

1 AN ACT relating to elections.

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

3 ➔Section 1. KRS 117.085 is amended to read as follows:

- 4 (1) (a) All requests for a mail-in absentee ballot shall be requested through a secure
5 online portal established by the State Board of Elections, except for:
- 6 1. Voters identified in KRS 117.077;
 - 7 2. Disabled voters; and
 - 8 3. Covered voters in paragraph (i) of this subsection;
- 9 who have the additional option of requesting a mail-in absentee ballot
10 application through the county clerk.
- 11 (b) Acquiring a mail-in absentee ballot by means of the online portal shall require
12 the voter to input personally identifiable information for verification.
- 13 (c) For those voters who do not have the means of accessing the online portal, the
14 county clerk shall fulfill a request for a mail-in absentee ballot by taking the
15 voter's information over the telephone or in person and directly inputting that
16 information into the secure online portal.
- 17 (d) The online portal shall have the capacity to ensure the identity of the voter
18 through proof of identification as required under KRS 117.227 or by means of
19 KRS 117.228.
- 20 (e) If a voter qualifies to receive a mail-in absentee ballot, the online portal shall
21 transmit the mail-in absentee ballot request to the county clerk of the county
22 in which the voter is registered to vote.
- 23 (f) The online portal shall not be open or permit any mail-in ballot requests to
24 occur more than forty-five (45) days immediately preceding the day of a
25 primary or an election. The online portal shall close at 11:59 p.m. local time,
26 fourteen (14) days immediately preceding the day of a primary or an election.
- 27 (g) Except as otherwise provided in KRS 117.077, the mail-in absentee ballot

1 may be requested by the voter or the spouse, parents, or children of the voter,
2 but shall be restricted to the use of the voter.

3 (h) Except as otherwise provided in KRS 117.077 and covered voters in
4 paragraph (i) of this subsection, a qualified voter may apply to cast his or her
5 vote by mail-in absentee ballot if the completed application is received
6 fourteen (14) days before the election, and if the voter is:

- 7 1. A resident of Kentucky who is a covered voter as defined in KRS
8 117A.010;
- 9 2. A student who temporarily resides outside the county of his or her
10 residence;
- 11 3. Incarcerated in jail and charged with a crime, but has not been convicted
12 of the crime;
- 13 4. Changing or has changed his or her place of residence to a different state
14 while the registration books are closed in the new state of residence
15 before an election of electors for President and Vice President of the
16 United States, in which case the voter shall be permitted to cast a mail-in
17 absentee ballot for electors for President and Vice President of the
18 United States only;
- 19 5. Temporarily residing outside the state but still eligible to vote in this
20 state;
- 21 6. Prevented from voting in person at the polls on election day and from
22 casting an excused or no-excuse in-person absentee ballot on all days in-
23 person absentee voting is conducted because he or she will be absent
24 from the county of his or her residence all hours and all days excused or
25 no-excuse in-person absentee voting is conducted;
- 26 7. A participant in the Secretary of State's crime victim address
27 confidentiality protection program as authorized by KRS 14.312;~~[- or]~~

1 8. Not able to appear at the polls on election day or the days excused or no-
 2 excuse in-person absentee voting is conducted on the account of age,
 3 disability, or illness, and who has not been declared mentally disabled
 4 by a court of competent jurisdiction; or

5 9. Desirous of casting his or her vote by mail-in absentee as a matter of
 6 convenience.

7 (i) Residents of Kentucky who are covered voters as defined in KRS 117A.010
 8 may apply for a mail-in absentee ballot by means of the federal post-card
 9 application, which may be transmitted to the county clerk's office by mail, by
 10 facsimile machine, or by means of the electronic transmission system
 11 established under KRS 117A.030(4). The federal post-card application may
 12 be used to register, reregister, and to apply for a mail-in absentee ballot. If the
 13 federal post-card application is received at any time not less than seven (7)
 14 days before the election, the county clerk shall affix his or her seal to the
 15 application form upon receipt.

16 (j) Any qualified voter who is disabled may use an accessible mail-in absentee
 17 ballot portal to request and receive a mail-in absentee ballot by means of an
 18 electronic transmission system as established under KRS 117A.030(4). The
 19 standards necessary to implement this paragraph shall be set by the State
 20 Board of Elections pursuant to administrative regulations promulgated under
 21 KRS Chapter 13A.

22 (2) For those voters who are eligible to receive a mail-in absentee ballot by means other
 23 than the secure online portal pursuant to subsection (1) of this section, the county
 24 clerk shall type the name of the voter permitted to vote by mail-in absentee ballot
 25 on the mail-in absentee ballot application for that person's use and no other. The
 26 mail-in absentee ballot application shall be in the form prescribed by the State
 27 Board of Elections, which shall include the voter affirmation form as prescribed in

1 KRS 117.228(1)(c) and shall contain the following information: name, residential
2 address, precinct, party affiliation, statement of the reason the person seeks to vote
3 by mail-in absentee ballot ~~[cannot vote in person on the day of an election or during~~
4 ~~the dates and time no-excuse in-person absentee voting is being conducted]~~,
5 statement of where the voter shall be on election day or during the dates and times
6 no-excuse in-person absentee voting is being conducted, when applicable,
7 statement of compliance with residency requirements for voting in the precinct, an
8 instructional statement prescribing the requirements for providing a copy of the
9 voter's proof of identification or voter affirmation, when applicable, 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, and the voter shall
12 provide a copy of his or her proof of identification, as defined in KRS 117.001, or
13 the executed voter affirmation as described in KRS 117.228(1)(c). A notice of the
14 actual penalty provisions in KRS 117.995(2) and (5) shall be printed on the mail-in
15 absentee ballot application form.

16 (3) For those voters eligible to receive a mail-in absentee ballot, if the county clerk
17 finds that the voter has completed and submitted an application for a mail-in
18 absentee ballot as provided in this section, is properly registered as stated in his or
19 her mail-in absentee ballot application, and qualifies to receive a mail-in absentee
20 ballot by mail, the county clerk shall mail to the voter a mail-in absentee ballot, two
21 (2) official envelopes for returning the mail-in absentee ballot, and instructions for
22 voting.

23 (4) Mail-in absentee ballots shall be mailed to a voter's residential address located in
24 the county in which the voter is registered, except for:

25 (a) Qualified voters who apply pursuant to the requirements of subsection
26 (1)(h)1. to 5. of this section; or

27 (b) Qualified voters covered under KRS 117.077.

- 1 (5) The county clerk shall:
- 2 (a) Transmit a mail-in absentee ballot to the voter who is eligible to receive a
- 3 mail-in absentee ballot within four (4) days of receipt or within four (4) days
- 4 of the ballots being available;
- 5 (b) Cause mail-in absentee ballots to be printed fifty (50) days prior to each
- 6 primary or regular election, and forty-five (45) days prior to a special election;
- 7 and
- 8 (c) Complete a postal form for a certificate of mailing for mail-in absentee ballots
- 9 mailed within the fifty (50) states, and it shall be stamped by the postal
- 10 service when the mail-in absentee ballots are mailed. Unless a postal form for
- 11 a certificate of mailing is required, the county clerk may use methods of
- 12 tracking the mail-in absentee ballots by means of a printed barcode or other
- 13 label that is unique to the individual voter issued by the State Board of
- 14 Elections pursuant to administrative regulations promulgated under KRS
- 15 Chapter 13A.
- 16 (6) A mail-in absentee ballot may be transmitted by facsimile machine or by the
- 17 electronic transmission system established under KRS 117A.030(4) to a covered
- 18 voter as defined in KRS 117A.010. The covered voter shall be notified of the
- 19 options for transmittal of the mail-in absentee ballot, and the mail-in absentee ballot
- 20 shall be transmitted by the method chosen for receipt by the resident of Kentucky
- 21 who is a covered voter.
- 22 (7) The outer envelope of the mail-in absentee ballot shall bear the words "Absentee
- 23 Ballot", the address and official title of the county clerk, a printed barcode or other
- 24 label that is unique to the individual voter issued by the State Board of Elections,
- 25 and adequate space for the voter's signature, voting address, precinct number, and
- 26 signatures of two (2) witnesses if the voter signs the form with the use of a mark
- 27 instead of the voter's signature. A detachable flap on the secrecy envelope shall

1 provide space for the voter's signature, voting address, precinct number, signatures
2 of two (2) witnesses if the voter signs the form with the use of a mark instead of the
3 voter's signature and notice of penalty provided in KRS 117.995(5). The county
4 clerk shall type the voter's address and precinct number in the upper left hand
5 corner of the outer envelope and of the detachable flap on the secrecy envelope
6 immediately below the blank space for the voter's signature. The secrecy envelope
7 shall be blank. If applicable, the county clerk shall retain the voter's mail-in ballot
8 application, which shall include the photographed copy of the voter's proof of
9 identification or the voter affirmation as prescribed by KRS 117.228(1)(c), and the
10 postal form required by subsection (5) of this section for twenty-two (22) months
11 after the primary or election.

12 (8) Except as otherwise provided in subsection (10) of this section, any person who has
13 received a mail-in absentee ballot but who knows at least seven (7) days before the
14 date of the election that he or she will be in his or her county of residence on
15 election day or during the days of no-excuse in-person absentee voting, or who
16 desires to vote in person, and who has not voted by means of his or her mail-in
17 absentee ballot shall cancel his or her mail-in absentee ballot and vote in person.
18 The voter shall return the mail-in absentee ballot to the county clerk's office by mail
19 or hand delivery no later than seven (7) days prior to the date of the election. Upon
20 the return of the mail-in absentee ballot, the county clerk shall mark on the outer
21 envelope of the sealed ballot or the unmarked ballot the words "Canceled because
22 voter appeared to vote in person." Sealed envelopes so marked shall not be opened.
23 The county clerk shall remove the voter's name from the list of persons who were
24 sent mail-in absentee ballots, and the voter may vote in the precinct in which he or
25 she is properly registered.

26 (9) Any voter qualified for a mail-in absentee ballot who does not receive a requested
27 mail-in absentee ballot within a reasonable amount of time shall contact the county

1 clerk, who shall reissue a second mail-in absentee ballot. The county clerk shall
2 keep a record of the mail-in absentee ballots issued and returned by mail, hand-
3 delivered, or placed in a secure drop-box or receptacle, and the in-person absentee
4 voting and federal in-person provisional absentee voting that is conducted, to verify
5 that only the first voted ballot is counted. Upon the return of any mail-in absentee
6 ballot after the first mail-in absentee ballot is returned, the county clerk shall mark
7 on the outer envelope of the sealed ballot the words "Canceled because ballot
8 reissued."

9 (10) Any covered voter as defined in KRS 117A.010 who has received a mail-in
10 absentee ballot but who knows that he or she will be in the county on election day
11 or during the days of no-excuse in-person absentee voting, or who desires to vote in
12 person, shall cancel his or her mail-in absentee ballot and vote in person during the
13 days of no-excuse in-person absentee voting or on the day of the election. The voter
14 shall return the mail-in absentee ballot to the county clerk's office on or before
15 election day. Upon the return of the mail-in absentee ballot, the county clerk shall
16 mark on the outer envelope of the sealed mail-in absentee ballot or the unmarked
17 mail-in absentee ballot the words "Canceled because voter appeared to vote in
18 person." Sealed envelopes so marked shall not be opened. The county clerk shall
19 remove the voter's name from the list of persons who were sent mail-in absentee
20 ballots, allow the voter to vote by means of no-excuse in-person absentee ballot, or
21 provide the voter with written authorization to vote at the precinct on election day.
22 If the voter is unable to return the mail-in absentee ballot to the county clerk's office
23 on or before election day, at the time he or she votes in person, he or she shall sign
24 a written oath as to his or her qualifications on a form prescribed by the State Board
25 of Elections pursuant to KRS 117.245.

26 (11) The State Board of Elections shall promulgate administrative regulations to:

27 (a) Ensure election officials have real-time knowledge of which voters have

1 requested mail-in absentee ballots; and

2 (b) Provide procedures to be followed if a voter attempts to vote more than once
3 at a primary or an election.

4 (12) Notwithstanding the provisions of the Kentucky Open Records Act, KRS 61.870 to
5 61.884, and except for when the identification of the voter is provided to the county
6 board of elections under KRS 117.087, the information contained in an application
7 for a mail-in absentee ballot shall not be made public until after the close of
8 business hours on the election day for which the application applies. Except for
9 necessary election officials and for election-related duties as prescribed by law, the
10 name of the person who votes by means of a mail-in absentee ballot shall not be
11 disclosed. This subsection shall not prohibit at any time the disclosure, upon
12 request, of the total number of applications for mail-in absentee ballots that have
13 been filed, or the disclosure to the Secretary of State or the State Board of
14 Elections, if requested or if otherwise required by law, of any information in an
15 application for a mail-in absentee ballot.

16 ➔Section 2. KRS 117.076 is amended to read as follows:

17 (1) Any voter who is qualified to vote on election day in the county of his or her
18 residence may choose to cast a no-excuse in-person absentee ballot ***on any of the***
19 ***twelve (12) working days including two (2) Saturdays***~~[on the Thursday, Friday, or~~
20 ~~Saturday]~~ immediately preceding the ***Sunday before***~~[day of]~~ an election. The
21 available hours from which a voter may cast his or her vote during these three (3)
22 days shall be no less than eight (8) hours between 6 a.m. and 8 p.m. prevailing time,
23 as determined by the county board of elections of each county.

24 (2) Any voter who is qualified to vote on election day in the county of his or her
25 residence may make application to cast an excused in-person absentee ballot during
26 normal business hours during the six (6) business days immediately preceding the
27 ***first day***~~[Thursday]~~ of no-excuse in-person absentee voting under subsection (1) of

1 this section. The voter who makes application under this subsection shall meet one
2 (1) of the following requirements in order to cast his or her excused in-person
3 absentee ballot:

- 4 (a) Is a resident of Kentucky who is a covered voter as defined in KRS 117A.010,
5 who will be absent from the county of his or her residence on the day of an
6 election and during the days of no-excuse in-person absentee voting;
- 7 (b) Has surgery, or whose spouse has surgery, scheduled that will require
8 hospitalization on the day of an election and during the days of no-excuse in-
9 person absentee voting;
- 10 (c) Temporarily resides outside the state, but is still eligible to vote in this state
11 and will be absent from the county of his or her residence on the day of an
12 election and during the days of no-excuse in-person absentee voting;
- 13 (d) Is a resident of Kentucky who is a uniformed-service voter as defined in KRS
14 117A.010 confined to a military base on election day and during the days of
15 no-excuse in-person absentee voting;
- 16 (e) Is in her last trimester of pregnancy and the voter completes the form that is
17 prescribed by the State Board of Elections, which contains a sworn statement
18 that the voter is in her last trimester of pregnancy at the time she wishes to
19 vote;
- 20 (f) Has not been declared mentally disabled by a court of competent jurisdiction
21 and, due to age, disability, or illness, is not able to appear at the polls on
22 election day and during the days of no-excuse in-person absentee voting;
- 23 (g) Is a student who temporarily resides outside the county of his or her residence
24 and will be absent from the county of his or her residence on the day of an
25 election and during the days of no-excuse in-person absentee voting;
- 26 (h) Is a~~[Any]~~ person employed in an occupation that is scheduled to work during
27 all days and all hours, which shall include commute time, the polls are open

1 on election day and during the days of no-excuse in-person absentee voting;
2 or

3 (i) Is an~~[Any]~~ election officer tasked with election administration for the current
4 election cycle; or

5 (j) Desires to cast his or her vote by mail-in absentee as a matter of
6 convenience.

7 (3) Any voter who votes an in-person absentee or federal provisional in-person
8 absentee ballot shall provide proof of identification as defined in KRS 117.001 or
9 meet the requirements of KRS 117.228 or 117.229.

10 (4) In-person absentee voting shall be conducted in a location within the county clerk's
11 office where ballots shall be cast secretly. In-person absentee voting may occur in
12 another location within the county if the location is designated by the county board
13 of elections and approved by the State Board of Elections. The county clerk may
14 provide for voting by the voting equipment in general use in the county or any other
15 voting equipment approved by the State Board of Elections for use in Kentucky.
16 Public notice of the locations shall be given pursuant to KRS Chapter 424, and
17 similar notice by mail shall be given to the county chairs of the two (2) political
18 parties whose candidates polled the largest number of votes in the county at the last
19 regular election.

20 (5) Any voter qualifying to vote who receives assistance to vote in-person absentee
21 shall complete the voter assistance form required by KRS 117.255.

22 (6) Any voter qualifying to vote whose qualifications are challenged on grounds other
23 than inability to provide proof of identification by any clerk or deputy shall
24 complete an oath of voter affidavit.

25 (7) Each voter casting his or her vote in-person absentee shall sign an in-person
26 absentee ballot signature roster.

27 (8) The members of the county board of elections, or their designees who provide equal

1 representation of both political parties, may serve as precinct election officers,
2 without compensation, for all in-person absentee voting conducted. If the members
3 of the county board of elections or their designees serve as precinct election officers
4 for in-person absentee voting, they shall perform the same duties and exercise the
5 same authority as precinct election officers who serve on the day of an election. If
6 the members of the county board of elections or their designees do not serve as
7 precinct election officers for in-person absentee voting, the county clerk or deputy
8 county clerks shall supervise the in-person absentee voting.

9 (9) Any individual qualified to appoint challengers for the day of an election may also
10 appoint challengers to observe all in-person absentee voting, and those challengers
11 may exercise the same privileges as challengers appointed for observing voting on
12 the day of an election at a regular polling place.

13 (10) During the days of in-person absentee voting, all voting equipment on which in-
14 person absentee ballots are cast shall remain locked and the keys shall be retained
15 by at least two (2) members of the central ballot counting board who are not of the
16 same political affiliation or by two (2) members of the county board of elections
17 who are not of the same political affiliation, and the voting equipment shall remain
18 locked with a tamper-resistant seal until the ballots are counted.

19 (11) No person shall transmit or publicize any tallies or counts of in-person absentee
20 ballots, or any partial results, to any person except those persons, election officials,
21 or entities authorized by law to receive it, until 6 p.m. prevailing time on the day of
22 a primary or an election.

23 (12) (a) Before and after each day of in-person absentee voting, on all voting
24 equipment to be used, the tamper-resistant seal shall be checked to ensure it is
25 unaltered and the number on the public counter shall be read and recorded.
26 The status of the tamper-resistant seal shall be indicated and the number on
27 the public counter of each voting equipment shall be recorded by the county

1 clerk or his or her designated election official, member of the county board of
2 elections, or member of the central ballot counting board. The status of the
3 tamper-resistant seal and the number recorded from the public counter shall
4 be witnessed by an election official who is of a different political affiliation
5 than the person recording.

6 (b) The status of the tamper-resistant seal and the number on the public counter
7 shall be recorded on a form prescribed and furnished by the State Board of
8 Elections pursuant to administrative regulations promulgated under KRS
9 Chapter 13A.

10 (c) The witness who is present shall verify, through validity of his or her
11 signature on the form provided, the accuracy of the number recorded from the
12 public counter, the number recorded on the prescribed form, and the status of
13 the tamper-resistant seal.

14 (d) Any irregularities observed by the election official who is recording and the
15 election official who is a witness shall be immediately reported to the county
16 attorney or the Office of Attorney General.

17 (13) The State Board of Elections shall promulgate administrative regulations under
18 KRS Chapter 13A to provide for the casting of ballots in accordance with this
19 section.

20 ➔Section 3. KRS 117.066 is amended to read as follows:

21 (1) The county board of elections may, pursuant to KRS 117.055 and subsection (3) of
22 this section, designate a single voting location for more than one (1) precinct if the
23 voting location is equipped with voting equipment capable of providing or
24 accepting separate ballots without endangering the integrity of the ballots or
25 without violating any other election law.

26 (2) If a single voting location for more than one (1) precinct is approved under
27 subsection (3) of this section, the primary or election shall be conducted as follows:

- 1 (a) One (1) voting equipment may be used for more than one (1) precinct if
2 ballots are tabulated for each separate precinct, and if separate ballots may be
3 placed upon any voting equipment to be used without endangering the
4 integrity of the ballots or without violating any other election law. Otherwise,
5 separate voting equipment shall be used for each precinct. In the instance of a
6 precinct which has a small number of voters such that the use of separate
7 voting equipment would be cost-prohibitive, the county clerk may make
8 application to the State Board of Elections to use supplemental paper ballots
9 under KRS 118.215 to conduct the voting for the small precinct on any
10 primary or election day. If the use of supplemental paper ballots is approved
11 by the State Board of Elections, at the close of voting on any primary or
12 election day, the locked supplemental paper ballot box shall be transported to
13 the county board of elections along with the federal provisional ballot
14 receptacle, and ballots shall be counted by the county board of elections as
15 provided by KRS 117.275(10) to (16);
- 16 (b) Separate precinct voter rosters shall be maintained for each precinct, and steps
17 shall be taken to ensure that voters cast their ballot in their duly authorized
18 precinct; and
- 19 (c) A separate set of election forms and reports required by this chapter and the
20 State Board of Elections shall be maintained for each precinct.
- 21 (3) The county board of elections may petition the State Board of Elections to allow the
22 consolidation of precincts and the consolidation of precinct election officers at any
23 voting location where voters of more than one (1) precinct vote. The petition shall
24 be on a form prescribed by the State Board of Elections in administrative
25 regulations promulgated under KRS Chapter 13A and shall include:
- 26 (a) A list of all precincts designated to vote at the voting location;
27 (b) The address and type of facility of the voting location;

- 1 (c) The number and type of voting systems or voting equipment to be used at the
- 2 voting location;
- 3 (d) The number of registered voters in each precinct designated to vote at the
- 4 voting location;
- 5 (e) An explanation of the reasons why the consolidation is desirable;
- 6 (f) The plan for additional precinct officers at the voting location, the manner in
- 7 which they will be assigned, and whether the voting location will be fully
- 8 staffed with election officials;
- 9 (g) The plan for how the county clerk will publicize the location for where the
- 10 voting shall occur, in addition to how each location shall be noted
- 11 conspicuously to residents of the county as a "Vote Center";
- 12 (h) The plan for how the voting location will serve as a focal point to meet the
- 13 needs of a diverse community; and
- 14 (i) The number of parking spaces available at the location and a determination as
- 15 to whether the location has sufficient parking spaces.

16 (4) **In addition to precincts, the county board of elections shall ensure that at least**
 17 **one (1) vote center is petitioned for and used in each county, in accordance with**
 18 **subsection (3) of this section.**

19 **(5)** If the petition submitted under subsection (3) of this section is approved by the
 20 State Board of Elections, the precinct election officers designated to serve as
 21 election officers for more than one (1) precinct shall meet the eligibility
 22 requirements of KRS 117.045.

23 **(6)**~~(5)~~ The Secretary of State shall retain veto authority over any petition that is
 24 approved by the State Board of Elections. The State Board of Elections, upon
 25 reconsideration of the petition, shall have the power to override a veto of the
 26 Secretary of State by a three-fourths (3/4) affirmative vote of the membership of the
 27 board.