any, and of all other persons who may be lawfully within the  
15 polling place, shall give full view of all the counter numbers;
- 16 (b) The judges shall enter, in ink, the total votes cast for each candidate, and slate  
17 of candidates, and for and against each question on the return sheets; and
- 18 (c) Each precinct election officer shall sign the return sheets, and a copy of the  
19 return sheets shall be posted on the precinct door.
- 20 (4) Where voting equipment is used that prints the candidates' names along with the  
21 total votes received on a return sheet or record for that equipment, the precinct  
22 election officers shall sign the return sheets or record for the voting equipment,  
23 which shall be posted on the door of the precinct.
- 24 (5) If any officer shall decline to sign the return sheets, he or she shall state the reason  
25 in writing, and a copy thereof, signed by the officer, shall be enclosed with the  
26 return sheets.
- 27 (6) Each of the return sheets, if applicable, and the record of the voting equipment shall

1 be enclosed in an envelope. One (1) copy of the return sheets, if applicable, one (1)  
2 copy of the record of the voting equipment, and the write-in roll, if any write-in  
3 votes were cast in the precinct, shall be directed to the county board of elections of  
4 the county in which the election is being held. One (1) copy of the return sheets or  
5 record of the voting equipment shall be given to the county clerk of the county in  
6 which the election is being held and to each of the local governing bodies of the two  
7 (2) dominant political parties, but a local governing body of a dominant political  
8 party may decline a copy of the precinct election return by filing a written  
9 declination with the county board of elections prior to the election, and upon this  
10 declination, a printed copy shall not be issued to the political party so declining. The  
11 declination on file shall be effective for that election and any subsequent elections  
12 until revoked by the local governing body of a dominant political party by filing a  
13 written revocation with the county board of elections. The envelope shall have  
14 endorsed thereon a certificate of the election officers, stating the number or other  
15 identifying designation of the voting equipment~~[machine]~~, the precinct where it  
16 has been used, the number on the seal, and the number on the protective or  
17 cumulative~~[accumulative]~~ counter or device at the close of the polls.

18 (7) Following the tabulation of all votes cast in the election, including absentee votes  
19 and write-in votes, the county board shall mail a copy of the precinct-by-precinct  
20 summary of the tabulation sheets showing the results from each precinct to the State  
21 Board of Elections and the county clerk shall mail or deliver the precinct signature  
22 rosters from each precinct to the State Board of Elections during the period  
23 established by KRS 117.355(3).

24 (8) As soon as possible after the completion of the count, the two (2) judges shall return  
25 to the county board of elections the keys to the voting equipment~~[machine]~~ received  
26 and receipted for by them, and the county clerk in which the precinct is located shall  
27 have the voting equipment~~[machine]~~ properly boxed or securely covered and

- 1 removed to a proper and secure place of storage.
- 2 (9) In primaries, each candidate, slate of candidates, or group of candidates may  
3 designate to the county board of elections a representative to witness and check the  
4 vote count. In regular elections, the governing authority of each political party, each  
5 candidate for member of board of education, nonpartisan candidate, **political group**  
6 **candidate**, independent candidate, or independent ticket may designate a  
7 representative to the county board of elections to witness and check the vote count.  
8 The county board of elections shall authorize representatives of the news media to  
9 witness the vote count.
- 10 (10) If supplemental paper ballots have been approved~~[,]~~ as provided in KRS 118.215,  
11 after the polls are closed, the two (2) judges shall return to the county clerk's office  
12 the locked ballot box **containing the supplemental paper ballots**, all ballot stubs,  
13 spoiled ballots, and unvoted ballots at the same time as the tabulation of votes from  
14 the voting **equipment**~~[machine]~~ is delivered. The county clerk shall issue a receipt  
15 for the number of ballot stubs, unvoted ballots, spoiled ballots and the ballot box  
16 **containing the supplemental paper ballots**.
- 17 (11) The county board of elections, or its designee, shall count and tally~~[the]~~ paper  
18 ballots **that have not been tabulated by automatic tabulating equipment at the**  
19 **precinct either** manually or with the use of tabulating equipment which **has been**  
20 **certified by the State Board of Elections for use for that purpose in the clerk's**  
21 **office**~~[does not involve an additional voting system]~~. The results of the vote tally  
22 shall be certified by the county board of elections to the county clerk and to the  
23 Secretary of State.
- 24 (12) The county board of elections shall authorize the candidates, slates of candidates, or  
25 their representatives, and representatives of the news media to be present during the  
26 counting of the paper ballots.
- 27 (13) Except as otherwise required in this chapter that certain records and papers relating

1 to specified elections be retained for twenty-two (22) months, the county clerk shall  
2 retain the voted paper ballots for twenty-two (22) months and the unvoted paper  
3 ballots for sixty (60) days after each election day, after which time they shall be  
4 destroyed in a manner to render them unreadable by the county board of elections if  
5 no contest or recount action has been filed.

6 ➔Section 26. KRS 117.295 is amended to read as follows:

7 (1) For a period of ten (10) days following any primary~~[election]~~, and for a period of  
8 thirty (30) days following any regular~~[general]~~ or special election, the voting  
9 equipment~~[machine]~~ shall remain locked against voting and the ballot boxes  
10 containing all paper ballots shall remain locked, except that the voting  
11 equipment~~[machines]~~ and the ballot boxes may be opened and all the data and  
12 figures therein examined, upon the order of any court of competent jurisdiction, or  
13 judge thereof, or by direction of any legislative committee authorized and  
14 empowered to investigate and report upon contested elections, and all the data and  
15 figures shall be examined by the court, judge, or committee in the presence of the  
16 officer having the custody of the voting equipment, ballots,~~[machine]~~ and ballot  
17 boxes. In the event of a contest of election, the court in which the contest is pending  
18 or the committee before which the contest is being heard may, upon motion of any  
19 party to the contest, issue an order requiring that the voting equipment,  
20 ballots,~~[machines]~~ and ballot boxes shall remain continuously locked for further  
21 time as may be reasonable or necessary, with due regard for the preparation of the  
22 voting equipment~~[machines]~~ for a succeeding primary, regular election, or special  
23 election, but in no event shall the order compel that the voting  
24 equipment~~[machines]~~ remain locked to a time within thirty (30) days next  
25 preceding any approaching primary, regular election, or special election.

26 (2) During the period when the voting equipment~~[machine]~~ and the ballot boxes are  
27 required to be kept locked, the keys thereto shall remain in the possession of the



1 county board of elections. After that period, it shall be the duty of the county board  
2 of elections to return the keys to the custody of the county clerk.

3 ➔Section 27. KRS 117.305 is amended to read as follows:

4 (1) The canvass and returns provided for in KRS 117.275 shall constitute the official  
5 returns of the precinct, unless before 4 p.m. on the Tuesday following a primary or  
6 regular election, or before 4 p.m. on the day following a special election held for the  
7 purpose of filling a vacancy, the county clerk or county board of elections takes  
8 notice of a discrepancy in the tally of votes cast in any precinct or number of  
9 precincts, or a candidate makes a written request to the county board of elections in  
10 the case of a candidate who has filed with the county clerk, or the Secretary of State  
11 in the case of a candidate who has filed with the Secretary of State, to check and  
12 recanvass the votes cast at the polls~~[voting machines]~~ and absentee ballots of any  
13 precinct or any number of precincts involving the candidate's~~[his]~~ race.

14 **(2) The county board of elections shall, immediately upon notice of any discrepancy**  
15 **as described in subsection (1) of this section, or upon receipt of a request for a**  
16 **recanvass, notify each candidate for the office of the time and place of the**  
17 **recanvass. At the recanvass, each political party represented on the board may**  
18 **appoint a representative there to be its governing body, and also each candidate**  
19 **to be voted for may be present, either in person or by a representative or both. The**  
20 **county board of elections shall authorize representatives of the news media to**  
21 **observe the recanvass of the voting equipment in each precinct.**

22 **(3) After ~~the~~[this] time period has elapsed and notice is taken as provided under**  
23 **subsections (1) and (2) of this section,** the county~~[election]~~ board **of elections** shall  
24 assemble at 9 a.m. on the Thursday following the filing deadline to request a  
25 recanvass **under this section,** and not sooner, and recheck and recanvass **the voting**  
26 **equipment**~~[each machine]~~ and make a proper return thereof to the county clerk, and  
27 the canvass and return shall become the official returns for the **primary or** election.

1 In making the recanvass, the board shall make a record of the number of the seal or  
2 other identifying designation upon the voting equipment~~[machine]~~ and, without  
3 unlocking the voting equipment~~[machine]~~ against voting, recanvass the vote cast~~[~~  
4 ~~thereon]~~.

5 (4) If, after a recanvass, it is found that the original canvass of the returns has been  
6 correctly made from the voting equipment~~[machine]~~, and that there still remains a  
7 discrepancy unaccounted for, this discrepancy shall be noted. If, upon recanvass, it  
8 appears that the original canvass of the returns by the election officers was  
9 incorrect, the returns and all papers being prepared by the board shall be corrected  
10 accordingly.~~[The county board of elections shall, immediately upon receipt of a~~  
11 ~~request for a recanvass, notify each candidate for the office of the time and place of~~  
12 ~~the recanvass. At the recanvass, each political party represented on the board may~~  
13 ~~appoint a representative there to be its governing body, and also each candidate to~~  
14 ~~be voted for may be present, either in person or by a representative or both. The~~  
15 ~~county board of elections shall authorize representatives of the news media to~~  
16 ~~observe the recanvass of the votes cast on the voting machine in each precinct.]~~  
17 Nothing in this section shall prohibit an individual from requesting, in addition to a  
18 recanvass, a recount as authorized by KRS Chapter 120.

19 (5)~~(2)~~ The State Board of Elections shall prescribe the form~~[forms]~~ to be used by  
20 county boards of election to report all recanvassed votes. The form, promulgated  
21 through administrative regulations under KRS Chapter 13A, shall include the  
22 following information:

- 23 (a) The name of the county in which the recanvass was conducted;  
24 (b) The date of the report;  
25 (c) The date of the primary or election;  
26 (d) The office for which the recanvass was conducted;  
27 (e) The names of each candidate for the office being recanvassed; and

1 (f) The ~~machine~~ votes **cast at the polls**, absentee votes, and vote totals for each  
 2 candidate, as well as write-in votes cast in a regular or special election for  
 3 candidates whose names did not appear on the ballot.

4 The report shall be signed by each member of the county board of elections.

5 ~~(6)~~~~(3)~~ The county board of elections shall file its recanvass report as prescribed in  
 6 administrative regulations promulgated by the State Board of Elections in  
 7 conformity with KRS Chapter 13A.

8 ~~(7)~~~~(4)~~ The State Board of Elections shall promulgate administrative regulations in  
 9 accordance with KRS Chapter 13A to establish the proper procedures for  
 10 conducting a recanvass for each type of voting system approved by the State Board  
 11 of Elections and in use in Kentucky.

12 ➔Section 28. KRS 117.345 is amended to read as follows:

13 (1) The cost of all elections held in any county shall be allowed by the fiscal court **or**  
 14 **legislative body of any urban-county, charter county, consolidated local, or**  
 15 **unified local government** and paid by the county treasurer, except as otherwise  
 16 provided by law.

17 (2) When the cost of any election has been allowed by the fiscal court **or legislative**  
 18 **body of any urban-county, charter county, consolidated local, or unified local**  
 19 **government** and paid by the county treasurer,~~and~~ within sixty (60) days following  
 20 the date of the election, the county treasurer shall certify a statement of the number  
 21 of precincts in the county, the date, and kind of election to the State Board of  
 22 Elections, including an election that was delayed or postponed in accordance with  
 23 KRS 39A.100. The certification shall be filed within ninety (90) days after the  
 24 election. Upon receipt of the certification and upon being satisfied as to the  
 25 correctness thereof, the State Board of Elections shall issue its warrant upon the  
 26 State Treasurer in favor of the county treasurer for the amount of two hundred fifty-  
 27 five dollars (\$255) for each precinct in the county.

1 (3) Payments to any county under the provisions of subsection (2) of this section shall  
 2 be terminated if and whenever it fails to renew a lease, contract, or lease and option  
 3 with the State Property and Buildings Commission executed in connection with the  
 4 acquisition of voting ~~systems~~~~[machines]~~ by the commission for the use of the  
 5 county; and payments to any county shall be terminated whenever the county fails to  
 6 pay any part of the rentals required for any effective period of the lease or if a  
 7 county board of elections fails to provide training to precinct election officers  
 8 required by KRS 117.187(2). **As used in this subsection, "county" includes**  
 9 **urban-county, charter county, consolidated local, and unified local government.**

10 ➔Section 29. KRS 117.375 is repealed, reenacted, amended, and renumbered as  
 11 KRS 117.001 to read as follows:

12 As used in this chapter, unless the context otherwise requires:

- 13 (1) **"Audit log" means a detailed record of all actions and events that have occurred**  
 14 **on the voting system including:**  
 15 **(a) Log-in attempts with username and time stamp;**  
 16 **(b) Election definition and setup;**  
 17 **(c) Ballot preparation and results processing;**  
 18 **(d) Diagnostics of any type; and**  
 19 **(e) Error and warning messages and operator response;**

20 ~~["Electronic or electromechanical voting system" means a system of casting votes by use~~  
 21 ~~of marking devices and tabulating ballots employing automatic tabulating~~  
 22 ~~equipment or data processing equipment.]~~

23 (2) "Automatic tabulating equipment" means apparatus necessary to automatically  
 24 examine and count votes as designated on ballots and data processing machines  
 25 which can be used for counting ballots and tabulating results; ~~[-]~~

26 (3) ~~["Voting device" means either an apparatus in which paper ballots or ballot cards~~  
 27 ~~are used in connection with an implement by which a voter registers his votes with~~

1 ~~ink or other substance or by punching, or an apparatus by which such votes are~~  
 2 ~~registered electronically, so that in either case the votes so registered may be~~  
 3 ~~computed and tabulated by means of automatic tabulating equipment.~~

4 ~~(4) "Ballot card" means a tabulating card on which votes may be recorded by a voter by~~  
 5 ~~use of a voting punch device or by marking with a pen or special marking device.~~

6 ~~(5) "Ballot label" means the cards, papers, booklet, pages or other material on which~~  
 7 ~~appear the names of candidates and the questions to be voted on by means of ballot~~  
 8 ~~cards or voting machines.~~

9 ~~(6) "Ballot" or "official ballot" means the~~ **official presentation of offices and**  
 10 **candidates to be voted for, including write-in candidates, and all public questions**  
 11 **submitted for determination, and shall include a** voting machine ballot ~~label,~~  
 12 ~~ballot cards],~~ **a** paper **ballot**~~ballots],~~ an absentee ballot, or a supplemental paper  
 13 ballot which has been authorized for the use of voters in any primary, **regular**  
 14 **election,**~~general] or special election by the Secretary of State or the county clerk;[-~~

15 ~~(7) "Voting punch device" means an apparatus in which ballots or ballot cards are~~  
 16 ~~inserted for the piercing of ballots by the voter. The hole may be in the form of a~~  
 17 ~~round dot, rectangle, square, or any other shape that will clearly indicate the intent~~  
 18 ~~of the voter.]~~

19 **(4) "Ballot box" means any box, bag, or other container that can be locked, sealed,**  
 20 **or otherwise rendered tamper-resistant, for receiving ballots;**

21 ~~(5)(8) "Ballot~~**Vote** ~~marking device" means any approved device for marking a~~  
 22 ~~paper] ballot~~ ~~with ink or other substance] which will enable the ballot to be~~  
 23 ~~tabulated~~ **manually or** by means of automatic tabulating equipment;[-]

24 **(6) "Election" or "elections" means any primary, regular election, or special**  
 25 **election;**

26 ~~(7)(9) "Inner envelope" or "secrecy~~**Secreecy** ~~envelope" means~~ **a plain**~~the]~~  
 27 ~~envelope~~ **provided**~~handed] to the voter with~~ **a**~~his] ballot into which the voter shall~~

1 place his or her voted ballot; ~~cards.~~

2 (8) "Political group" has the same meaning as in subsection (10) of Section 35 of  
3 this Act;

4 (9) "Political organization" has the same meaning as in subsection (9) of Section 35  
5 of this Act;

6 (10) "Precinct ballot counter" means an automatic tabulating device used at the precinct  
7 to tabulate and process ballots; ~~[-]~~

8 (11) "Risk-limiting audit" means an audit protocol that makes use of statistical  
9 principles and methods and is designed to limit to acceptable levels the risk of  
10 certifying a preliminary election outcome that constitutes an incorrect outcome;

11 (12) "Voting booth" or "ballot completion area" means an area in which a voter casts  
12 his or her vote or completes his or her ballot which is designed to ensure the  
13 secrecy of the vote;

14 (13) "Voting equipment" means any physical component of a voting system and  
15 includes voting machines where voting machines are in operation;

16 (14)~~(11)~~ "Voting machine" or "machine" means a part of a voting system that consists  
17 of:

18 (a) A direct recording electronic voting machine that:

19 1. Records votes by means of a ballot display provided with mechanical  
20 or electro-operated components that may be actuated by the voter;

21 2. Processes the data by means of a computer program;

22 3. Records voting data and ballot images in internal and external  
23 memory components; and

24 4. Produces a tabulation of the voting data stored in a removable  
25 memory component and on a printed copy; or

26 (b) One (1) or more electronic devices that operate independently or as a  
27 combination of a ballot marking device and an electronic or automatic vote

1 tabulating device;

2 (15) "Voting system" means:

3 (a) The total combination of physical, mechanical, electromechanical, or  
4 electronic equipment, including the software, hardware, firmware, and  
5 documentation required to program, control, and support that equipment,  
6 that is used to:

7 1. Define ballots;

8 2. Cast and count votes;

9 3. Report or display election results; and

10 4. Maintain and produce any audit trail information; and

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

12 1. Identify system components and versions of those components;

13 2. Test the system during its development and maintenance;

14 3. Maintain records of system errors and defects;

15 4. Determine specific system changes to be made to a system after the  
16 initial qualification of the system; and

17 5. Make available any materials to the voter, such as notices,  
18 instructions, forms, or paper ballots; and

19 (16) "Voter-verified paper audit trail" means a contemporaneous paper record of a  
20 ballot printed for the voter to confirm his or her votes before the voter casts his or  
21 her ballot that:

22 (a) Allows the voter to verify the voter's ballot choices before the casting of the  
23 voter's ballot;

24 (b) Is not retained by the voter;

25 (c) Does not contain individual voter information;

26 (d) Is produced on paper that is sturdy, clean, and resistant to degradation; and

27 (e) Is readable in a manner that makes the voter's ballot choices obvious to the

1            *voter or any person without the use of computer or electronic code* ~~shall~~  
 2            ~~include lever machines and, as far as applicable, any electronic or~~  
 3            ~~electromechanical unit and supplies utilized or relied upon by a voter in~~  
 4            ~~casting and recording his votes in an election~~].

5            ➔Section 30. KRS 117.377 is amended to read as follows:

6            (1) The *legislative body*~~[fiscal court]~~ of any county,~~[or any]~~ urban-county, *charter*  
 7            *county, consolidated local, or unified local* government, may acquire by purchase  
 8            or lease or lease-purchase agreement, or *may* abandon, any *voting equipment or*  
 9            voting system covered by this chapter, if the *voting* equipment *or voting system* has  
 10            been approved by the State Board of Elections. The *legislative body*~~[fiscal court]~~  
 11            shall notify the State Board of Elections that *new voting equipment or* a new voting  
 12            system is being installed in the county.

13            (2) The county clerk of any county may petition the State Board of Elections to allow  
 14            *new voting equipment or* a new voting system in the county if an emergency exists.  
 15            The petition must state the reasons why the present *voting* equipment *or voting*  
 16            *system* is inadequate. Within sixty (60) days of the receipt of the petition the State  
 17            Board of Elections shall notify the county clerk whether the permission to obtain  
 18            *new voting equipment or* a new voting system is granted or denied. The letter of  
 19            approval shall be presented to the *legislative body*~~[fiscal court]~~ for its approval  
 20            before any new *voting equipment or* voting system is acquired.

21            ➔Section 31. KRS 117.379 is amended to read as follows:

22            (1) Any person or corporation owning, manufacturing, or selling any~~[electronic]~~ voting  
 23            system, may request the State Board of Elections to examine the *voting* system.  
 24            Before requesting an examination or reexamination, any person, persons, or  
 25            corporation shall pay to the State Treasurer an examination fee of five hundred  
 26            dollars (\$500) and submit a test report from an independent testing authority  
 27            approved by the State Board of Elections. The report shall demonstrate that the



1 voting system meets all Federal Election Commission and Election Assistance  
 2 Commission voting system standards. Notwithstanding any other provision of law  
 3 to the contrary, if these voting system standards have been amended less than  
 4 thirty-six (36) months prior to the request for examination under this subsection,  
 5 the State Board of Elections may approve a voting system that meets the prior  
 6 standards after determining:

7 (a) The effect that such approval would have on the integrity and security of  
 8 elections; and

9 (b) The procedure and cost involved to bring the voting system into compliance  
 10 with the amended standards.

11 The State Board of Elections may, at any time, reexamine any voting system already  
 12 approved. The State Board of Elections shall approve or disapprove any voting  
 13 system within sixty (60) days after the date of its initial submission.

- 14 (2) Upon receipt of a request for examination or reexamination of a~~[an electronic]~~  
 15 voting system, the State Board of Elections shall require that such voting system be  
 16 examined or reexamined by three (3) examiners. The State Board of Elections shall  
 17 appoint one (1) examiner who is an expert in computer science or~~[electronic]~~  
 18 voting systems;~~[,]~~ one (1) person who is knowledgeable in election procedures,  
 19 election security, and election law in Kentucky;~~[,]~~ and one (1) person who is a  
 20 present or former county clerk. The three (3) examiners shall submit one (1) written  
 21 report on each voting system examined or reexamined to the State Board of  
 22 Elections. The members of the State Board of Elections shall also examine or  
 23 reexamine the voting system. A voting system shall be approved if the examiners'  
 24 report states that the voting system meets all the requirements of KRS 117.381 and  
 25 applicable federal law, and the State Board of Elections finds that the voting system  
 26 meets all of the requirements of Section 12 of this Act and applicable federal  
 27 law~~[KRS 117.381]~~. The report and a letter of approval shall be filed in the office of

1 the State Board of Elections.

2 (3) Any~~[electronic]~~ voting system not approved by the State Board of Elections shall  
3 not be used at any ***primary or*** election.

4 (4) When ~~a[an electronic]~~ voting system has been approved, any improvement or  
5 changes in the ***voting*** system shall render necessary the examination or approval of  
6 such ***voting*** system or improvement.

7 (5) Neither the members of the State Board of Elections, nor any examiner appointed  
8 by the State Board of Elections, nor any member of a county board of elections shall  
9 have any pecuniary interest in any~~[electronic]~~ voting system.

10 (6) Each examiner appointed by the State Board of Elections shall receive fair  
11 compensation to be established by the State Board of Elections.

12 ➔Section 32. KRS 117.383 is amended to read as follows:

13 The State Board of Elections shall ***promulgate administrative***~~[prescribe rules and]~~  
14 regulations ***under KRS Chapter 13A*** which shall~~[include but not be limited to the]~~  
15 following:

16 ~~(1) Achieve and]~~ maintain the maximum degree of correctness, impartiality, and  
17 efficiency of the procedures of voting ***and shall provide methods to:***~~[::]~~

18 ~~(1)[(2)]~~ Count, tabulate, and record votes;

19 ~~(2)[(3)]~~ ***Place***~~[Establish a method for placing]~~ items on ***any ballot***~~[the electronic]~~  
20 ~~voting device,]~~ which shall, as closely as possible, follow the requirements  
21 pertaining to ***ballots***~~[ballot labels];~~

22 ~~(3)[(4)]~~ Design the ***ballots to include a***~~[ballot cards, including a numerical]~~ system to  
23 ***ensure***~~[insure]~~ an accurate record of all voting activities;

24 ~~(4)[(5)]~~ Instruct voters in the use of the ***voting system, including any ballot marking***~~[~~  
25 ~~voting]~~ device;

26 ~~(5)[(6)]~~ Provide for checking the accuracy of the ***voting system***~~[equipment];~~

27 ~~(6)[(7)]~~ Provide necessary supplies, including those necessary for a write-in vote,~~[and~~

1        ~~secrecy envelopes for punch cards or data processing cards~~ to **ensure** ~~[insure]~~ voter  
2        privacy;

3        ~~(7)~~~~(8)~~    As part of the official canvass, provide for a manual recount of randomly  
4        selected precincts representing three percent (3%) to five percent (5%) of the total  
5        ballots cast in each election;

6        ~~(8)~~~~(9)~~    **Provide for the conducting and review of an audit of any component of a**  
7        **voting system or any voting equipment, and a review of any audit log;**

8        **(9) Provide for the conducting and review of an election audit, including a risk-**  
9        **limiting audit;**

10       **(10)** Provide a method for maintaining sufficient documents, **including ballots** and  
11       records, so that votes can be recounted; **and** ~~Such documents and records shall~~  
12       ~~include any material other than a ballot card which is imprinted with the names of~~  
13       ~~candidates and issues voted upon. Records shall be maintained in such a manner~~  
14       ~~that a specific piece of printed material listing issues and candidates can be matched~~  
15       ~~with the specific ballot cards which were marked in reliance upon such printed~~  
16       ~~material.]~~

17       **(11)** Except as otherwise required in this chapter that certain records and papers relating  
18       to specified elections be retained for twenty-two (22) months, **provide that all**  
19       **other**~~such~~ documents and records shall be maintained for **a minimum of** thirty  
20       (30) days following an election.

21       ➔Section 33. KRS 117.385 is amended to read as follows:

22       ~~{(1)}~~ A voter who spoils or defaces a ballot ~~card~~ or marks it erroneously shall return  
23       the **ballot** ~~card~~ to the election officials. The election officials shall deliver to the voter  
24       another ballot ~~card~~, but no voter may receive more than three (3) **ballots** ~~ballot cards~~  
25       including the one originally delivered to the voter. Upon return of a defective ballot ~~card~~  
26       ~~card~~, an election official shall cancel it by writing in ink on the back the word "spoiled."  
27       The canceled ballot ~~card~~ shall be placed with spoiled ballots to be returned with the

1 election returns.

2 ~~[(2) After marking the ballot card, the voter shall place it inside the secrecy envelope~~  
3 ~~and return it to an election official, who shall deposit the ballot in the ballot box.~~  
4 ~~When precinct ballot counters are used the voter may either insert his ballot~~  
5 ~~contained in the secrecy envelope provided and deposit the emptied ballot container~~  
6 ~~envelope with the election official presiding over the ballot counter or deposit the~~  
7 ~~ballot in the ballot box for processing by precinct election officials after the polls~~  
8 ~~close.]~~

9 ➔Section 34. KRS 117.995 is amended to read as follows:

10 (1) Any person appointed to serve as an election officer but who shall knowingly and  
11 willfully fail to serve and who is not excused by the county board of elections for  
12 the reasons specified in this chapter shall be guilty of a violation and shall be  
13 ineligible to serve as an election officer for a period of five (5) years.

14 (2) Any county clerk or member of the county board of elections who knowingly and  
15 willfully violates any of the provisions of this chapter, including furnishing  
16 applications for absentee ballots to persons other than those specified by the  
17 provisions of this chapter and failure to type the name of the voter on the  
18 application form as required by the provisions of this chapter, shall be guilty of a  
19 Class D felony.

20 (3) Any officer who willfully fails to prepare or furnish **ballots, including**~~ballot labels~~  
21 ~~or~~ absentee ballots, or fails to allow a qualified voter to cast his or her vote **using**  
22 **voting equipment**~~on the machine~~ as required of the voter by this chapter shall be  
23 guilty of a Class A misdemeanor.

24 (4) Any election officer who knowingly and willfully violates any of the provisions of  
25 this chapter, including failure to enforce the prohibition against electioneering  
26 established by KRS 117.235, shall be guilty of a Class A misdemeanor for the first  
27 offense and a Class D felony for each subsequent offense.

- 1 (5) Any person who signs a name other than his or her own on an application for an  
2 absentee ballot or on the verification form for the ballot or on an emergency  
3 absentee ballot affidavit, or any person who votes an absentee ballot other than the  
4 one issued in his or her name, or any person who applies for the ballot for the use of  
5 anyone other than himself or herself or the person designated by the provisions of  
6 this chapter, or any person who makes a false statement on an application for an  
7 absentee ballot or on an emergency absentee ballot affidavit shall be guilty of a  
8 Class D felony.
- 9 (6) Any person who violates any provision of KRS 117.235 or 117.236 related to  
10 prohibited activities during absentee voting or on election day, after he or she has  
11 been duly notified of the provisions by any precinct election officer, county clerk,  
12 deputy county clerk, or other law enforcement official, shall, for each offense, be  
13 guilty of a Class A misdemeanor.
- 14 (7) Any person who knowingly and willfully prepares or assists in the preparation of an  
15 inaccurate or incomplete voter assistance form or fails to complete a voter  
16 assistance form when required shall be guilty of a Class A misdemeanor for the first  
17 offense and a Class D felony for each subsequent offense; however, if a voter has  
18 been permanently certified as requiring voting assistance, there shall be no offense  
19 for the failure of the voter to complete the form.
- 20 (8) The members of a county board of elections who fail~~that fails~~ to provide the  
21 training to precinct election officers required by KRS 117.187(2) shall be subject to  
22 removal by the State Board of Elections.
- 23 (9) Any local or state election official, including the Secretary of State, employees of  
24 the Secretary, and members of the State Board of Elections and their staff, who  
25 knowingly and willfully uses the voter registration roster in violation of KRS  
26 117.025(3)(a) shall, for each offense, be guilty of a Class A misdemeanor.
- 27 ➔Section 35. KRS 118.015 is amended to read as follows:

1 As used in this chapter, unless the context otherwise requires:

- 2 (1) A "political party" is an affiliation or organization of electors representing a  
 3 political policy and having a constituted authority for its government and regulation,  
 4 and whose candidate received at least twenty percent (20%) of the total vote cast at  
 5 the last preceding election at which presidential electors were voted for;
- 6 (2) The word "election" used in reference to a state, district, county, or city election,  
 7 includes the decisions of questions submitted to the qualified voters as well as the  
 8 choice of officers by them;
- 9 (3) A "ballot" or "official ballot" means the official presentation of offices and  
 10 candidates to be voted for, including write-in candidates, and all public questions  
 11 submitted for determination, and shall include a voting machine ballot ~~label,~~  
 12 ~~ballot cards~~, a paper ballot ~~ballots~~, an absentee ballot, or a supplemental paper  
 13 ballot which has been authorized for the use of the voters in any primary, regular  
 14 election ~~general~~, or special election by the Secretary of State or the county clerk;
- 15 (4) "Ballot box" means any box, bag, or other container that can be locked, sealed,  
 16 or otherwise rendered tamper-resistant, for receiving ballots;
- 17 (5) "Voting equipment" means any physical component of a voting system and  
 18 includes voting machines where voting machines are in operation~~["Ballot label"~~  
 19 ~~means the cards, papers, booklet, pages, or other material on which appear the~~  
 20 ~~names of candidates and the questions to be voted on by means of ballot cards or~~  
 21 ~~voting machines;~~
- 22 (5) ~~"Ballot card" means a tabulating card on which votes may be recorded by a voter by~~  
 23 ~~use of a voting punch device or by marking with a pen or special marking device];~~
- 24 (6) "Voting machine" or "machine" means a part of a voting system that consists of:  
 25 (a) A direct recording electronic voting machine that:  
 26 1. Records votes by means of a ballot display provided with mechanical  
 27 or electro-operated components that may be actuated by the voter;

- 1            2. Processes the data by means of a computer program;  
 2            3. Records voting data and ballot images in internal and external  
 3            memory components; and  
 4            4. Produces a tabulation of the voting data stored in a removable  
 5            memory component and on a printed copy; or

6            (b) One (1) or more electronic devices that operate independently or as a  
 7            combination of a ballot marking device and an electronic or automatic vote  
 8            tabulating device ~~[shall include lever machines and, as far as applicable, any~~  
 9            ~~electronic or electromechanical unit and supplies utilized or relied upon by a~~  
 10           ~~voter in casting and recording his votes in an election];~~

11        (7) "Voting system" means:

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

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

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

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

1 **(8)** The word "resident" used in reference to a candidate in a state, district, county, or  
 2 city election shall mean actual resident, without regard to the residence of the  
 3 spouse of the candidate;

4 **(9)**~~(8)~~ "Political organization" means a political group not constituting a political  
 5 party within the meaning of subsection (1) of this section but whose candidate  
 6 received two percent (2%) or more of the vote of the state at the last preceding  
 7 election for presidential electors; and

8 **(10)**~~(9)~~ "Political group" means a political group not constituting a political party or a  
 9 political organization within the meaning of subsections (1) and **(9)**~~(8)~~ of this  
 10 section.

11 ➔Section 36. KRS 118.025 is amended to read as follows:

12 (1) Except as otherwise provided by law, voting in all ***primaries and*** elections shall be  
 13 by secret ***paper*** ballot ~~on voting machines~~. ***However, voting on voting equipment***  
 14 ***that has been certified by the State Board of Elections and is in use on or before***  
 15 ***the effective date of this Act shall be permitted until a replacement voting system***  
 16 ***as required under Section 12 of this Act has been certified and placed in***  
 17 ***operation.***

18 (2) The general laws applying to ***primaries***, regular ***elections***, ***and*** special~~, and~~  
 19 ~~primary~~ elections shall apply to ***primaries and*** elections conducted with the use of  
 20 voting ***equipment*** ~~machines~~, and all provisions of the general laws applying to the  
 21 custody of ballot boxes shall apply, as far as applicable, to the custody of the ***voting***  
 22 ***system or*** voting ***equipment*** ~~machine~~.

23 (3) ***A primary***~~Primary elections~~ for the nomination of candidates or slates of  
 24 candidates to be voted for at the next regular election shall be held on the first  
 25 Tuesday after the third Monday in May of each year.

26 (4) The election of all officers of all governmental units shall be held on the first  
 27 Tuesday after the first Monday in November.



1 (5) If the law authorizes the calling of a special election on a day other than the day of  
2 the regular election in November, the election shall be held on a Tuesday.

3 (6) If the law requires that a special election be held within a period of time during  
4 which the voting equipment~~[machines]~~ must be locked as required by KRS  
5 117.295, the special election shall be held on the fourth Tuesday following the  
6 expiration of the period during which the voting equipment is~~[machines are]~~  
7 locked.

8 ➔Section 37. KRS 118.305 is amended to read as follows:

9 (1) Except as provided in KRS 118.345, and subject to the provisions of subsections  
10 (2), (3), and (4) of this section, the county clerk of each county shall cause to be  
11 printed on all ballots, including~~[for the voting machines and on]~~ the absentee  
12 ballots, for the regular election the names of the following persons:

13 (a) Candidates of a political party, as defined in KRS 118.015, who have received  
14 certificates of nomination at the preceding primary, or certificates of  
15 nomination under KRS 118.185, and whose certificates of nomination have  
16 been filed with the Secretary of State or the appropriate county clerk;

17 (b) Candidates of a political party, as defined in KRS 118.015, who have been  
18 nominated for an unexpired term in a manner determined by the governing  
19 authority of the party, as provided in KRS 118.115, and whose evidences of  
20 nomination have been filed with the Secretary of State or the appropriate  
21 county clerk within the time prescribed in this chapter;

22 (c) Candidates of a political party, as defined in KRS 118.015, who have been  
23 nominated by the governing authority of the party to fill a vacancy in the  
24 candidacy of a person nominated at the preceding primary election, as  
25 provided in KRS 118.105, and whose certificates of nomination have been  
26 filed with the Secretary of State or the appropriate county clerk, by at least the  
27 date provided by the election law generally for such filing;

- 1 (d) Candidates who have been nominated by a political organization as provided  
2 in KRS 118.325 and whose certificates or petitions of nomination have been  
3 filed with the Secretary of State or the appropriate county clerk within the  
4 time prescribed in this chapter;
- 5 (e) Independent candidates who have been nominated by petition as provided in  
6 KRS 118.315, and whose petitions of nomination have been filed with the  
7 Secretary of State or the appropriate county clerk within the time prescribed in  
8 this chapter;
- 9 (f) Successful nominees of all nonpartisan primaries which shall have been  
10 conducted;
- 11 (g) Candidates who have filed a petition of candidacy as shall be required to fill a  
12 vacancy which shall appear on the ballot;
- 13 (h) The county clerk shall determine whether the name of any replacement  
14 candidate who has been nominated as provided in KRS 118.105(5) may be  
15 placed on the ~~the machine~~ ballot ~~or ballot cards~~ and whether any ~~the~~ voting  
16 equipment ~~machine~~ may be reprogrammed to count the votes cast for that  
17 candidate, or whether the ballot ~~or ballot cards~~ must be reprinted to  
18 accommodate votes cast for any replacement candidate, and shall take the  
19 appropriate action to accommodate the replacement of any candidate. If the  
20 county clerk determines that the name of any replacement candidate cannot be  
21 accommodated on the existing ballot ~~or ballot cards~~ and if there is  
22 insufficient time before the election to reprint the entire ballot, the county  
23 clerk shall request approval to use supplemental paper ballots for voting for  
24 that office only in the same manner as permitted for other situations ~~as~~  
25 ~~provided~~ in KRS 118.215(5), and, if approved, shall have an adequate  
26 number of supplemental paper ballots printed for voting for that office and  
27 only votes cast for that office by means of the supplemental paper ballots shall

1 be tabulated and recorded by the precinct election officers and county board of  
2 elections. All actions by a county clerk, the State Board of Elections, and the  
3 Secretary of State which are necessary to provide for voting at a regular  
4 election for candidates nominated pursuant to KRS 118.105(5) shall be carried  
5 out with all possible speed. When a candidate has been replaced as provided  
6 in KRS 118.105(5) after absentee ballots have been printed and distributed for  
7 the regular election, neither the precinct election officers nor the county board  
8 of elections shall tabulate or record any absentee votes cast for the candidate  
9 who was replaced. If ballots are reprinted or supplemental paper ballots are  
10 printed, or if voting equipment~~[machines]~~ must be reprogrammed to count the  
11 votes cast for a replacement candidate, the costs for the printing and  
12 reprogramming shall be paid by the political party who has nominated a  
13 replacement candidate, or proportionately by each political party if each party  
14 nominates a replacement candidate;

15 (i) Candidates for President and Vice President of the United States, of those  
16 political parties and organizations who have nominated presidential electors as  
17 provided in KRS 118.325, if the certificate of nomination of the electors has  
18 been filed with the Secretary of State within the time prescribed in this  
19 chapter;

20 (j) Candidates for soil and water district supervisors who have been nominated  
21 by petition as provided in KRS 262.210; and

22 (k) Candidates for city office for which no nonpartisan primary has been  
23 conducted in a city which requires nonpartisan city elections.

24 (2) Any candidate for city office who is defeated in a partisan or nonpartisan primary  
25 shall be ineligible as a candidate for the same office in the regular election.

26 (3) Candidates for members of boards of education shall have their names printed on  
27 ballots, including~~[ballot labels and]~~ absentee ballots, for the regular election only

1 after filing as provided in KRS 160.220.

2 (4) Except as provided in KRS 118.105 and 118.115, no candidate's name shall be  
3 printed upon any ballots, including~~[the ballot labels and]~~ absentee ballots, for any  
4 regular election as the nominee of any political party, as defined in KRS 118.015, or  
5 under the emblem of any political party, as so defined, except those candidates who  
6 have been duly and regularly nominated as nominees of that party at a primary held  
7 as provided in this chapter.

8 (5) No county clerk shall knowingly cause to be printed~~[,]~~ upon the ballots,  
9 including~~[ballot labels or]~~ absentee ballots, for any regular election, the name of  
10 any candidate of a political party, as defined in KRS 118.015, who has not been  
11 nominated in the manner provided in the~~[ primary election]~~ laws pertaining to a  
12 primary or the name of any candidate who is not in compliance with the restrictions  
13 concerning party registration and candidacy provided in of KRS 118.315(1).

14 (6) The names of candidates for President and Vice President shall be certified in lieu  
15 of certifying the names of the candidates for presidential electors.

16 (7) When a vacancy occurs in an elective office which is required by law to be filled  
17 temporarily by appointment, the officer or body designated by law to make the  
18 appointment, or in the case of an office to be filled by appointment from a list of  
19 nominations, the officer or body designated by law to make the nominations, shall  
20 immediately notify in writing both the county clerk and Secretary of State of the  
21 vacancy.

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

26 ➔Section 38. KRS 118.325 is amended to read as follows:

27 (1) Any political organization not constituting a political party within the meaning of

1 KRS 118.015 but whose candidate received two percent (2%) of the vote of the  
2 state at the last preceding election for presidential electors may nominate, by a  
3 convention or primary held by the party in accordance with its constitution and  
4 bylaws, candidates for any offices to be voted for at any regular election, except the  
5 office of member of a board of education, for which nominations shall be made as  
6 provided in KRS 160.220. Any political party, as defined in KRS 118.015, and any  
7 political organization not constituting such a political party but whose candidate  
8 received two percent (2%) of the vote of the state at the last preceding election for  
9 presidential electors, may nominate, by a convention or primary held by the party or  
10 organization in accordance with its constitution and bylaws, as many electors of  
11 President and Vice President of the United States as this state is entitled to elect.

12 (2) The certificate of nomination by such a convention or primary shall be in writing,  
13 shall contain the name of each person nominated, his or her residence, and the  
14 office to which he or she is nominated, and shall designate a title for the party or  
15 principle that such convention or primary represents, together with any simple  
16 figure or device by which its list of candidates may be designated on the  
17 ballots~~[voting machines]~~. The certificate shall be signed by the presiding officer and  
18 secretary of the convention, or by the chair and secretary of the county, city, or  
19 district committee, who shall add to their signatures their respective places of  
20 residence, and acknowledge the same before an officer duly authorized to  
21 administer oaths. A certificate of the acknowledgment shall be appended to the  
22 certificate of nomination. In the case of electors of President and Vice President of  
23 the United States the certificate of nomination shall state the names of the  
24 candidates of the party for President and Vice President.

25 (3) Any person desiring to become a candidate for an office, the nomination to which is  
26 to be made by a convention pursuant to subsections (1) and (2) of this section,  
27 except for the office of elector of President and Vice President of the United States,

1 shall file a statement with the official designated in KRS 118.165 with whom  
2 notification and declaration forms are filed for the office. The form of the statement  
3 shall be prescribed by the State Board of Elections. Such statement shall be filed as  
4 prescribed by KRS 118.365.

5 (4) If the certificate of nomination of any state convention requests that the figure or  
6 device selected by such convention be used to designate the candidates of such party  
7 on the ballots~~[voting machines]~~ for all elections throughout the state, that figure or  
8 device shall be used until changed by request of a subsequent state convention of  
9 the same party. The device may be any appropriate symbol other than the coat of  
10 arms or seal of this state or of the United States, the national flag, or any other  
11 emblem common to the people at large.

12 (5) In case of death, resignation, or removal of any such candidate subsequent to  
13 nomination and before the certification of candidates for the regular election made  
14 under KRS 118.215, the chair of the state, county, or city district committee shall  
15 fill the vacancy, unless a supplemental certificate or petition of nomination is filed.  
16 In the case of electors of President and Vice President of the United States, a  
17 vacancy may be filled by the chair of the state committee at any time before the  
18 meeting of the electors, whether the vacancy occurs before or after the election.

19 (6) If any political party entitled to nominate by convention fails to do so, the names of  
20 all nominees by petition for any office who are designated in their petition as  
21 members and candidates of that party shall be printed under the device and title on  
22 the ballots~~[voting machines]~~ as if nominated by a convention. If two (2) or more  
23 persons who have filed certificates of nomination under this section claim to be the  
24 nominee of the same political party, the governing authority of that party shall  
25 designate to the Secretary of State and county clerk, in writing, which of the  
26 candidates is entitled to the party emblem. If there are two (2) or more contending  
27 executive committees of the same party in the county or district, the county or

1 district executive committee that is recognized by the state governing authority of  
 2 the party, by the written certificate of its chair, shall be recognized by the Secretary  
 3 of State and county clerk.

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

8 ➔Section 39. KRS 118.345 is amended to read as follows:

9 (1) No candidate who has been defeated for the nomination for any office in a primary~~[~~  
 10 ~~election]~~ shall have his or her name placed on ballots~~[voting machines]~~ in the  
 11 succeeding regular election as a candidate for the same office for the nomination to  
 12 which he or she was a candidate in the primary~~[election]~~, except that if a vacancy  
 13 occurs in the party nomination for which he or she was a candidate in the primary~~[~~  
 14 ~~election]~~ his or her name may be placed on the ballots~~[voting machines]~~ for the  
 15 regular election as a candidate of that party if he or she has been duly made such  
 16 party nominee after the vacancy occurs as provided in KRS 118.105.

17 (2) No person who was a candidate for nomination for any office in a primary~~[election]~~  
 18 and who, before the succeeding regular election, is declared by the judgment of any  
 19 court of competent jurisdiction to have violated, in the primary~~[election]~~, any  
 20 provision of KRS Chapter 121, or to be responsible for such violation by others,  
 21 shall have his or her name placed on ballots~~[voting machines]~~ for any office to be  
 22 voted for in the succeeding regular election.

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

24 ➔Section 40. KRS 118.405 is amended to read as follows:

25 No candidate's name shall appear on any ballot, including any~~[voting machine or]~~  
 26 absentee ballot, more than once, except that a candidate's name may appear twice if he or  
 27 she is a candidate for a primary or a regular election and also a candidate to fill a vacancy

1 in the same office required to be filled at a special election, when the special election to  
2 fill a vacancy is scheduled for the regular election day.

3 ➔Section 41. KRS 118.415 is amended to read as follows:

- 4 (1) The General Assembly may state the substance of the amendment proposed to the  
5 Constitution of Kentucky in the form of a question in a manner calculated to inform  
6 the electorate of the substance of the amendment. When an amendment to the  
7 Constitution has been proposed by the General Assembly, the Secretary of State  
8 shall cause the question calculated to inform the electorate of the substance of the  
9 amendment which is prepared by the General Assembly or the Attorney General to  
10 be published at least one (1) time in a newspaper of general circulation published in  
11 this state, and shall also cause to be published at the same time and in the same  
12 manner the fact that the amendment will be submitted to the voters for their  
13 acceptance or rejection at the next regular election at which members of the General  
14 Assembly are to be voted for. The publication shall be made not later than the first  
15 Tuesday in August preceding the election at which the amendment is to be voted on.
- 16 (2) The Attorney General shall, if the General Assembly has not already done so, state  
17 the substance of an amendment to the Constitution of Kentucky which has been  
18 proposed by the General Assembly in the form of a question in a manner calculated  
19 to inform the electorate of the substance of the amendment, and, not later than  
20 fourteen (14) days preceding the first Tuesday in August preceding the next regular  
21 election at which members of the General Assembly are to be chosen, shall certify  
22 the question to the Secretary of State to be placed on the ballots~~[voting machine]~~.
- 23 (3) The Secretary of State, not later than the second Monday after the second Tuesday  
24 in August preceding the next regular election at which members of the General  
25 Assembly are to be chosen in a year in which there is not an election for President  
26 and Vice President of the United States, or not later than the Thursday after the first  
27 Tuesday in September preceding a regular election in a year in which there is an



1 election for President and Vice President of the United States, shall certify the  
 2 substance of the amendment, as stated and certified by the General Assembly or by  
 3 the Attorney General, to the county clerk of each county, and the county clerk shall  
 4 have the substance of the amendment, as so certified, indicated on the  
 5 ballots~~[voting machines]~~.

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

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

13 ➔Section 42. KRS 118A.010 is amended to read as follows:

14 As used in this chapter, unless the context otherwise requires:

15 (1) "Ballot" or "official ballot" means the official presentation of offices and  
 16 candidates to be voted for, including write-in candidates, and all public questions  
 17 submitted for determination, and shall include a voting machine ballot~~[label,~~  
 18 ~~ballot cards]~~, a paper ballot~~[ballots]~~, an absentee ballot, a special ballot, or a  
 19 supplemental paper ballot which has been authorized for the use of the voters in any  
 20 primary, regular election~~[general]~~, or special election by the Secretary of State or  
 21 the county clerk;

22 ~~(2) ["Ballot card" means a tabulating card on which votes may be recorded by a voter~~  
 23 ~~by use of a voting device or by marking with a pen or special marking device;~~

24 ~~(3) "Ballot label" means the cards, papers, booklet, pages, or other material on which~~  
 25 ~~appear the names of candidates and the questions to be voted on by means of ballot~~  
 26 ~~cards or voting machines;~~

27 ~~(4) "Election" refers only to elections for offices of the Court of Justice;~~

1 (3) "Voting equipment" means any physical component of a voting system and  
2 includes voting machines where voting machines are in operation; ~~and~~

3 (4)~~(5)~~ "Voting machine" or "machine" means a part of a voting system that consists  
4 of:

5 (a) A direct recording electronic voting machine that:

6 1. Records votes by means of a ballot display provided with mechanical  
7 or electro-operated components that may be actuated by the voter;

8 2. Processes the data by means of a computer program;

9 3. Records voting data and ballot images in internal and external  
10 memory components; and

11 4. Produces a tabulation of the voting data stored in a removable  
12 memory component and on a printed copy; or

13 (b) One (1) or more electronic devices that operate independently or as a  
14 combination of a ballot marking device and an electronic or automatic vote  
15 tabulating device; and

16 (5) "Voting system" means:

17 (a) The total combination of physical, mechanical, electromechanical, or  
18 electronic equipment, including the software, hardware, firmware, and  
19 documentation required to program, control, and support that equipment,  
20 that is used to:

21 1. Define ballots;

22 2. Cast and count votes;

23 3. Report or display election results; and

24 4. Maintain and produce any audit trail information; and

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

26 1. Identify system components and versions of those components;

27 2. Test the system during its development and maintenance;

1            3. Maintain records of system errors and defects;

2            4. Determine specific system changes to be made to a system after the  
 3            initial qualification of the system; and

4            5. Make available any materials to the voter, such as notices,  
 5            instructions, forms, or paper ballots~~[ shall include lever machines and,~~  
 6            ~~as far as applicable, any electronic or electromechanical unit and~~  
 7            ~~supplies utilized or relied upon by a voter in casting his vote in an~~  
 8            ~~election].~~

9            No provisions of KRS Chapter 118 existing on March 10, 1976, except KRS 118.015  
 10           through 118.045 shall apply to such elections. All other provisions of the election laws  
 11           not inconsistent with this chapter shall be applicable thereto.

12           ➔Section 43. KRS 118A.060 is amended to read as follows:

13           (1) Except as provided in KRS 118A.100, no person's name shall appear on a ballot,  
 14           including an~~[ label or]~~ absentee ballot,<sup>2</sup> for an office of the Court of Justice without  
 15           first having been nominated as provided in this section.

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

- 1 (3) The petition for nomination shall be in the form prescribed by the State Board of  
2 Elections. The petition shall include a declaration sworn to by the candidate, that he  
3 or she possesses all the constitutional and statutory requirements of the office for  
4 which the candidate has filed. Titles, ranks, or spurious phrases shall not be  
5 accepted on the petition and shall not be printed on the ballots as part of the  
6 candidate's name; however, nicknames, initials, and contractions of given names  
7 may be acceptable as the candidate's name.
- 8 (4) The Secretary of State shall examine the petition of each candidate to determine  
9 whether it is regular on its face. If there is an error, the Secretary of State shall  
10 notify the candidate by certified mail within twenty-four (24) hours of filing. The  
11 order of names on the ballot for each district or circuit, and numbered division if  
12 divisions exist, shall be determined by lot at a public drawing to be held in the  
13 office of the Secretary of State at 2 p.m., standard time, on the Thursday following  
14 the filing deadline for the primary as established in this section and in KRS  
15 83A.045 and 118.165.
- 16 (5) Not later than the date set forth in KRS 118.215(1)(a) preceding the primary, and  
17 after the order of names on the ballot has been determined as required in subsection  
18 (4) of this section, the Secretary of State shall:
- 19 (a) Certify to the county clerks of the respective counties entitled to participate in  
20 the election of the various candidates, the name and place of residence of each  
21 candidate for each office, by district or circuit, and numbered division if  
22 divisions exist, as specified in the petitions for nomination filed with him or  
23 her; and
- 24 (b) Designate for the county clerks the office of the Court of Justice with which  
25 the names of candidates shall be printed and the order in which they are to  
26 appear on the ballot.
- 27 (6) The ballot position of a candidate shall not be changed after the ballot position has

1           been designated by the Secretary of State.

2       (7) The county clerks of each county shall cause to be printed on the ~~ballot labels for~~  
3       ~~the voting machines and on the special~~ ballots for the primary the names of the  
4       candidates for offices in the Court of Justice.

5       (8) The names of the candidates shall be placed on the ballots~~[voting machine]~~ in a  
6       separate column or columns or in a separate line or lines and identified by the words  
7       "Judicial Ballot." The words "Vote for one," or "Vote for one in each division,"  
8       shall be printed on the ballot in an appropriate location. The office, numbered  
9       division if divisions exist, and the candidates shall be clearly labeled. No party  
10      designation or emblem of any kind, nor any sign indicating any candidate's political  
11      belief or party affiliation, shall be used on the~~[voting machines or special]~~ ballots.

12      (9) The two (2) candidates receiving the highest number of votes for nomination for  
13      justice or judge of a district or circuit, or numbered division if divisions exist, shall  
14      be nominated. Certificates of nomination shall be issued as provided in KRS  
15      118A.190.

16      (10) If it appears after expiration of the time for filing petitions for nomination that there  
17      are not more than two (2) candidates who have filed the necessary petitions for a  
18      place on the ballot in the regular election, no drawing for ballot position shall be  
19      held and the Secretary of State shall immediately issue and file in the Secretary's  
20      office certificates of nomination, and send copies to the candidates.

21      ➔Section 44. KRS 118A.090 is amended to read as follows:

22      (1) For the regular election, the order of names on the ballot for each district or circuit,  
23      and numbered division if divisions exist, shall be determined by lot at a public  
24      drawing to be held in the office of the Secretary of State at 2 p.m., standard time, on  
25      the Thursday following the first Tuesday after the first Monday in June preceding  
26      the regular election, except as provided in KRS 118A.100(6).

27      (2) Not later than the date set forth in KRS 118.215(1)(b) after the filing deadline for

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

7 (a) Certify to the county clerks of the respective counties entitled to participate in  
8 the election of the various candidates, the name and place of residence of each  
9 candidate for each office, by district or circuit, and numbered division if  
10 divisions exist, as certified under KRS 118A.060; and

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

14 (3) The ballot position of a candidate shall not be changed after the ballot position has  
15 been designated by the Secretary of State. The county clerks of each county shall  
16 cause to be printed on the ~~ballot labels for the voting machines and on the special~~  
17 ballots for the regular elections the names of the candidates for offices of the Court  
18 of Justice.

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

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

4 ➔Section 45. KRS 118A.100 is amended to read as follows:

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

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

16 (3) Each candidate shall file a petition for nomination with the Secretary of State not  
17 earlier than the first Wednesday after the first Monday in November of the year  
18 preceding the year in which the election for the unexpired term will be held and not  
19 later than the first Tuesday after the first Monday in June preceding the day fixed by  
20 law for holding the regular election for the unexpired term, if the vacancy occurs  
21 prior to the first Tuesday following the first Monday in June. If the vacancy occurs  
22 after the first Tuesday following the first Monday in June, each candidate shall file a  
23 petition for nomination with the Secretary of State not later than the second Tuesday  
24 in August preceding the day fixed by law for holding the regular election for the  
25 unexpired term. The petition shall be sworn to by the candidate and by not less than  
26 two (2) registered voters from the district or circuit from which he or she seeks  
27 nomination, before an officer authorized to administer an oath. Signatures for

1 nomination papers shall not be affixed on the document to be filed prior to the first  
2 Wednesday after the first Monday in November of the year preceding the year in  
3 which the office will appear on the ballot. The petition shall be filed no later than 4  
4 p.m. local time at the place of filing when filed on the last date on which the papers  
5 are permitted to be filed.

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

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

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

27 (7) Not later than the date set forth in KRS 118.215 and after the order of names on the



1 ballot has been determined as required in subsection (6) of this section, the  
2 Secretary of State shall:

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

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

11 (8) The ballot position of a candidate shall not be changed after the ballot position has  
12 been designated by the county clerk.

13 (9) The county clerks of each county shall cause to be printed on the **ballots**,  
14 **including**~~[ballot labels for the voting machines and on]~~ the absentee ballots, for the  
15 regular election the names of the candidates for offices of the Court of Justice.

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

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

27 (12) A judge who elected to retire as a Senior Status Special Judge in accordance with

1 KRS 21.580 shall not become a candidate or a nominee for any elected office  
2 during the five (5) year term prescribed in KRS 21.580(1)(a)1., regardless of the  
3 number of days served by the judge acting as a Senior Status Special Judge.

4 ➔Section 46. KRS 118A.150 is amended to read as follows:

- 5 (1) In certification of candidates for judicial office, no reference shall be made to  
6 political affiliation.
- 7 (2) The Secretary of State shall not knowingly certify to the county clerk of any county  
8 the name of any candidate who has not filed the required nomination or candidacy  
9 papers, nor knowingly fail to certify the name of any candidate who has filed the  
10 required nomination or candidacy papers.
- 11 (3) No county clerk shall knowingly cause to be printed on any ballots~~the ballot~~  
12 ~~labels~~ or absentee ballots for any election, the name of a candidate for an office of  
13 the Court of Justice who has not been certified in the manner specified in this  
14 chapter.
- 15 (4) If, before the time of certification of candidates who will appear on the ballot  
16 provided for in this chapter, any candidate whose petition or certificate of  
17 nomination or petition for candidacy has been filed, dies or notifies the Secretary of  
18 State in writing, signed and properly notarized, that he will not accept the  
19 nomination or election, the Secretary of State shall not certify his name.
- 20 (5) If, after the certification of candidates who will appear on the ballot, any candidate  
21 whose petition or certificate of nomination or petition for candidacy has been filed,  
22 dies or notifies the Secretary of State in the manner described in subsection (4) of  
23 this section, that he will not accept the nomination or election, the Secretary of State  
24 shall immediately notify the appropriate county clerk, and the clerk shall ensure that  
25 notice is provided to the appropriate precincts as provided in subsection (7) of this  
26 section.
- 27 (6) If after the certification of candidates who will appear on the ballot, any candidate

1        whose name appears on the ballot shall withdraw or die, neither the precinct  
 2        election officers nor the county board of elections shall tabulate or record the votes  
 3        cast for the candidate; and, in a primary~~[election]~~, if there are only one (1) or two  
 4        (2) remaining candidates on the ballot for that office, following the withdrawal or  
 5        death of the other candidate or candidates, neither the precinct election officers nor  
 6        the county board of elections shall tabulate or record the votes for the remaining  
 7        candidate or candidates, and the officer with whom the remaining candidate or  
 8        candidates has filed his or her nomination papers shall immediately issue and file in  
 9        his or her office a certificate of nomination for that remaining candidate or  
 10       candidates and send a copy to the remaining candidate or candidates.

11    (7) If, after the certification of candidates who will appear on the ballot, any candidate  
 12       whose name appears on the ballot shall withdraw pursuant to KRS 118.212 or die,  
 13       the county clerk shall provide notices to the precinct election officers who shall see  
 14       that a notice is conspicuously displayed at the polling place advising voters of the  
 15       change, and that votes for the candidate shall not be tabulated or recorded. If the  
 16       county clerk learns of the death or withdrawal at least five (5) days prior to the  
 17       election and provides the notices required by this subsection and the precinct  
 18       officers fail to post the notices at the polling place, the officers shall be guilty of a  
 19       violation, subject to a fine of not less than ten dollars (\$10) nor more than two  
 20       hundred fifty dollars (\$250).

21       ➔Section 47. KRS 118A.130 is amended to read as follows:

22    No judicial candidate's name shall appear on any~~[voting machine or absentee]~~ ballot  
 23    more than once.

24       ➔Section 48. KRS 119.005 is amended to read as follows:

25    (1) A "ballot" or "official ballot" means the **official presentation of offices and**  
 26       **candidates to be voted for, including write-in candidates, and all public questions**  
 27       **submitted for determination, and shall include a** voting machine ballot~~[label]~~,

1        ~~ballot cards~~, a paper ballot~~[ballots]~~, an absentee ballot, a special ballot, or a  
 2        supplemental paper ballot which has been authorized for the use of the voters in any  
 3        primary, regular election~~[general]~~ or special election by the Secretary of State or  
 4        the county clerk;

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

7        (3) "Voting equipment" means any physical component of a voting system and  
 8        includes voting machines where voting machines are in operation~~["Ballot label"~~  
 9        ~~means the cards, papers, booklet, pages or other material on which appear the~~  
 10        ~~names of candidates and the questions to be voted on by means of ballot cards or~~  
 11        ~~voting machines;~~

12        (3) ~~"Ballot card" means a tabulating card on which votes may be recorded by a voter by~~  
 13        ~~use of a voting punch device or by marking with a pen or special marking device];~~

14        (4) "Voting machine" or "machine" means a part of a voting system that consists of:

15        (a) A direct recording electronic voting machine that:

16                1. Records votes by means of a ballot display provided with mechanical  
 17                or electro-operated components that may be actuated by the voter;

18                2. Processes the data by means of a computer program;

19                3. Records voting data and ballot images in internal and external  
 20                memory components; and

21                4. Produces a tabulation of the voting data stored in a removable  
 22                memory component and on a printed copy; or

23                (b) One (1) or more electronic devices that operate independently or as a  
 24                combination of a ballot-marking device and an electronic or automatic vote-  
 25                tabulating device; and

26        (5) "Voting system" means:

27                (a) The total combination of physical, mechanical, electromechanical, or

1           electronic equipment, including the software, hardware, firmware, and  
 2           documentation required to program, control, and support that equipment,  
 3           that is used to:

- 4           1. Define ballots;
- 5           2. Cast and count votes;
- 6           3. Report or display election results; and
- 7           4. Maintain and produce any audit trail information; and

8           **(b) The practices and associated documentation used to:**

- 9           1. Identify system components and versions of those components;
- 10          2. Test the system during its development and maintenance;
- 11          3. Maintain records of system errors and defects;
- 12          4. Determine specific system changes to be made to a system after the  
 13           initial qualification of the system; and
- 14          5. Make available any materials to the voter, such as notices,  
 15           instructions, forms, or paper ballots~~[shall include lever machines and,~~  
 16           ~~as far as applicable, any electronic or electromechanical unit and~~  
 17           ~~supplies utilized or relied upon by a voter in casting and recording his~~  
 18           ~~vote in an election].~~

19          ➔Section 49. KRS 119.115 is amended to read as follows:

20          (1) Any unauthorized person found in possession of any key to a voting machine,  
 21           voting equipment, or voting system to be used or being used in any primary,  
 22           regular election~~[general],~~ or special election shall be guilty of a Class A  
 23           misdemeanor.

24          (2) Any person who, during or before any primary, regular election~~[general],~~ or special  
 25           election, willfully tampers with or attempts to tamper with, disarrange, deface, or  
 26           impair in any manner whatsoever, injures, or destroys any ballot~~[label],~~ or destroys  
 27           any~~[such]~~ voting machine, voting equipment, or voting system while in use at an

1 election or at any other time, or who shall, after such voting machine, voting  
 2 equipment, or voting system is locked and sealed in order to preserve the record of  
 3 the vote, tamper with or attempt to tamper with the record of the vote, or who aids  
 4 or abets with intent to destroy or change the record of the vote shall be guilty of a  
 5 Class D felony.

6 (3) Any election official, or other person entrusted with the custody or control of any  
 7 voting machine, voting equipment, or voting system who, with intent to cause or  
 8 permit any voting machine, voting equipment, or voting system to fail to correctly  
 9 register or count votes cast~~[-thereon]~~, tampers with or disarranges such voting  
 10 machine, voting equipment, or voting system in any way, unlawfully opens such  
 11 voting machine, voting equipment, or voting system, prevents or attempts to  
 12 prevent the correct operation of such voting machine, voting equipment, or voting  
 13 system, or causes such voting machine, voting equipment, or voting system to be  
 14 used or consents to its being used for any election with knowledge of the fact that  
 15 the voting machine, voting equipment, or voting system is not in order, or not  
 16 perfectly set and adjusted to correctly register all votes cast~~[-thereon]~~, or removes,  
 17 changes, or mutilates any ballot~~[-label on a voting machine]~~ shall be guilty of a  
 18 Class D felony.

19 ➔Section 50. KRS 120.005 is amended to read as follows:

20 (1) A "ballot" or "official ballot" means the official presentation of offices and  
 21 candidates to be voted for, including write-in candidates, and all public questions  
 22 submitted for determination and shall include a voting machine ballot~~[-label,~~  
 23 ~~ballot-cards]~~, a paper ballot~~[-ballots]~~, an absentee ballot, a special ballot, or a  
 24 supplemental paper ballot which has been authorized for the use of the voters in any  
 25 primary, regular election,~~[-general]~~ or special election by the Secretary of State or  
 26 the county clerk;

27 (2) "Ballot box" means any box, bag, or other container that can be locked, sealed,

1 or otherwise rendered tamper-resistant, for receiving ballots;

2 (3) "Voting equipment" means any physical component of a voting system and  
 3 includes voting machines where voting machines are in operation["Ballot label"

4 means the cards, papers, booklet, pages or other material on which appear the  
 5 names of candidates and the questions to be voted on by means of ballot cards or  
 6 voting machines;

7 ~~(3) "Ballot card" means a tabulating card on which votes may be recorded by a voter by~~  
 8 ~~use of a voting punch device or by marking with a pen or special marking device];~~

9 (4) "Voting machine" or "machine" means a part of a voting system that is either:

10 (a) A direct recording electronic voting machine that:

11 1. Records votes by means of a ballot display provided with mechanical  
 12 or electro-operated components that may be actuated by the voter;

13 2. Processes the data by means of a computer program;

14 3. Records voting data and ballot images in internal and external  
 15 memory components; and

16 4. Produces a tabulation of the voting data stored in a removable  
 17 memory component and on a printed copy; or

18 (b) One (1) or more electronic devices that operate independently or as a  
 19 combination of a ballot-marking device and an electronic or automatic vote-  
 20 tabulating device; and

21 (5) "Voting system" means:

22 (a) The total combination of physical, mechanical, electromechanical, or  
 23 electronic equipment, including the software, hardware, firmware, and  
 24 documentation required to program, control, and support that equipment,  
 25 that is used to:

26 1. Define ballots;

27 2. Cast and count votes;

1           **3. Report or display election results; and**

2           **4. Maintain and produce any audit trail information; and**

3           **(b) The practices and associated documentation used to:**

4           **1. Identify system components and versions of those components;**

5           **2. Test the system during its development and maintenance;**

6           **3. Maintain record records of system errors and defects;**

7           **4. Determine specific system changes to be made to a system after the**  
 8           **initial qualification of the system; and**

9           **5. Make available any materials to the voter, such as notices,**  
 10           **instructions, forms, or paper ballots**~~[ shall include lever machines and,~~  
 11           ~~as far as applicable, any electronic or electromechanical unit and~~  
 12           ~~supplies utilized or relied upon by a voter in casting and recording his~~  
 13           ~~vote in an election].~~

14           ➔Section 51. KRS 120.017 is amended to read as follows:

15           (1) It shall be the duty of precinct election officers at all **primaries**~~[primary]~~, regular  
 16           **elections**, or special elections to immediately report to the county clerk any  
 17           administrative or clerical error discovered in the process of conducting the polling  
 18           or tabulation of votes at any such election.

19           (2) Upon receipt by the county clerk of notice of error in conducting the polling or  
 20           tabulation of votes pursuant to subsection (1) of this section, the county clerk shall  
 21           file an action in the Circuit Court~~[,]~~ within fifteen (15) days of the election,  
 22           requesting a recount of ballots for the precinct reporting the administrative or  
 23           clerical error. Simultaneously with the filing of such action, the county clerk shall  
 24           make written notice by regular mail to all candidates appearing on the ballot of the  
 25           precinct at issue that such action is being filed. In the case of an election for  
 26           candidates for offices for the state at large or an election on a statewide public  
 27           question, the action shall be filed in the Franklin Circuit Court; in the case of other



1 elections, the action shall be filed in the Circuit Court of the county in which the  
2 precinct reporting the error is located.

3 (3) An action filed in the Circuit Court of proper jurisdiction pursuant to this section  
4 shall be heard summarily and without delay. Upon filing of the action, the circuit  
5 clerk shall immediately notify the Circuit Judge, and the judge shall at once enter an  
6 order directing custody of the voting machine, voting equipment, or voting system,  
7 the ballots, ballot boxes, and all papers pertaining to the election from that precinct  
8 claiming error, to be transferred to the Circuit Court, and fix a day for the recount  
9 proceeding to begin.

10 (4) Candidates notified pursuant to subsection (3) of this section shall, upon proper  
11 motion, be made parties to the action.

12 (5) On the day fixed for the recount, the court shall proceed to recount the ballots if  
13 their integrity is satisfactorily shown and shall complete the recount as soon as  
14 practicable, and shall file and enter of record the results thereof.

15 (6) Any person made party to the action pursuant to subsection (4) of this section may  
16 appeal from the judgment to the Court of Appeals, in the same manner as provided  
17 in KRS 120.075.

18 (7) The county clerk shall certify the final recount results entered of record in any  
19 action filed pursuant to this section to the county board of elections and to the local  
20 governing body of each of two (2) dominant political parties. Final certification of  
21 election results shall then proceed according to KRS Chapters 117, 118, and 118A.

22 ➔Section 52. KRS 120.095 is amended to read as follows:

23 (1) Any candidate or slate of candidates voted for at a primary election held under KRS  
24 118.015 to 118.035 and 118.105 to 118.255 may request a recount of the ballots by  
25 filing a petition with the same court that contest petitions are required to be filed  
26 with, within ten (10) days after the day of the primary election, or, if the candidate  
27 or slate of candidates is qualified to bring a contest proceeding under KRS 120.055,

1 by including a request for a recount in his petition instituting the contest  
2 proceedings. Any candidate or slate of candidates that is a contestee in a contest  
3 proceeding under KRS 120.055 may request a recount in his answer filed in the  
4 contest proceeding, but in that case the answer shall be filed within five (5) days  
5 after the service of process on the petition. When a request for a recount is made,  
6 the State Board of Elections or the county board of elections, whichever would  
7 issue the certificate of nomination, shall be made a party defendant. The party  
8 requesting the recount shall execute a bond with approved surety for the costs of the  
9 recount, in an amount to be fixed by the Circuit Judge. Upon the bond being filed,  
10 the clerk shall immediately notify the Circuit Judge of the request and the filing of  
11 the bond, and the judge shall at once enter an order directing custody of the voting  
12 machines, voting equipment, or voting system, the ballots, boxes, and all papers  
13 pertaining to the election to be transferred to the Circuit Court, and fix a day for the  
14 recount proceedings to begin. A copy of the order shall be served upon the parties or  
15 their counsel in the same manner as notices are required to be served, which shall be  
16 deemed sufficient notice of the proceeding. On the day fixed, the court shall  
17 proceed to recount the ballots if their integrity is satisfactorily shown and shall  
18 complete the recount as soon as practicable, and file and enter of record the results  
19 thereof, and direct the state board or county board, whichever would issue the  
20 certificate of nomination, to issue a certificate to the party entitled thereto as shown  
21 by the recount.

22 (2) Any party may appeal from the judgment to the Court of Appeals, in the same  
23 manner as provided in KRS 120.075, all of the provisions of which statute shall be  
24 applicable.

25 (3) If a proceeding for recount is asked and prosecuted in a contest proceeding, it shall  
26 not await the preparation or trial of the contest in the Circuit Court or in the Court  
27 of Appeals. The action of the courts shall be final, concluding the parties as to the

1 question of a recount of the ballots, and certificates shall then be issued to the  
2 parties entitled thereto.

3 ➔Section 53. KRS 120.165 is amended to read as follows:

- 4 (1) A contest instituted under KRS 120.155 shall proceed as equity actions. Upon  
5 return of the summons properly executed to the office of the circuit clerk, he shall  
6 immediately docket the case and notify the presiding judge of the court that the  
7 contest has been filed. The judge shall proceed to a trial of the cause without delay.  
8 In courts having more than one (1) judge, the judge who shall try the case shall be  
9 determined by lot. The court shall complete the case as soon as practicable. The  
10 action shall have precedence over all other cases.
- 11 (2) The evidence in chief for the contestant shall be completed within thirty (30) days  
12 after service of summons; the evidence for the contestee shall be completed within  
13 twenty-five (25) days after filing of answer, and evidence for contestant in rebuttal  
14 shall be completed within seven (7) days after the contestee has concluded;  
15 provided that for cause the court may grant a reasonable extension of time to either  
16 party.
- 17 (3) All voting machines, voting equipment, or voting systems, ballots, stub books, and  
18 other papers concerning which there is any ground for contest may be removed to  
19 the court in which the action is pending.
- 20 (4) If it appears from an inspection of the whole record that there has been such fraud,  
21 intimidation, bribery, or violence in the conduct of the election that neither  
22 contestant nor contestee can be judged to have been fairly elected, the Circuit Court,  
23 or an appellate court, on appeal, may adjudge that there has been no election. In that  
24 event the office shall be deemed vacant, with the same legal effect as if the person  
25 elected had refused to qualify. If one of the parties is adjudged by the court to be  
26 elected to the office, he or she shall, on production of a copy of the final judgment,  
27 be permitted to qualify or be commissioned.

1        ➔Section 54. KRS 120.185 is amended to read as follows:

2        (1) Any candidate who was voted for at a regular election for any of the offices to  
3        which KRS 120.155 applies may request a recount of the ballots by filing a petition  
4        so requesting~~[,]~~ with the same court that petitions of contest are required to be filed~~[~~  
5        ~~with,~~ within ten (10) days after the day of the election, or, if the candidate is  
6        qualified to institute a contest proceeding under KRS 120.155, by including a  
7        request for a recount in his or her petition instituting the contest proceedings, but in  
8        the latter case the petition shall be filed within ten (10) days after the day of the  
9        election. Any candidate who is a contestee in a contest proceeding under KRS  
10       120.155 may request a recount in his or her answer filed in the contest proceeding,  
11       but only if the answer is filed within ten (10) days after the day of election. If a  
12       request for a recount is made, the State Board of Elections or the county board of  
13       elections, whichever would issue the certificate of election shall be made a party  
14       defendant. The party requesting the recount shall execute bond with approved surety  
15       for the costs of the recount, in an amount to be fixed by the Circuit Judge. Upon the  
16       bond being filed, the clerk shall immediately notify the Circuit Judge of the request  
17       and the filing of the bond, and the judge shall at once enter an order directing the  
18       voting machines, voting equipment, or voting system, ballots, boxes, and all papers  
19       pertaining to the election to be transferred to the Circuit Court, and fix a day for the  
20       recount proceedings to begin. A copy of the order shall be served upon the parties or  
21       their counsel in the same manner as notices are required to be served, which shall be  
22       deemed sufficient notice of the proceeding. On the day fixed, the court shall  
23       proceed to recount the ballots if their integrity is satisfactorily shown and shall  
24       complete the recount as soon as practicable, and file and enter of record the results  
25       thereof, and direct the state board or county board, whichever would issue the  
26       certificate of election to issue the same to the party entitled thereto as shown by the  
27       recount.

1 (2) Any party may appeal from the judgment to the Court of Appeals, in the same  
2 manner as provided in KRS 120.075, all of the provisions of which statute shall be  
3 applicable.

4 (3) If a proceeding for recount is asked and prosecuted in a contest proceeding, it shall  
5 not await the preparation or trial of the contest in the Circuit Court or in the Court  
6 of Appeals. The action of the courts shall be final, concluding the parties as to the  
7 question of a recount of the ballots, and certificates shall then be issued to the  
8 parties entitled thereto.

9 ➔Section 55. KRS 242.120 is amended to read as follows:

10 (1) Any qualified voter may demand a recount of the votes or contest the election in the  
11 same manner as is provided for the recount of votes or contest of regular~~[general]~~  
12 elections of county officers by KRS 120.155 to 120.185. The members of the  
13 county board of election commissioners shall be named as contestees and summons  
14 shall be served upon them. Any qualified voter may intervene as contestee by filing  
15 a petition to be made a party in the action.

16 (2) (a) The canvass and returns provided for in KRS 242.110 shall constitute the  
17 official returns for the local option election, unless before 4 p.m. on the  
18 seventh day following the local option election, the county clerk or county  
19 board of elections takes notice of a discrepancy in the tally of votes cast in any  
20 precinct or number of precincts within the territory voting in the local option  
21 election, or a committee favoring or opposing the proposition makes a written  
22 request to the county board of elections to check and recanvass the ballots  
23 cast, including~~[voting machines and]~~ absentee ballots, of any precinct or any  
24 number of precincts involving the local option election. After this time period  
25 has elapsed and notice is taken, the county board of elections shall assemble at  
26 9 a.m. on the second day following the filing deadline to request a recanvass,  
27 and not sooner, and recheck and recanvass all voting equipment~~[each~~

1           ~~machine~~] and make a proper return thereof to the county clerk, and the  
2           canvass and return shall become the official returns for the election.

3           (b) In making the recanvass, the county board of elections shall make a record of  
4           the number of the seal upon the voting equipment~~[machine]~~ and, without  
5           unlocking the voting equipment~~[machine]~~ against voting, recanvass the  
6           votes~~[vote]~~ cast~~[thereon]~~. If, after a recanvass, it is found that the original  
7           canvass of the returns has been correctly made from the voting  
8           equipment~~[machine]~~ and that there still remains a discrepancy unaccounted  
9           for, this discrepancy shall be noted. If, upon recanvass, it appears that the  
10          original canvass of the returns by the election officers was incorrect, the  
11          returns and all papers being prepared by the county board of elections shall be  
12          corrected accordingly.

13          (c) The county board of elections shall, immediately upon receipt of a request for  
14          a recanvass, notify the committees favoring or opposing the proposition of the  
15          time and place of the recanvass. At the recanvass, the committees favoring or  
16          opposing the proposition may be present. The county board of elections shall  
17          authorize representatives of the news media to observe the recanvass of the  
18          votes cast at the polls~~[on the voting machine]~~ in each precinct. Nothing in this  
19          section shall prohibit an individual from requesting, in addition to a recanvass,  
20          a recount as authorized by KRS Chapter 120.

21          (3) The State Board of Elections shall prescribe through administrative regulations  
22          promulgated under KRS Chapter 13A a form~~[forms]~~ to be used by county boards  
23          of election to report all recanvassed votes. The form shall include the following  
24          information:

- 25          (a) The name of the county in which the recanvass was conducted;  
26          (b) The date of the report;  
27          (c) The date of the local option election;

- 1 (d) The proposition for which the canvass was conducted;
- 2 (e) The names of the leaders of the committees favoring or opposing the
- 3 proposition being canvassed; and
- 4 (f) The ~~machine~~ votes **cast at the polls**, absentee votes, and vote totals for each
- 5 "yes" or "no" vote.

6 The report shall be signed by each member of the county board of elections.

- 7 (4) The county board of elections shall file its canvass report as prescribed in
- 8 administrative regulations promulgated by the State Board of Elections in
- 9 accordance with KRS Chapter 13A.
- 10 (5) The State Board of Elections shall promulgate administrative regulations in
- 11 accordance with KRS Chapter 13A to establish the proper procedures for
- 12 conducting a local option election canvass for each type of voting system
- 13 approved by the State Board of Elections and in use in Kentucky.

14 ➔Section 56. KRS 424.290 is amended to read as follows:

- 15 (1) Not less than three (3) days before any primary or regular election the county clerk
- 16 shall cause to be published in a newspaper a copy of the **ballots**~~{face of the voting~~
- 17 ~~machines, or where an electronic or electromechanical voting system is used, a copy~~
- 18 ~~of the ballot cards}~~ or supplementary material on which appear the names of
- 19 candidates or issues to be voted upon. Where the lists of candidates or issues to be
- 20 voted upon differ for various precincts within the county, the county clerk shall
- 21 cause to be published only one (1) set of data with appropriate notations showing
- 22 the differences in the various precincts. If supplemental paper ballots have been
- 23 approved as provided in KRS 118.215, the **supplemental** paper ballot shall be
- 24 published at the same time as other material required to be published by this
- 25 subsection. The cost of publication shall be paid by the county, except that the cost
- 26 of publishing any voting data required to be published by this subsection that is
- 27 limited to a city election or a district election other than a school district election

1           shall be paid by the city or the district as the case may be.

2   (2) "Copy," as used in subsection (1) of this section, means a summary of candidates  
3       and issues to be voted upon showing all the pertinent information that will appear,  
4       upon which the voters will cast their votes at a particular polling place.

5       ➔Section 57. The following KRS sections are repealed:

6   117.381 Requirements for approval.

7   117.387 Absentee voting by electronic system.