

1 AN ACT relating to voting.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 117 IS CREATED TO
4 READ AS FOLLOWS:

5 *(1) If a voter who has returned a mail-in absentee ballot to be processed and*
6 *counted:*

7 *(a) Fails to sign the outer envelope or the inside, detachable flap;*

8 *(b) Signs with a mark but fails to have two (2) witnesses attest to the signature*
9 *as required under Section 2 of this Act;*

10 *(c) Fails to submit a completed voter assistance form as required by KRS*
11 *117.255 if a person having power of attorney for the voter signs the outer*
12 *envelope and the detachable flap for the voter; or*

13 *(d) Signs where required but the signatures on the outer envelope and the*
14 *detachable flap do not match each other or do not match the signature of*
15 *the voter that appears on the voter's registration card or the voter's identity*
16 *document as defined in KRS 186.010 issued by the Kentucky Transportation*
17 *Cabinet;*

18 *the county court clerk shall notify the voter of the initial rejection of the ballot*
19 *and advise the voter of the procedures to cure the ballot as provided in subsection*
20 *(2) of this section.*

21 *(2) The State Board of Elections shall promulgate administrative regulations under*
22 *KRS Chapter 13A establishing the form of the notice required under subsection*
23 *(1) of this section, and the procedures required to cure the ballot deficiency. The*
24 *notice and cure process shall be given to the voter within three (3) days after the*
25 *determination of an alleged or actual deficiency, and in no event later than one*
26 *(1) day after election day. The notice and outlined procedures shall be transmitted*
27 *by regular, first-class mail or by electronic mail to the voter, if the voter has*

1 provided the clerk with sufficient information to contact the voter electronically.
 2 The county clerk shall also attempt to contact the voter by telephone, if a
 3 telephone number for the voter is available in the records of the county clerk. The
 4 procedures to cure the ballot deficiencies shall also be posted on the Web site of
 5 the county clerk, with a link to any required form.

6 (3) Any cure of a mail-in absentee ballot shall be received in the office of the county
 7 clerk no later than 4 p.m., prevailing time, on the Thursday following the primary
 8 or election for the ballot to be counted.

9 ➔Section 2. KRS 117.087 is amended to read as follows:

10 (1) The challenge of a mail-in~~an~~ absentee ballot ~~returned by mail~~ shall be in writing
 11 and in the hands of the county clerk before 8 a.m. on the date set by the county
 12 board of elections under subsection (3) of this section to begin the processing and
 13 counting of mail-in absentee ballots~~[election day]~~.

14 (2) The county board of elections shall count the mail-in absentee ballots ~~returned by~~
 15 ~~mail~~ and the votes cast ~~on the voting machine~~ in the county clerk's office or other
 16 place designated by the county board of elections and approved by the State Board
 17 of Elections. Federal provisional in-person absentee ballots shall be processed in
 18 accordance with KRS 117.229. The board may appoint a central ballot counting
 19 board of not less than three (3) members, who shall be qualified voters and no more
 20 than two-thirds (2/3) of whom shall be members of the same political party, to
 21 count the ballots at the direction of the county board of elections.

22 (3) The county board of elections or central ballot counting board, if one has been
 23 appointed, may begin the processing and counting of mail-in absentee ballots up
 24 to forty (40) days before any primary, regular election, or special election as the
 25 need may require. Beginning at 8 a.m. on each day designated by the county board
 26 of elections to begin the processing and counting of mail-in absentee ballots, and
 27 beginning at 8 a.m. on election day, the central ballot counting board or the

1 county board of elections shall meet at the county clerk's office or other place
2 designated by the county board of elections and approved by the State Board of
3 Elections to process and count the absentee ballots returned by mail and the ballots
4 cast ~~on the voting machine~~ in the county clerk's office or other place designated by
5 the county board of elections and approved by the State Board of Elections.
6 Candidates or their representatives shall be permitted to be present. The county
7 board of elections shall authorize representatives of the news media to observe the
8 counting of the ballots.

9 **(4) (a)** The board shall open the boxes containing mail-in absentee ballots ~~returned~~
10 ~~by mail~~ and remove the envelopes one (1) at a time. As each envelope is
11 removed, it shall be examined to ascertain whether the outer envelope and the
12 detachable flap are in proper order and have been signed by the voter.

13 **(b)** A person having power of attorney for the voter and who signs the detachable
14 flap and outer envelope for the voter shall complete the voter assistance form
15 required by KRS 117.255.

16 **(c)** The signatures of two (2) witnesses are required if the voter signs the form
17 with the use of a mark instead of the voter's signature.

18 **(d) If the inside, detachable flap is missing, the mail-in absentee ballot shall be**
19 **rejected automatically.**

20 **(e) If the voted mail-in absentee ballot has not been placed in the secrecy**
21 **envelope, or if the seal of the secrecy envelope has evidence of tampering as**
22 **determined by at least two (2) members of the county board of elections or**
23 **the central ballot counting board who are not members of the same political**
24 **party, the ballot shall be rejected automatically. A mail-in absentee ballot**
25 **shall not be rejected due to any defect arising out of or relating to the**
26 **preparation or mailing of the ballot or envelope that was not reasonably**
27 **caused by the voter, such as a torn envelope or missing or insufficient glue**

1 to allow the ballot to be sealed in the secrecy envelope.

2 (f) Any ballot initially rejected under paragraphs (a) to (c) of this subsection or
 3 under subsection (5) of this section shall be processed in accordance with
 4 Section 1 of this Act ~~[All unsigned mail in absentee ballots shall be rejected~~
 5 ~~automatically].~~

6 (5) The chair of the county board of elections or the chair of the central ballot
 7 counting board, if one has been appointed, shall compare the signatures on the
 8 outer envelope and on ~~[,]~~ the detachable flap with each other and with the signature
 9 of the voter that appears on the voter's registration card or the voter's identity
 10 document as defined in KRS 186.010 issued by the Kentucky Transportation
 11 Cabinet. Variations in voter signatures caused by the substitution of initials for a
 12 first name, middle name, or both, or the use of a common nickname, shall not be
 13 grounds to determine that the signatures are nonconforming or discrepant. If the
 14 outer envelope, ~~[and the]~~ detachable flap, and signatures are found to be in order,
 15 the chair shall read aloud the name of the voter. If the vote of the voter is not
 16 rejected on a challenge then made as provided in subsection (6) ~~[(4)]~~ of this section,
 17 the chair shall remove the detachable flap and place the secrecy envelope unopened
 18 in a ballot box which has been provided for the purpose.

19 (6) ~~[(4)]~~ When the name of a voter who cast a mail-in absentee ballot is read aloud by
 20 the chair, the vote of the voter may be challenged by any board member or by the
 21 written challenge provided in subsection (1) of this section and the challenge may
 22 be determined and the vote accepted or rejected by the board as if the voter was
 23 present and voting in person; but if the outer envelope and the detachable flap are
 24 regular, and each substantially comply with the provisions of this chapter, they shall
 25 be considered as showing that the voter is prima facie entitled to vote. If the vote of
 26 a voter is rejected pursuant to the challenge, the secrecy envelope shall not be
 27 opened, but returned to the outer envelope upon which the chair shall write on the

1 envelope the word "rejected." **If, however, the reason for the rejection is subject to**
2 **cure as provided in Section 1 of this Act, the ballot shall be processed in**
3 **accordance with Section 1 of this Act.**

4 ~~(7)~~~~(5)~~ After the challenges have been made and~~[-all]~~ the blank secrecy envelopes
5 have been placed in a ballot box, the box shall be thoroughly shaken to redistribute
6 the absentee ballots in the box. The board shall open the ballot box, remove the
7 absentee ballots from the secrecy envelopes, and count the ballots.

8 ~~(8)~~~~(6)~~ The board shall unlock any voting equipment used to cast ballots in the county
9 clerk's office or other place designated by the county board of elections~~[-]~~ and
10 approved by the State Board of Elections~~[-]~~ as provided for in KRS 117.086, and a
11 total of all ballots shall be made and recorded on the form provided by the State
12 Board of Elections.

13 ~~(9)~~~~(7)~~ The county board of elections, the county clerk, and all individuals permitted
14 to be present for the counting of absentee ballots pursuant to subsection (2) of this
15 section shall not make public the absentee ballot results determined as provided in
16 this section until after 6 p.m. prevailing time.