

1 AN ACT relating to elections.

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

3 ➔Section 1. KRS 117.275 is amended to read as follows:

4 (1) At the count of the votes in any precinct, any candidate or slate of candidates and  
5 any representatives to witness and check the count of the votes therein, who are  
6 authorized to be ***designated***~~[appointed]~~ as ~~[is—]~~ provided in subsection ***(10)***~~[(9)]~~ of  
7 this section, shall be admitted and permitted to be present and witness the count.

8 (2) As soon as the polls are closed, and the last voter has voted, the judges at that time  
9 shall immediately lock and seal the voting equipment so that the voting and  
10 counting mechanisms will be prevented from operating, and they shall sign a  
11 certificate stating:

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

13 (b) The number of voters, as shown on the public counters;

14 (c) The number registered on the protective or cumulative counter or device; and

15 (d) The number or other designation of the voting equipment.

16 The certificate, with any additional certificate previously prepared under KRS  
17 117.035, shall be returned by the judges of election to the officials authorized by  
18 law to receive it.

19 ***(3)*** The judges ***of election*** shall ***conduct a voter tally by comparing***~~[compare]~~ the  
20 number of voters, as shown by the counter of the voting equipment, with the  
21 number of those who have voted as shown by the:

22 ***(a)*** Protective or cumulative counter or device;

23 ***(b)*** ***Ballot stubs;***

24 ***(c)*** ***Total number of voter signatures collected physically and electronically;***

25 ***and***

26 ***(d)*** ***Any paper record indicating or representing assignment of a ballot to a***  
27 ***voter, if used.***

1 ~~(4)~~~~(3)~~ Where voting equipment is used which does not print the candidates' names  
2 along with the total votes received on a general return sheet or record for that  
3 equipment, the procedure to be followed shall be as follows:

4 (a) The judges, in the presence of the representatives mentioned in subsection (1)  
5 of this section, if any, and of all other persons who may be lawfully within the  
6 polling place, shall give full view of all the counter numbers;

7 (b) The judges shall enter, in ink, the total votes cast for each candidate, and slate  
8 of candidates, and for and against each question on the return sheets; and

9 (c) Each precinct election officer shall sign the return sheets, and a copy of the  
10 return sheets shall be posted on the precinct door.

11 ~~(5)~~~~(4)~~ Where voting equipment is used that prints the candidates' names along with  
12 the total votes received on a return sheet or record for that equipment, the precinct  
13 election officers shall sign the return sheets or record for the voting equipment,  
14 which shall be posted on the door of the precinct.

15 ~~(6)~~~~(5)~~ If any officer shall decline to sign the return sheets, he or she shall state the  
16 reason in writing, and a copy thereof, signed by the officer, shall be enclosed with  
17 the return sheets.

18 ~~(7)~~~~(6)~~ Each of the return sheets, if applicable, and the record of the voting equipment  
19 shall be enclosed in an envelope. One (1) copy of the return sheets, if applicable,  
20 one (1) copy of the record of the voting equipment, and the write-in roll, if any  
21 write-in votes were cast in the precinct, shall be directed to the county board of  
22 elections of the county in which the election is being held. One (1) copy of the  
23 return sheets or record of the voting equipment shall be given to the county clerk of  
24 the county in which the election is being held and to each of the local governing  
25 bodies of the two (2) dominant political parties, but a local governing body of a  
26 dominant political party may decline a copy of the precinct election return by filing  
27 a written declination with the county board of elections prior to the election, and

1 upon this declination, a printed copy shall not be issued to the political party so  
2 declining. The declination on file shall be effective for that election and any  
3 subsequent elections until revoked by the local governing body of a dominant  
4 political party by filing a written revocation with the county board of elections. The  
5 envelope shall have endorsed thereon a certificate of the election officers, stating  
6 the number or unique designation of the voting equipment, the precinct where it has  
7 been used, the number on the seal, and the number on the protective or cumulative  
8 counter or device at the close of the polls.

9 ~~(8)(7)~~ During the period established by KRS 117.355(3), and following the  
10 tabulation of all votes cast in the election, including absentee votes and write-in  
11 votes:

- 12 (a) The county board of elections shall mail, transmit via facsimile machine,  
13 hand-deliver, or submit by electronic means a copy of the precinct-by-precinct  
14 summary of the tabulation sheets showing the results from each precinct to the  
15 State Board of Elections. The copy of the precinct-by-precinct summary of the  
16 tabulation sheets showing the results from each precinct shall include the  
17 votes cast on the day of an election and during in-person absentee voting; and
- 18 (b) The county clerk shall mail or deliver the precinct signature rosters from each  
19 precinct and the in-person absentee ballot signature roster to the State Board  
20 of Elections.

21 ~~(9)(8)~~ For each voting location, as soon as possible after the completion of the count,  
22 the two (2) election officers who are not of the same political affiliation shall return  
23 to the county board of elections the keys to the voting equipment received and  
24 receipted for by them, and the county clerk, in each voting location, shall have the  
25 voting equipment properly boxed or securely covered and removed to a proper and  
26 secure place of storage.

27 ~~(10)(9)~~ In primaries, each candidate or group of candidates may designate to the

1 county board of elections a representative to witness and check the vote count. In  
2 regular elections, the governing authority of each political party, each candidate for  
3 member of board of education, nonpartisan candidate, political group candidate,  
4 political organization candidate, independent candidate, or independent ticket may  
5 designate a representative to the county board of elections to witness and check the  
6 vote count. The county board of elections shall authorize representatives of the  
7 news media to witness the vote count.

8 ~~(11)~~~~(10)~~ For all federal provisional ballots, if applicable, and supplemental paper  
9 ballots if approved as provided in KRS 118.215, after the polls are closed, the two  
10 (2) judges shall return to the county clerk's office the locked federal provisional  
11 ballot receptacle and the supplemental paper ballot box, all ballot stubs, spoiled  
12 ballots, and unvoted ballots at the same time as the tabulation of votes from the  
13 voting equipment is delivered. The county clerk shall issue a receipt for the number  
14 of ballot stubs, unvoted ballots, spoiled ballots, and the ballot boxes or ballot  
15 receptacle.

16 ~~(12)~~~~(11)~~ The county board of elections, or its designee, shall count and tally the  
17 supplemental paper ballots that have not been tabulated by automatic tabulating  
18 equipment at the precinct, either manually or with the use of tabulating equipment  
19 that has been certified by the State Board of Elections for use for that purpose in the  
20 county clerk's office. The results of the vote tally shall be certified by the county  
21 board of elections to the county clerk and to the Secretary of State.

22 ~~(13)~~~~(12)~~ The county board of elections shall tabulate the valid federal provisional  
23 ballots. The results of the vote tally shall be certified by the county board of  
24 elections to the county clerk and to the Secretary of State. The county board of  
25 elections shall mail a copy of the precinct-by-precinct summary of the valid federal  
26 provisional ballot tabulation sheets showing the results from each precinct to the  
27 State Board of Elections.

1 ~~(14)~~~~(13)~~ The county board of elections shall authorize the candidates, slates of  
2 candidates, or their representatives, and representatives of the news media to be  
3 present during the counting of the supplemental and federal provisional paper  
4 ballots.

5 ~~(15)~~~~(14)~~ No person shall transmit or publicize any tallies or counts of ballots, or any  
6 partial results, to any person except those persons, election officials, or entities  
7 authorized by law to receive it, until 6 p.m. prevailing time on the day of a primary  
8 or an election.

9 **(16) (a) The county board of elections shall not certify election results without an**  
10 **exact match of voter tallies and ballot cast tallies. To certify, the county**  
11 **board of elections shall compare the tallies of voters with the tallies of cast**  
12 **ballots, accounting for spoiled ballots, federal provisional ballots, and**  
13 **supplemental provisional ballots.**

14 **(b) The tallies between voters and ballots must be an exact match to certify the**  
15 **results. The results shall be certified by the county board of elections to the**  
16 **county clerk and the Secretary of State as the official result of the election.**

17 **(c) If the tallies between voters and ballots or among ballots are not an exact**  
18 **match, the county board of elections shall:**

19 **1. File a report with the local grand jury in accordance with KRS**  
20 **117.355;**

21 **2. Keep all the tally sheets, papers, or notes in accordance with**  
22 **subsection (18) of this section; and**

23 **3. Recommend to the State Board of Elections to certify the election net**  
24 **result only if the difference in tallied votes and voters exceeds the**  
25 **difference between ballot choices in any contest, or to request**  
26 **resources for further investigation by the board.**

27 **(d) When the certification of the tally comparisons is complete, the election**

1 clerk shall publicly announce the results and shall, on demand of any  
2 candidate or any person present, furnish a certified copy of the results.

3 ~~(17)~~~~(15)~~ (a) Unofficial election results transmitted online to the county board of  
4 elections or the State Board of Elections shall occur by means of a secure  
5 online connection after results are tallied on the tally computer that has been  
6 certified in accordance with KRS 117.379 as part of a voting system as  
7 defined in KRS 117.001.

8 (b) If an external device is used to upload election results for the subsequent  
9 transmission, the device shall be used for that primary or election only and be  
10 of a type approved by the State Board of Elections as part of a voting system  
11 under KRS 117.379. The upload of the election results shall occur in the  
12 presence of two (2) members of the county board of elections who are of a  
13 different political affiliation.

14 ~~(18)~~~~(16)~~ Except as otherwise required in this chapter, all records and papers relating to  
15 specified elections shall be retained for twenty-two (22) months, and the county  
16 clerk shall retain the voted federal provisional ballots, voter affirmations, election  
17 official affirmations, and the supplemental paper ballots for twenty-two (22)  
18 months and the unvoted federal provisional ballots, the voter affirmations, election  
19 official affirmations, and the supplemental paper ballots for sixty (60) days after  
20 each election day, after which time they shall be destroyed in a manner to render  
21 them unreadable by the county board of elections if no contest or recount action has  
22 been filed.

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

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

- 1 without violating any other election law.
- 2 (2) If a single voting location for more than one (1) precinct is approved under  
3 subsection (3) of this section, the primary or election shall be conducted as follows:
- 4 (a) One (1) voting equipment may be used for more than one (1) precinct if  
5 ballots are tabulated for each separate precinct, and if separate ballots may be  
6 placed upon any voting equipment to be used without endangering the  
7 integrity of the ballots or without violating any other election law. Otherwise,  
8 separate voting equipment shall be used for each precinct. In the instance of a  
9 precinct which has a small number of voters such that the use of separate  
10 voting equipment would be cost-prohibitive, the county clerk may make  
11 application to the State Board of Elections to use supplemental paper ballots  
12 under KRS 118.215 to conduct the voting for the small precinct on any  
13 primary or election day. If the use of supplemental paper ballots is approved  
14 by the State Board of Elections, at the close of voting on any primary or  
15 election day, the locked supplemental paper ballot box shall be transported to  
16 the county board of elections along with the federal provisional ballot  
17 receptacle, and ballots shall be counted by the county board of elections as  
18 provided by KRS 117.275 (11) to (18) ~~[(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
- 7 voting 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
- 10 which they will be assigned, and whether the voting location will be fully
- 11 staffed with election officials;
- 12 (g) The plan for how the county clerk will publicize the location for where the
- 13 voting shall occur, in addition to how each location shall be noted
- 14 conspicuously to 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
- 16 needs of a diverse community; and
- 17 (i) The number of parking spaces available at the location and a determination as
- 18 to 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 117.355 is amended to read as follows:



- 1 (1) Within three (3) days after any primary or general election, the precinct election  
2 sheriff shall file a report with the chair of the county board of elections and with the  
3 local grand jury. The report shall include any irregularities observed and any  
4 recommendations for improving the election process.
- 5 (2) Within ten (10) days after any primary or general election, the county board of  
6 elections shall file a report with the State Board of Elections and the local grand  
7 jury. The report shall include any irregularities of which the county board has  
8 knowledge and any recommendations for improving the election process. The  
9 report shall also include a breakdown by precinct of the number of voters requiring  
10 assistance to vote and the reasons therefor; the number of special ballots cast by  
11 category; and any other information required by the state board.
- 12 (3) Within thirty (30) days after any primary or general election, the county board of  
13 elections shall transmit the information required by KRS 117.275(5) to (8)~~[(4) to~~  
14 ~~(7)]~~.
- 15 (4) The State Board of Elections shall issue administrative regulations under KRS  
16 Chapter 13A to prescribe the forms required by this section.