

1 AN ACT relating to elections.

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

3 ➔Section 1. KRS 117.125 is amended to read as follows:

4 No make of voting machine shall be approved for use unless it is so constructed that:

- 5 (1) It will ensure~~insure~~ secrecy to the voter in the act of voting;~~[-]~~
- 6 (2) It provides facilities that will permit votes to be cast for any candidate entitled to
7 have his or her name printed upon the ballots at any regular election, special
8 election, or primary~~[-election]~~, and for or against any public question entitled to be
9 placed upon the ballots;~~[-]~~
- 10 ~~(3) [It will, except at primary elections, permit a voter to vote for all the candidates of~~
11 ~~one (1) party or for one (1) or more candidates of every party having candidates~~
12 ~~entitled to be voted for, or for one (1) or more independent candidates.~~
- 13 ~~(4)~~It will permit a voter to vote for as many persons for an office as the voter~~he~~ is
14 lawfully entitled to vote for, and no more;~~[-]~~
- 15 ~~(4)~~~~(5)~~ It will prevent a voter from voting for the same person, or for or against the
16 same question, more than once;~~[-]~~
- 17 ~~(5)~~~~(6)~~ It will permit a voter to vote for or against any question the voter~~he~~ may
18 have the right to vote on, but no other;~~[-]~~
- 19 ~~(6)~~~~(7)~~ It may be adjusted for use in a primary~~[-elections]~~ so that a voter may not vote
20 for any person except those seeking nomination as candidates of the voter's~~his~~
21 party or as candidates for an office of the Court of Justice;~~[-]~~
- 22 ~~(7)~~~~(8)~~ It will correctly register and accurately count all votes cast for each person,
23 and for or against each public question;~~[-]~~
- 24 ~~(8)~~~~(9)~~ It can be determined whether the machine has been unlocked and operated
25 after once being locked;~~[-]~~
- 26 ~~(9)~~~~(10)~~ It will show at all times during an election how many persons have voted by a
27 device hereinafter referred to as a public counter;~~[-]~~

1 ~~(10)~~~~(11)~~ The counter indicating the number of votes cast for each person and for or
2 against each public question cannot be seen or tampered with without unlocking a
3 covering device that cannot be unlocked by a key that unlocks any other part of the
4 machine. When such counters are so exposed the machine can no longer be placed
5 into condition for operation without the use of a special key, which key shall not
6 have been in the possession of the election officers at the polling places; but if this
7 requirement has the effect of eliminating from consideration any other make of
8 machine such requirement shall not apply;~~[-]~~

9 ~~(11)~~~~(12)~~ The operating device and operating mechanism may be locked before the time
10 for opening the polls and after the time for closing the polls;~~[-]~~

11 ~~(12)~~~~(13)~~ It is accompanied by a mechanical model illustrating the manner of voting on
12 the machine, suitable for the instruction of voters;~~[-]~~

13 ~~(13)~~~~(14)~~ It will permit a voter to vote for all the candidates for presidential electors of
14 any party by one (1) operation;~~[-]~~

15 ~~(14)~~~~(15)~~ It will permit a voter to vote~~[-]~~ in any regular *election* or special election~~[-]~~ for
16 any person desired to be voted for whose name does not appear upon the voting
17 machine;~~[-]~~

18 ~~(15)~~~~(16)~~ It bears a number that will distinguish it from any other machine; ~~and~~~~[-]~~

19 ~~(16)~~~~(17)~~ The frames in which ballot labels are placed shall be constructed with
20 transparent protective devices, in order that the names thereon cannot be mutilated
21 or altered.

22 ➔Section 2. KRS 117.381 is amended to read as follows:

23 No electronic voting system shall, upon any examination or reexamination, be approved
24 by the State Board of Elections unless it ~~is~~~~shall be~~ established that such system, at the
25 time of examination or reexamination:

26 (1) Provides for voting in secrecy;

27 (2) Permits each voter to vote at any election for all candidates and questions for which

- 1 **the voter**~~[he]~~ is lawfully entitled to vote, and no others;
- 2 (3) ~~[Permits each voter, at the general election to vote a straight political party ticket by~~
3 ~~one (1) or more marks or acts;~~
- 4 (4) ~~—~~ Provides a method for write-in voting;
- 5 (4)~~[(5)]~~ Provides for a nonpartisan ballot;
- 6 (5)~~[(6)]~~ If it~~[is of a type that]~~ registers the vote electronically, the voting system shall
7 preclude each voter from voting for more persons for any office than **the voter**~~[he]~~
8 is entitled to vote for or upon any question more than once;
- 9 (6)~~[(7)]~~ Permits each voter at a primary~~[election]~~ to vote only for the candidates
10 seeking nomination by a political party in which such voter is registered, and for
11 any candidate for nonpartisan nomination, and for any question upon which **the**
12 **voter**~~[he]~~ is entitled to vote;
- 13 (7)~~[(8)]~~ If it~~[is of a type that]~~ registers the vote electronically, the voting system shall
14 permit each voter to change his **or her** vote for any candidate or upon any question
15 appearing on the official ballot up to the time that **the voter**~~[he]~~ takes the final step
16 to register his **or her** vote and to have his **or her** vote computed. If it is~~[of a type~~
17 ~~that]~~ uses paper ballots or ballot cards to register the vote and automatic tabulating
18 equipment to compute **the**~~[such]~~ votes, the system shall provide that a voter who
19 spoils his **or her** ballot may obtain another ballot;
- 20 (8)~~[(9)]~~ Is suitably designed for the purpose used, is constructed of a durable material,
21 and is safely transportable;
- 22 (9)~~[(10)]~~ Is so constructed that a voter may readily learn the method of operating it;~~[~~
23 ~~and]~~
- 24 (10)~~[(11)]~~ Meets or exceeds the standards for electronic voting equipment established by
25 the Federal Election Commission **or the United States Election Assistance**
26 **Commission**; and
- 27 (11)~~[(12)]~~ Provides for tabulating votes at the precinct **as required under**~~[in accordance~~

1 with the requirements of] KRS 117.275.

2 ➔Section 3. KRS 118.025 is amended to read as follows:

3 (1) Except as otherwise provided by law, voting in all primaries and elections shall be
4 by secret ballot. No ballot shall permit a voter in a regular election to vote a
5 straight political party ticket by one (1) or more marks or acts~~[on voting~~
6 ~~machines]~~.

7 (2) The general laws applying to primaries, regular elections, and special elections shall
8 apply to primaries, regular elections, and special elections conducted with the use of
9 voting machines, and all provisions of the general laws applying to the custody of
10 ballot boxes shall apply, as far as applicable, to the custody of the voting machine.

11 (3) Primaries for the nomination of candidates to be voted for at the next regular
12 election shall be held on the first Tuesday after the third Monday in May of each
13 year.

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

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

18 (6) If the law requires that a special election be held within a period of time during
19 which the voting machines must be locked as required by KRS 117.295, the special
20 election shall be held on the fourth Tuesday following the expiration of the period
21 during which the voting machines are locked.

22 ➔Section 4. KRS 117.155 is amended to read as follows:

23 Upon receiving the printed ballot labels, the county clerk shall place them in the ballot
24 frames upon the machines, in such a manner as will most nearly conform to the plan of
25 arrangement prescribed by the Secretary of State in the manner prescribed in KRS
26 118.215. The county clerk~~[He]~~ shall then see that the counters referred to in subsections
27 (9) and (10)~~[and (11)]~~ of KRS 117.125 are set at zero, and shall lock the operating

1 device and mechanism and the devices protecting the counters and ballot labels. He or
2 she shall then enter in an appropriate book, opposite the number of each precinct the
3 distinguishing number of the machine to be used in that precinct.

4 →Section 5. KRS 117.205 is amended to read as follows:

5 Before permitting any person to vote on the day of the election, the election officers shall
6 examine the machine to ascertain whether it has been operated since the counters referred
7 to in subsections (9) and (10) ~~and (11)~~ of KRS 117.125 were set at zero, and to
8 ascertain whether the ballot labels are arranged as specified on the printed instruction
9 cards. If the machine indicates that it has been operated or if the ballot labels are not so
10 arranged, the officers shall not unlock the operating device or mechanism, but shall
11 immediately secure the attendance of the county clerk and one (1) member of the county
12 board of elections other than the county clerk, who shall reset the counters at zero and
13 relock the device covering the counters, or properly arrange the ballot labels, as the case
14 may be, in the presence of the election officers. If the attendance of members of the board
15 of elections cannot be obtained before the opening of the polls or within one (1) hour
16 thereafter, the election officers shall notify the county clerk of the foregoing facts and
17 obtain from the county clerk a reserve voting machine, and proceed to conduct the
18 election. Any reserve machine shall have been certified for use at the election by the
19 county board of elections and prepared for use at the election by the election officers in
20 the precinct in the same manner as the original machine was prepared for the election.
21 The machine found to have been so operated shall be returned immediately to the custody
22 of the county clerk, whose duty it shall be to promptly repair same in order that it may be
23 used as a reserve machine in the election if needed.