

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, special or primary
8 election, and for or against any public question entitled to be placed upon the
9 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 he or she is
14 lawfully entitled to vote for, and no more.
- 15 (5) It will prevent a voter 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 he or she may have the
18 right to vote on, but no other.
- 19 (7) It may be adjusted for use in primary elections so that a voter may not vote for any
20 person except those seeking nomination as candidates of his or her party or as
21 candidates for an office of the Court of Justice.
- 22 (8) It will correctly register and accurately count all votes cast for each person, and for
23 or against each public question.
- 24 (9) It can be determined whether the machine has been unlocked and operated after
25 once being locked.
- 26 (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 (11) The counter indicating the number of votes cast for each person and for or against
 2 each public question cannot be seen or tampered with without unlocking a covering
 3 device. The covering device ~~that~~ cannot be unlocked by a key that unlocks any
 4 other part of the machine. When ~~such~~ counters are so exposed the machine can no
 5 longer be placed into condition for operation without the use of a special key, which
 6 key shall not have been in the possession of the election officers at the polling
 7 places; but if this requirement has the effect of eliminating from consideration any
 8 other make of machine such requirement shall not apply.
- 9 (12) The operating device and operating mechanism may be locked before the time for
 10 opening the polls and after the time for closing the polls.
- 11 (13) It is accompanied by a mechanical model illustrating the manner of voting on the
 12 machine, suitable for the instruction of voters.
- 13 (14) It will permit a voter to vote for all the candidates for presidential electors of any
 14 party by one (1) operation.
- 15 (15) It will permit a voter to vote, in any regular or special election, for any person
 16 desired to be voted for whose name does not appear upon the voting machine.
- 17 (16) It bears a number that will distinguish it from any other machine.
- 18 (17) The frames in which ballot labels are placed shall be constructed with transparent
 19 protective devices, in order that the names thereon cannot be mutilated or altered.

20 **(18) It will permit a voter to vote in accordance with the voting process of ranked-**
 21 **choice voting.**

22 ➔Section 2. KRS 118.015 is amended to read as follows:

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

- 24 (1) A "political party" is an affiliation or organization of electors representing a
 25 political policy and having a constituted authority for its government and regulation,
 26 and whose candidate received at least twenty percent (20%) of the total vote cast at
 27 the last preceding election at which presidential electors were voted for;

- 1 (2) The word "election" used in reference to a state, district, county, or city election,
2 includes the decisions of questions submitted to the qualified voters as well as the
3 choice of officers by them;
- 4 (3) A "ballot" or "official ballot" means the voting machine ballot label, ballot cards,
5 paper ballots, an absentee ballot, a federal provisional ballot, a federal provisional
6 absentee ballot, or a supplemental paper ballot which has been authorized for the
7 use of the voters in any primary or regular or special election by the Secretary of
8 State or the county clerk;
- 9 (4) "Ballot label" means the cards, papers, booklet, pages, or other material on which
10 appear the names of candidates and the questions to be voted on by means of ballot
11 cards or voting machines;
- 12 (5) "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 (6) "Voting machine" or "machine" shall include lever machines and, as far as
15 applicable, any electronic or electromechanical unit and supplies utilized or relied
16 upon by a voter in casting and recording his or her votes in an election;
- 17 (7) The word "resident" used in reference to a candidate in a state, district, county, or
18 city election shall mean actual resident, without regard to the residence of the
19 spouse of the candidate;
- 20 (8) "Political organization" means a political group not constituting a political party
21 within the meaning of subsection (1) of this section but whose candidate received
22 two percent (2%) or more of the vote of the state at the last preceding election for
23 presidential electors;~~and~~
- 24 (9) "Political group" means a political group not constituting a political party or a
25 political organization within the meaning of subsections (1) and (8) of this section;
- 26 **(10) "Office elected by ranked-choice voting" means any member of the General**
27 **Assembly, as well as the Office of Governor, Lieutenant Governor, Attorney**

1 General, Secretary of State, Auditor, Commissioner of Agriculture, and
2 Treasurer;

3 (11) "Batch elimination" means the simultaneous defeat of multiple candidates for
4 whom it is mathematically impossible to be elected;

5 (12) "Continuing ballot" means a ballot that is not an exhausted ballot;

6 (13) "Continuing candidate" means a candidate who has not been defeated;

7 (14) "Exhausted ballot" means a ballot that does not rank any continuing candidate,
8 contains an overvote at the highest continuing ranking, or contains two (2) or
9 more sequential skipped rankings before its highest continuing ranking;

10 (15) "Highest continuing ranking" means the highest ranking on a voter's ballot for
11 a continuing candidate;

12 (16) "Last-place candidate" means the candidate with the fewest votes in a round of
13 the ranked-choice voting tallying;

14 (17) "Mathematically impossible to be elected," with respect to a candidate means
15 either:

16 (a) The candidate cannot be elected because the candidate's vote total in a
17 round of the ranked-choice voting tabulation plus all votes that could
18 possibly be transferred to the candidate in future rounds from candidates
19 with fewer votes or an equal number of votes would not be enough to
20 surpass the candidate with the next-higher vote total in the round; or

21 (b) The candidate has a lower vote total than a candidate described in
22 paragraph (a) of this definition;

23 (18) "Overvote" means a circumstance in which a voter has ranked more than one (1)
24 candidate at the same ranking;

25 (19) "Round" means an instance of the sequence of voting tabulation steps
26 established in Section 6 of this Act;

27 (20) "Skipped ranking" means a circumstance in which a voter has left a ranking

1 *blank and ranks a candidate at a subsequent ranking; and*
2 *(21) "Under-voted" means when a voter marks or delineates a selection of two (2) or*
3 *more candidates, but does not rank the voter's order of preference for the*
4 *candidates.*

5 ➔Section 3. KRS 118.425 is amended to read as follows:

- 6 (1) The State Board of Elections shall issue certificates of election where the successful
7 candidate was voted for by the state at large, was voted for by a district greater than
8 one (1) county, or was a candidate for member of Congress or the General
9 Assembly.
- 10 (2) Except as provided in subsection (3) of this section, not later than the second
11 Monday after the election, the county board of elections shall issue certificates of
12 election where the successful candidate was voted for by the electors of one (1)
13 county, or of a district less than one (1) county, except members of Congress,
14 members of the General Assembly, and designated officers filing with the Secretary
15 of State. The right to contest or recount an election in accordance with KRS Chapter
16 120 shall not be impaired. The county board of elections of the candidate's
17 residence shall issue certificates of election where the successful candidate was
18 voted for by the electors of a city or school district whose boundaries extend beyond
19 those of a single county. The board shall forward the certificate to the elected
20 candidate. If the board finds that two (2) or more candidates have received the
21 highest and equal number of votes for the same office, the board shall determine by
22 lot which of the candidates is elected.
- 23 (3) In counties containing cities of the first class, not later than the thirtieth day of
24 December after the election, the county board of elections shall issue certificates of
25 election where the successful candidate was voted for by the electors of the county,
26 except members of Congress, members of the General Assembly, and designated
27 officers filing with the Secretary of State. The right to contest or recount an election

1 in accordance with KRS Chapter 120 shall not be impaired. The county board of
2 elections of the candidate's residence shall issue certificates of election where the
3 successful candidate was voted for by the electors of a city whose boundaries
4 extend beyond those of a single county. The board shall forward the certificate to
5 the elected candidate. If the board finds that two (2) or more candidates have
6 received the highest and equal number of votes for the same office, the board shall
7 determine by lot which of the candidates is elected.

8 (4) In the case of all offices voted for, and in the case of public questions submitted to
9 the vote of the people of the state at large or of a district greater than one (1) county,
10 the county board of elections shall make out duplicate certificates of the total
11 number of votes received by each of the candidates for the office and the total
12 number of votes for and against each of the questions on a form prescribed by the
13 State Board of Elections through the promulgation of administrative regulations in
14 accordance with KRS Chapter 13A. The certificate of the total number of votes
15 shall be certified to the Secretary of State's Office not later than 12 p.m., prevailing
16 time, on the Friday following the election. For special elections the certificate of the
17 total number of votes shall be certified to the Secretary of State's Office not later
18 than 12 p.m., prevailing time, on the day following the election. The clerk shall
19 keep one (1) of the certificates in his or her office. He or she shall not later than
20 three (3) days after receiving the certificate from the board, forward the other
21 certificate by mail to the Secretary of State who shall deliver it to the State Board of
22 Elections.

23 (5) The State Board of Elections shall meet, to count and tabulate the votes received by
24 the different candidates as certified to the Secretary of State no later than the third
25 Monday after the election. The right to contest or recount an election in accordance
26 with KRS Chapter 120 shall not be impaired. A majority of the members of the
27 board shall constitute a quorum and may act. The board shall make out the

1 certificates of election in the office of the board from the returns made. The board
 2 shall make out duplicate certificates of election, in writing, over the signatures of its
 3 members. The board shall forward the original certificate, by mail, to the elected
 4 candidate. The duplicate shall be retained in the office of the board. In the case of
 5 the election of a representative in Congress, an additional certificate shall be made
 6 and sent, by mail, to the clerk of the House of Representatives.

7 (6) The certificate of election shall be issued to the candidate receiving the highest
 8 number of votes in the territory from which the election is to be made. **Except as**
 9 **provided for those candidates for office elected by ranked-choice voting as**
 10 **prescribed in Sections 5 and 6 of this Act,** if two (2) or more persons are found to
 11 have received the highest and an equal number of votes for the same office, the
 12 election shall be determined by lot in the manner the board directs, in the presence
 13 of not less than three (3) other persons. In the case of elections for electors of
 14 President and Vice President of the United States, the board shall issue a certificate
 15 of election to each elector of the political party or organization whose candidates for
 16 President and Vice President received the highest number of votes and the
 17 determination by the board that the candidates of any political party or organization
 18 for President and Vice President have received the highest number of votes shall
 19 constitute a determination that the electors nominated by that party have been
 20 elected.

21 ➔SECTION 4. A NEW SECTION OF KRS CHAPTER 118 IS CREATED TO
 22 READ AS FOLLOWS:

23 **For a regular or special election, candidates who seek an office elected by ranked-**
 24 **choice shall only be elected by ranked-choice voting. Ranked-choice voting shall not be**
 25 **applicable to primaries.**

26 ➔SECTION 5. A NEW SECTION OF KRS CHAPTER 118 IS CREATED TO
 27 READ AS FOLLOWS:

1 (1) For an election for an office elected by ranked-choice voting that has more than
 2 two (2) choices, the ballot shall:

3 (a) Be laid out to allow the voter to rank the candidates for an office in order of
 4 preference;

5 (b) Allow for a voter to include one (1) write-in candidate if he or she desires;
 6 and

7 (c) Be formatted in a simple and easy to understand format.

8 (2) Where ranked-choice voting is used to elect a candidate to elected office:

9 (a) The voter may rank his or her preferences for the candidates for that office,
 10 but shall not be required to rank all candidates for that office;

11 (b) A mark or delineation by the voter for only one (1) candidate shall be
 12 interpreted as a vote of rank one (1) for that particular candidate, with no
 13 other candidate being ranked; and

14 (c) A mark or delineation by the voter for two (2) or more candidates but which
 15 does not rank the voter's order of preference for the candidates, shall not
 16 count as votes for any candidate, and shall cause the ballot to be identified
 17 as under-voted.

18 (3) If a ballot is considered under-voted and the voter used a paper ballot, the voter
 19 may upon surrendering the ballot, request and vote upon another ballot. The
 20 original ballot that is considered under-voted shall be marked as spoiled and the
 21 requirements of KRS 117.385 related to spoiled ballots shall be applicable.

22 ➔SECTION 6. A NEW SECTION OF KRS CHAPTER 118 IS CREATED TO
 23 READ AS FOLLOWS:

24 Except as provided in subsections (2) and (3) in this section, the following procedures
 25 are used to determine the winner in an election for an office elected by ranked-choice
 26 voting:

27 (1) Tallying must proceed in rounds. In each round, the number of votes for each

- 1 continuing candidate must be counted. Each continuing ballot counts as one (1)
2 vote for its highest-ranked continuing candidate for that round. Exhausted
3 ballots are not counted for any continuing candidate. The round then ends with
4 one (1) of the following two (2) potential outcomes:
- 5 (a) If there are two (2) or fewer continuing candidates, the candidate with the
6 most votes is declared the winner of the election; or
- 7 (b) If there are more than two (2) continuing candidates, the last-place
8 candidate is defeated and a new round begins.
- 9 (2) A tie under this section between candidates for the most votes in the final round
10 or a tie between last-place candidates in any round must be decided by lot, and
11 the candidate chosen by lot is defeated. The result of the tie resolution must be
12 recorded and reused in the event of a recount. The drawing of lot shall be in the
13 presence of not fewer than three (3) other persons and in the manner as the State
14 Board of Elections directs.
- 15 (3) Modification of a ballot for ranked-choice voting and tabulation is permitted in
16 accordance with the following:
- 17 (a) The number of allowable rankings may be limited to no fewer than six (6);
18 or
- 19 (b) Two (2) or more candidates may be defeated simultaneously by batch
20 elimination in any round of tabulation.
- 21 (4) For candidates of a political party, political group, political organization, or
22 independents, the number of votes cast is the number of votes credited to that
23 candidate after the initial counting in the first round as described in subsection
24 (1) of this section and subsection (2) of this section if applicable.