

1 AN ACT relating to elections.

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

3 ➔Section 1. KRS 117.001 is amended to read as follows:

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

- 5 (1) "Audit log" means a detailed record of all actions and events that have occurred on
6 the voting system, including:
- 7 (a) Log-in attempts with username and time stamp;
 - 8 (b) Election definition and setup;
 - 9 (c) Ballot preparation and results processing;
 - 10 (d) Diagnostics of any type; and
 - 11 (e) Error and warning messages and operator response;
- 12 (2) "Automatic tabulating equipment" means apparatus necessary to automatically
13 examine and count votes as designated on ballots and data processing machines
14 which can be used for counting ballots and tabulating results;
- 15 (3) "Ballot" or "official ballot" means the official presentation of offices and candidates
16 to be voted for, including write-in candidates, and all public questions submitted for
17 determination, and shall include a voting machine ballot, a paper ballot, an absentee
18 ballot, a federal provisional ballot, a federal provisional absentee ballot, or a
19 supplemental paper ballot which has been authorized for the use of voters in any
20 primary, regular election, or special election by the Secretary of State or the county
21 clerk;
- 22 (4) "Ballot box" means any box, bag, or other container that can be locked, sealed, or
23 otherwise rendered tamper-resistant, for receiving ballots;
- 24 (5) "Ballot marking device" means any approved device for marking a ballot which
25 will enable the ballot to be tabulated manually or by means of automatic tabulating
26 equipment;
- 27 (6) "Election" or "elections" means any primary, regular election, or special election;

- 1 (7) "Election officer" has the same meaning as in KRS 118.015;
- 2 (8) "E-poll book" means an electronic device capable of holding a file of voter data and
3 related information for use in identifying registered voters prior to a voter's
4 receiving or casting a ballot, and allowing a voter to electronically sign in on an
5 electronic registered voter roster in lieu of signing a paper registered voter roster;
- 6 (9) "Federal provisional voter" means a person:
- 7 (a) Who does not appear to be registered to vote;
- 8 (b) Whose name does not appear on the precinct roster;
- 9 (c) Who has not provided proof of identification to the precinct election officer
10 before voting in a federal election; and
- 11 (d) Who elects to proceed with voting a federal provisional ballot under KRS
12 117.229;
- 13 (10) "Federal provisional ballot" or "federal provisional absentee ballot" means ballots
14 which have been authorized by the Secretary of State or the county clerk to be used
15 by federal provisional voters in any federal primary or election;
- 16 (11) "Inner envelope" or "secrecy envelope" means the envelope provided to the voter
17 with a ballot into which the voter shall place his or her voted ballot;
- 18 (12) "Political group" has the same meaning as in KRS 118.015;
- 19 (13) "Political organization" has the same meaning as in KRS 118.015;
- 20 (14) "Precinct ballot counter" means an automatic tabulating device used at the precinct
21 to tabulate and process ballots;
- 22 (15) "Proof of identification" means a document that was issued by:
- 23 (a) The United States or the Commonwealth of Kentucky, and the document
24 contains:
- 25 1. The name of the individual to whom the document was issued; and
26 2. A photograph of the individual to whom the document was issued;
- 27 (b) The United States Department of Defense, a branch of the uniformed services,

1 the Merchant Marine, or the Kentucky National Guard, and the document
2 contains:

- 3 1. The name of the individual to whom the document was issued; and
 - 4 2. A photograph of the individual to whom the document was issued;
- 5 (c) A public or private college, university, or postgraduate technical or
6 professional school located within the United States, and the document

7 contains:

- 8 1. The name of the individual to whom the document was issued; and
 - 9 2. A photograph of the individual to whom the document was issued; or
- 10 (d) Any city government, county government, urban-county government, charter
11 county government, consolidated local government, or unified local
12 government, which is located within this state, and the document contains:

- 13 1. The name of the individual to whom the document was issued; and
- 14 2. A photograph of the individual to whom the document was issued;

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

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

21 (18) ~~["Vote center" means a consolidated precinct of the county;~~

22 ~~(19)]~~"Voting equipment" means any physical component of a voting system and
23 includes voting machines where voting machines are in operation;

24 (19)~~(20)~~ "Voting machine" or "machine":

25 (a) Means a part of a voting system that consists of:

- 26 1. A direct recording electronic voting machine that:
 - 27 a. Records votes by means of a ballot display provided with

1 mechanical or electro-operated components that may be actuated
2 by the voter;

3 b. Processes the data by means of a computer program;

4 c. Records voting data and ballot images in internal and external
5 memory components; and

6 d. Produces a tabulation of the voting data stored in a removable
7 memory component and on a printed copy; or

8 2. One (1) or more electronic devices that operate independently or as a
9 combination of a ballot marking device and an electronic or automatic
10 vote tabulation device; and

11 (b) Does not include an e-poll book;

12 **(20)**~~[(21)]~~ "Voting system":

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

17 1. Define ballots;

18 2. Cast and count votes;

19 3. Report or display election results; and

20 4. Maintain and produce any audit trail information;

21 (b) Includes the practices and associated documentation used to:

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

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

24 3. Maintain records of system errors and defects;

25 4. Determine specific system changes to be made to a system after the
26 initial qualification of the system;

27 5. Make available any materials to the voter, such as notices, instructions,

1 forms, or paper ballots; and

2 (c) Does not include an e-poll book; and

3 ~~(21)~~~~(22)~~ "Voter-verified paper audit trail" means a contemporaneous paper record of a
4 ballot printed for the voter to confirm his or her votes before the voter casts his or
5 her ballot that:

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

8 (b) Is not retained by the voter;

9 (c) Does not contain individual voter information;

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

11 (e) Is readable in a manner that makes the voter's ballot choices obvious to the
12 voter or any person without the use of computer or electronic code.

13 ➔Section 2. KRS 117.066 is amended to read as follows:

14 (1) **In the case of a precinct comprised of a small number of registered voters,** the
15 county board of elections may, pursuant to KRS 117.055, **utilize the facilities of**
16 **another precinct as a voting location. Additionally, the county board of elections**
17 **may petition the State Board of Elections to allow the precinct election officers of**
18 **the larger precinct to serve as precinct election officers for the precinct that is the**
19 **subject of the petition. The petition shall designate both the smaller precinct and**
20 **the larger precinct with which it is to be included, the type of voting equipment to**
21 **be used, and whether supplemental paper ballots are to be used. The petition shall**
22 **contain a full explanation as of the reasons why inclusion is desirable** ~~and~~
23 ~~subsection (3) of this section, designate a single voting location for more than one~~
24 ~~(1) precinct if the voting location is equipped with voting equipment capable of~~
25 ~~providing or accepting separate ballots without endangering the integrity of the~~
26 ~~ballots or without violating any other election law].~~

27 (2) If **the petition submitted pursuant to subsection (1) of this section**~~[a single voting~~

1 ~~location for more than one (1) precinct]~~ is approved **by the State Board of**
2 **Elections**~~[under subsection (3) of this section]~~, the primary or election shall be
3 conducted as follows:

4 (a) One (1) voting equipment may be used for **both precincts**~~[more than one (1)~~
5 ~~precinct]~~ if **the State Board of Elections certifies that**~~[ballots are tabulated for~~
6 ~~each separate precinct, and if]~~ separate ballots may be placed upon **the**~~[any]~~
7 voting equipment to be used without endangering the integrity of the ballots
8 or without violating any other election law. Otherwise, separate voting
9 equipment shall be used for each precinct. In the instance of a precinct which
10 has a small number of voters such that the use of separate voting equipment
11 would be cost-prohibitive, the county clerk may make application to the State
12 Board of Elections to use supplemental paper ballots under KRS 118.215 to
13 conduct the voting for the small precinct on any primary or election day. If the
14 use of supplemental paper ballots is approved by the State Board of Elections,
15 at the close of voting on any primary or election day, the locked supplemental
16 paper ballot box shall be transported to the county board of elections along
17 with the federal provisional ballot receptacle, and ballots shall be counted by
18 the county board of elections as provided by KRS 117.275(10) to (16);

19 (b) Separate precinct voter rosters shall be maintained for each precinct, and steps
20 shall be taken to ensure that voters cast their ballot in their duly authorized
21 precinct; and

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

24 ~~[(3) The county board of elections may petition the State Board of Elections to allow the~~
25 ~~consolidation of precincts and the consolidation of precinct election officers at any~~
26 ~~voting location where voters of more than one (1) precinct vote. The petition shall~~
27 ~~be on a form prescribed by the State Board of Elections in administrative~~

1 regulations promulgated under KRS Chapter 13A and shall include:

2 (a) ~~A list of all precincts designated to vote at the voting location;~~

3 (b) ~~The address and type of facility of the voting location;~~

4 (c) ~~The number and type of voting systems or voting equipment to be used at the~~
5 ~~voting location;~~

6 (d) ~~The number of registered voters in each precinct designated to vote at the voting~~
7 ~~location;~~

8 (e) ~~An explanation of the reasons why the consolidation is desirable;~~

9 (f) ~~The plan for additional precinct officers at the voting location, the manner in which~~
10 ~~they will be assigned, and whether the voting location will be fully staffed with~~
11 ~~election officials;~~

12 (g) ~~The plan for how the county clerk will publicize the location for where the voting~~
13 ~~shall occur, in addition to how each location shall be noted conspicuously to~~
14 ~~residents of the county as a "Vote Center";~~

15 (h) ~~The plan for how the voting location will serve as a focal point to meet the needs of~~
16 ~~a diverse community; and~~

17 (i) ~~The number of parking spaces available at the location and a determination as to~~
18 ~~whether the location has sufficient parking spaces.~~

19 (4) ~~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 (5) ~~The Secretary of State shall retain veto authority over any petition that is approved~~
24 ~~by the State Board of Elections. The State Board of Elections, upon reconsideration~~
25 ~~of the petition, shall have the power to override a veto of the Secretary of State by a~~
26 ~~three fourths (3/4) affirmative vote of the membership of the board.]~~

27 ➔Section 3. KRS 117.383 is amended to read as follows:

- 1 The State Board of Elections shall promulgate administrative regulations under KRS
2 Chapter 13A which shall maintain the maximum degree of correctness, impartiality, and
3 efficiency of the procedures of voting and shall provide methods to:
- 4 (1) Count, tabulate, and record votes;
 - 5 (2) Place items on any ballot which shall, as closely as possible, follow the
6 requirements pertaining to ballots;
 - 7 (3) Design the ballots to include a system to ensure an accurate record of all voting
8 activities;
 - 9 (4) Instruct voters in the use of the voting system, including any ballot marking device;
 - 10 (5) Provide for checking the accuracy of the voting system;
 - 11 (6) Provide necessary supplies, including those necessary for a write-in vote, to ensure
12 voter privacy;
 - 13 (7) As part of the official canvass, provide for a manual recount of randomly selected
14 precincts representing three percent (3%) to five percent (5%) of the total ballots
15 cast in each election;
 - 16 (8) Provide for the conducting and review of an audit of any component of a voting
17 system or any voting equipment, and a review of any audit log;
 - 18 (9) (a) Provide for the conducting and review of an election audit, including a risk-
19 limiting audit, and risk-limiting audit pilot program, all of which shall
20 establish the protocol by which ballots are checked, compared, and verified
21 with the results produced by vote tallying equipment to ensure accuracy.
 - 22 (b) The pilot program shall, at a minimum, include individuals representing the
23 State Board of Elections, the Office of the Secretary of State, and no fewer
24 than five percent (5%) of Kentucky's counties.
 - 25 (c) The risk-limiting audit and risk-limiting audit pilot program shall make the
26 results of its findings available to the public;
 - 27 (10) Provide a method for maintaining sufficient documents, including ballots and

- 1 records, so that votes can be recounted;
- 2 (11) Ensure the county board of elections produces accurate precinct-by-precinct
3 summaries of tabulation sheets showing the results of each precinct during in-
4 person absentee voting and[,] election day voting[, and when a county is approved
5 to use a vote center];
- 6 (12) Except as otherwise required in this chapter, all records and papers relating to
7 specified elections be retained for twenty-two (22) months, such documents and
8 records shall be maintained for thirty (30) days following an election; and
- 9 (13) Unless contrary to the Help America Vote Act of 2002, ensure that all federal
10 provisional voting shall be conducted in a manner as prescribed by KRS Chapters
11 116 to 120.