

1 AN ACT relating to elections.

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

3 ➔Section 1. KRS 15.243 is amended to read as follows:

- 4 (1) In addition to the other duties and powers of the Attorney General, he or she shall
5 enforce all of the state's election laws by civil or criminal processes.
- 6 (2) The Attorney General shall:
- 7 (a) Devise and administer programs to observe the conduct of elections;
 - 8 (b) Hold public hearings;
 - 9 (c) Establish a toll-free telephone service for the purpose of receiving reports of
10 election law violations. The service shall be operated during regular business
11 hours throughout the year and during the hours which any poll in the state is
12 open on the day of any primary, special election, or regular election;
 - 13 (d) Initiate investigations or investigate alleged violations of election laws at the
14 request of a registered voter or on his or her own motion;
 - 15 (e) Issue subpoenas for the production of any books, papers, correspondence,
16 memoranda or other records, and compel the attendance of witnesses that he
17 or she deems relevant to the purposes of any investigation;
 - 18 (f) Present evidence of alleged violations to a grand jury; and
 - 19 (g) File appropriate complaints in any court of competent jurisdiction.
- 20 (3) (a) The Attorney General, **or persons as he or she may designate**, shall be
21 required to begin an independent inquiry for any potential irregularities that
22 may have occurred in each election in **each**~~[not fewer than twelve (12)]~~ of
23 Kentucky's counties,~~[to be selected at random]~~ in a public process, within
24 twenty (20) days following each primary or regular election.~~[No county shall~~
25 ~~be subject to inquiry under this subsection in two (2) consecutive elections.]~~
- 26 (b) **To validate the accuracy and fidelity of the vote tabulation, the Attorney**
27 **General or his or her designee shall randomly select at least one (1) precinct**

1 and one (1) race per county for a hand-to-eye recount. Counties containing
2 multiple State Representative districts must have at least one (1) precinct
3 and one (1) race per legislative district randomly selected for a recount. The
4 hand-to-eye recount shall be conducted as follows:

5 1. The sealed ballot boxes and signed return sheet or record from
6 election day, as established in KRS 117.275, shall be provided by the
7 county clerk at an agreed upon location, and must be accessible for
8 public viewing. The sealed ballots are only to be unsealed in the
9 presence of the Attorney General or his or her designee and public
10 witnesses.

11 2. Two (2) registered voters, who are community volunteers, shall be
12 randomly selected and sworn in by the Attorney General or his or her
13 designee to do the hand-to-eye recount. Once the volunteers are sworn
14 in, they shall sit at a table with the ballots stacked in front of them,
15 and a video recording device shall be placed between them. The device
16 must be focused on the ballots for recording and may be streamed for
17 public internet viewing.

18 3. Ballots are to be turned over, one (1) at a time, with each volunteer
19 making a tally mark on a tally sheet for each vote cast for each
20 candidate. Any ballots that are disputed or unclearly marked shall be
21 set aside and the Attorney General or his or her designee shall
22 determine voter intent.

23 4. Once the hand-to-eye recount is completed, each volunteer shall add
24 up the tally marks for each candidate, write down a total number of
25 votes, and sign the tally sheet. The Attorney General or his or her
26 designee shall verify if the separate hand tallies match. If the tallies do
27 not match, the process must be repeated until the totals are matching.

1 Once this occurs, the Attorney General or his or her designee shall
2 also verify the tallies by signing each tally sheet. Then, the ballots
3 must be returned to the ballot box and resealed.

4 5. The Attorney General or his or her designee shall compare the signed
5 register tape total from the vote tabulation machine on election day to
6 the hand tallies. If there is a discrepancy between the machine count
7 and the hand-to-eye recount, the Attorney General's office shall open
8 an election investigation including a review of election day irregularity
9 reports. Additionally, precincts adjacent to the precinct with the
10 discrepancy shall be audited through the same hand-to-eye recount,
11 until three (3) consecutive precincts have zero (0) variation in totals
12 between the hand-to-eye recount tallies and the signed return sheet or
13 record. If more discrepancies are found, the Attorney General shall
14 broaden his or her investigation until the reason for the discrepancy is
15 discovered and subsequently resolved. A determination as to whether
16 the outcome of the race could have been impacted by the discrepancies
17 shall be made.

18 6. The Attorney General or his or her designee shall examine the
19 electronic or paper sign-in records from the precinct and validate that
20 the ballots cast and recounted were less than or equal to the sign-in
21 records for that precinct. The Attorney General shall open an election
22 investigation if the cast ballots for the precinct exceed the number of
23 voters on the sign-in records for the precinct.

24 (c) The Attorney General shall report his or her findings to the grand jury of each
25 county involved and to the chief circuit judge for the circuit in which the
26 county is located.

27 (4) When the Registry of Election Finance concludes there is probable cause to believe

1 a violation of election laws has occurred, it shall forward the matter to the Attorney
2 General for prosecution. In the event the Attorney General or local prosecutor fails
3 to prosecute the matter in a timely fashion, the registry's attorney may petition the
4 Circuit Court to be appointed as a special prosecutor. Upon such motion timely
5 filed, for good cause shown, the court shall enter an order to that effect.

6 (5) When requested by the Attorney General, all state and local agencies and officials,
7 including the Auditor of Public Accounts, Commonwealth's attorneys, county
8 attorneys, Registry of Election Finance, Department of Kentucky State Police,
9 sheriffs' departments and local police shall give all possible assistance to the
10 Attorney General in the performance of his or her duties.