

AN ACT relating to early voting.

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

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

(1) The purpose of Sections 1 to 4 of this Act is to establish an early voting period when eligible registered voters may vote before an election day at the county clerk's office or another place designated by the county board of elections and approved by the State Board of Elections.

(2) Sections 1 to 4 of this Act shall be strictly construed to prevent fraud in an election.

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 117 IS CREATED TO READ AS FOLLOWS:

(1) A voter who desires to vote early shall go to the county clerk's office or another polling place designated by the county board of elections and approved by the State Board of Elections during normal business hours not more than fifteen (15) days nor less than three (3) days before the day of the election. A voter desiring to vote in the early voting period shall vote on a voting machine or supplemental ballot in the county clerk's office or other place designated by the county board of elections and approved by the State Board of Elections.

(2) There shall be no early voting period if there is no opposition, including any write-in candidate that has complied with the requirements of Section 39 of this Act, in:

(a) Municipal elections not held in conjunction with any primary or regular election; or

(b) Any special primary or special regular election for state or federal offices.

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

- (1) (a) The county clerk's office or other place designated by the county board of elections and approved by the State Board of Elections shall be open a minimum of three (3) consecutive hours between the hours of 8 a.m. and 6 p.m. prevailing time each weekday and Saturdays during the period provided to vote early in Section 2 of this Act; and**
- (b) If the proper notice under subsection (3) of this section is made, a county clerk's office may close on a state holiday during the period established for early voting.**
- (2) During the early voting period for statewide elected offices or any federal election, the county clerk's office shall remain open:**
- (a) Between 4:30 p.m. and 7 p.m. on at least three (3) working days; and**
- (b) From 8 a.m. to 4 p.m. on at least one (1) Saturday.**
- (3) The county board of elections shall publish notice of the early voting office hours in accordance with KRS Chapter 424 not less than twenty-five (25) days prior to the day of election.**

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

The State Board of Elections shall promulgate administrative regulations pursuant to KRS Chapter 13A to establish additional procedures to be used in early voting.

➔Section 5. KRS 83A.170 is amended to read as follows:

- (1) In any city which has under the provisions of KRS 83A.045 or 83A.050 required nonpartisan city elections, no person shall be elected to city office except as provided in this section or as otherwise provided in this chapter relating to nonpartisan elections.
- (2) No person shall be elected to city office without being nominated in the manner provided in this section at a nonpartisan primary to be held at the time prescribed by KRS Chapters 116 to 121, except as otherwise provided in this chapter. Nonpartisan

primaries shall be conducted by the same officers, chosen and acting in the same manner, with the same rights and duties as in regular elections.

- (3) Each applicant for nomination shall, not earlier than the first Wednesday after the first Monday in November of the year preceding the year in which the office will appear on the ballot and not later than the last date prescribed by the election law generally for filing notification and declaration forms with the county clerk as provided in KRS 83A.047, file a petition of nomination, which shall be in the form prescribed by the State Board of Elections signed by at least two (2) registered voters in the city. Each voter may sign individual petitions equal to the number of offices to be filled. If a voter signs petitions for more candidates than he or she is authorized, he or she shall be counted as a petitioner for the candidate whose petition is filed first.
- (4) The county clerk shall examine the petition of each candidate to determine whether it is regular on its face. If there is an error, the county clerk shall notify the candidate by certified mail within twenty-four (24) hours of filing.
- (5) Immediately upon expiration of the time for filing petitions, the county clerk shall have published in accordance with KRS Chapter 424 the names of the applicants as they will appear before the voters at the primary.
- (6) Subsection (5) of this section shall not apply if it appears, immediately upon expiration of the time for filing petitions, that there are not more than two (2) applicants for nomination for each city office to be filled, or, when the nominations are for city legislative body members in cities electing legislative body members at large, and there are no more than twice the number of applicants for nomination for the number of offices to be filled. In that case, the applicants for nomination shall thereby be nominated and no drawing for ballot position nor primary election shall be held for that office.
- (7) The ballot position of a candidate shall not be changed after the ballot position has

been designated by the county clerk.

- (8) If, before the time of certification of candidates who will appear on the ballot, any candidate whose petition has been filed in the office of the county clerk dies or notifies the clerk in writing, signed and properly notarized, that he or she will not accept the nomination, the clerk shall not cause the candidate's name to be printed on the ballot.
- (9) If, after the certification of candidates who will appear on the ballot, any candidate whose name appears thereon shall withdraw pursuant to KRS 118.212 or die:
- (a) Neither the precinct or early voting election officers nor the county board of elections shall tabulate or record the votes cast for the candidate;
 - (b) The county clerk shall provide notices to the precinct and early voting election officers who shall see that a notice is conspicuously displayed at the polling place advising voters of the change, and that votes for the candidate shall not be tabulated or recorded. If the county clerk learns of the death or withdrawal at least five (5) days prior to the early voting period of the election and provides the notices required by this subsection and the precinct or early voting officers fail to post the notices at the polling place, the officers shall be guilty of a violation; and
 - (c) In a primary, if there are only one (1) or two (2) remaining candidates on the ballot for that office, following the withdrawal or death of the other candidate or candidates, neither the precinct or early voting election officers nor the county board of elections shall tabulate or record the votes for the remaining candidate or candidates, and the officer with whom the remaining candidate or candidates has filed his or her nomination papers shall immediately issue and file in his or her office a certificate of nomination for that remaining candidate or candidates and send a copy to the remaining candidate or candidates.
- (10) Names of applicants for each nomination shall be placed before the voters of the

city. The voters shall be instructed to vote for one (1) candidate, except when there is more than one (1) candidate for which voters may vote, the instruction "vote for up to candidates" shall be used on the ballot. No party designation or emblem of any kind nor any sign indicating any applicant's political belief or party affiliation shall be used.

- (11) Persons qualified to vote at a regular election shall be qualified to vote at a nonpartisan primary and the law applicable to challenges made at a regular election shall be applicable to challenges made at a nonpartisan primary.
- (12) Votes shall be counted as provided in general election laws, pursuant to KRS Chapters 116 to 121, and the result shall be published as provided in KRS Chapter 424.
- (13) The two (2) applicants receiving the highest number of votes for nomination for each city office shall be nominated; or where the nominations are for city legislative body members in cities electing legislative body members at large, there shall be nominated the number of applicants receiving the highest number of votes equal to twice the number of offices to be filled. If two (2) candidates are tied for the second highest number of votes in a mayoral election, the names of those two (2) candidates, plus the name of the candidate receiving the highest number of votes, shall be placed upon the ballot.
- (14) At the regular election following a nonpartisan primary, the names of the successful nominees and candidates who have filed a petition of candidacy as provided in this chapter to fill a vacancy shall be placed before the voters.
- (15) The nominee or candidate receiving the greater number of votes cast for each city office shall be elected.
- (16) KRS Chapters 116 to 121 prescribing duties of county clerks and other public officers in the conduct of elections shall be applicable in all respects to nonpartisan city elections, except no election officer or other person within a polling place shall

tell or indicate to a voter, by word of mouth or otherwise, the political affiliation of any candidate for city office.

➔Section 6. KRS 83A.175 is amended to read as follows:

- (1) The election to fill the regular term of a nonpartisan city office shall be conducted in the manner prescribed in KRS 83A.165 when, in a regular election for nonpartisan city office no candidates nominated to an office as provided in KRS 83A.170 are available due to death, incapacity, or withdrawal, or when city legislative body members are to be elected at large and there are fewer nominees than there are offices to be filled, or when a city has eliminated the primary pursuant to KRS 83A.045.
- (2) Each candidate shall, not earlier than the first Wednesday after the first Monday in November of the year before the year in which the office will appear on the ballot and not later than the last date prescribed by the election law generally for filing petitions of nomination with the county clerk as provided in KRS 83A.047, file a petition for candidacy. The petition shall be prescribed by the State Board of Elections and shall be signed by at least two (2) registered voters in the city. Each voter may sign individual petitions equal to the number of offices to be filled. If a voter signs petitions for more candidates than he or she is authorized, he or she shall be counted as a petitioner for the candidate whose petition is filed first.
- (3) The county clerk shall examine the petition of each candidate to determine whether it is regular on its face. If there is an error, the county clerk shall notify the candidate by certified mail within twenty-four (24) hours of filing.
- (4) The ballot position of a candidate shall not be changed after the ballot position has been designated by the county clerk.
- (5) If, before the certification of candidates who will appear on the ballot, any candidate whose petition has been filed in the office of the county clerk, dies or notifies the clerk in writing, signed and properly notarized, that he or she will not accept the

election, the clerk shall not cause his or her name to be printed on the ballot.

- (6) If, after the certification of candidates who will appear on the ballot, any candidate whose name appears thereon shall withdraw pursuant to KRS 118.212 or die:
- (a) Neither the precinct or early voting election officers nor the county board of elections shall tabulate or record the votes cast for the candidate;
 - (b) The county clerk shall provide notices to the precinct and early voting election officers who shall see that a notice is conspicuously displayed at the polling place advising voters of the change, and that votes for the candidate shall not be tabulated or recorded. If the county clerk learns of the death or withdrawal at least five (5) days prior to the election and provides the notices required by this subsection and the precinct or early voting officers fail to post the notices at the polling place, the officers shall be guilty of a violation;
 - (c) If there is only one (1) remaining candidate on the ballot for that office in a primary, following the withdrawal or death of the other candidate or candidates, neither the precinct or early voting election officers nor the county board of elections shall tabulate or record the votes for the remaining candidate, and the officer with whom the remaining candidate has filed his or her nomination papers shall immediately issue and file in his or her office a certificate of nomination for that remaining candidate and send a copy to the remaining candidate.

➔Section 7. KRS 90.220 is amended to read as follows:

- (1) Persons holding positions in the classified service shall not be discriminated against in any way because of their political or religious opinions or affiliations or because of their exercise of their right to vote as they please.
- (2) No person in the classified service, and neither the personnel director nor any member of the board, nor the chief of police, assistant chief of police, chief of firefighters, or assistant chief of firefighters, shall, directly or indirectly, give,

solicit, receive, or remit, any assessment, subscription, or contribution, to or for any political party or any candidate for public office, or in any manner be concerned therewith; nor shall any such person be a member of any campaign committee or governing committee of any political organization nor an officer in either; nor shall any such person, while on duty or using public resources, propose or oppose the placement of a question or advocate for the adoption or defeat of a question to be voted upon by the voters of the government under which the person is employed; nor shall any such person be an election officer or work at the polls during an~~on~~ election~~day~~, or participate in the purgation or registration of voters, provided, however, nothing herein shall prevent any such person from freely expressing his or her views as a citizen or from casting his or her vote in any election.

- (3) Any such person who shall violate this section shall be summarily dismissed from the service by the appointing authority (or if a member of the board, by the mayor), and may not be employed in any service of the city, classified or unclassified, for a period of one (1) year next thereafter; provided however, that should the appointing authority fail or refuse to so dismiss, the board (except when a member thereof is charged with violation of this section) shall conduct a hearing, which the accused person may attend with counsel; if the board find the accused guilty of violation of this section, the board shall dismiss such violator, with the consequent disqualification. Such action of the board is final.

➔Section 8. KRS 96A.340 is amended to read as follows:

- (1) The resolution or ordinance of each public body determining that a proposition for the establishment of a mass transportation program be submitted to the electorate of such public body or to the electorate of the transit area of such transit authority, as the case may be, shall in each case be published in the newspaper having the largest bona fide circulation in the area affected and KRS 424.120 notwithstanding, in the following manner:

- (a) The advertisement shall contain a notification that there is to be a referendum, the subject of which is to be the proposed sales tax.
- (b) The advertisement shall contain the amount of the proposed sales tax and the subject(s) thereof.
- (c) The advertisement shall include the manner in which the tax shall be levied.
- (d) The advertisement shall include the manner in which and purposes for which revenues resulting from the tax levy shall be spent.
- (e) The advertisement shall be no less than one-quarter (1/4) page in size, and
- (f) Shall be published at least once weekly for the nine (9) weeks immediately prior to the early voting period prior to the date of the referendum,
- (g) And daily for the week immediately prior to the beginning of the early voting period prior to the date of the referendum~~[publication]~~ in those papers with daily publication.
- (h) The advertisement shall begin with the word "Tax."

Thereafter such public body or public bodies shall cause the proposition to be prepared for submission to the electorate of either such public bodies or such transit area of the transit authority, as the case may be, at an election to be called and held for such purpose. Such election may be held upon any date stipulated by the public body or public bodies and shall be held pursuant to notice as prescribed in KRS 424.130. Said election may, but need not, be held in conjunction with a regularly scheduled November election or a primary election as otherwise provided by law. The proposal to be submitted to the electorate of such public body or public bodies, or transit area of such transit authority, as the case may be, shall be so framed that any voter who wishes to vote in favor of the mass transportation program and the financing source therefor may signify his approval by voting "yes," and any voter who wishes to vote against the mass transportation program and the funding therefor may do so by voting "no."

- (2) In the event any such mass transportation program proposal is submitted to the electorate of any individual public body, such proposition and the source of funding therefor shall be approved if a majority of those voting on the proposal within the public body shall vote "yes."
- (3) In the event any such mass transportation program proposal is submitted to the electorate of any transit area of any such transit authority by simultaneous submission by all public bodies who are at the time of such submission members of such transit authority, such proposition and the source of funding therefor shall be approved if a majority of those voting on the proposal within the transit area of such transit authority shall vote "yes."
- (4) Any additional voted levies of ad valorem taxes approved by electorates pursuant to KRS 96A.310 to 96A.370, shall in the case of individual public bodies, be added to and constitute legal tax levies of such individual public bodies within the meaning of the Constitution of Kentucky, and shall, in the case of votes taken in transit areas of transit authorities, constitute legal tax levies of each and every individual public body which is a member of any such transit authority within the meaning of the Constitution of Kentucky.

➔Section 9. KRS 116.013 is amended to read as follows:

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

(1) "Election" includes the early voting period described in Sections 1 to 4 of this Act; and

(2) ~~[, the word]~~ "Voter" means any name contained in any registration list.

➔Section 10. KRS 116.025 is amended to read as follows:

- (1) Every person who is a resident of this state and the precinct in which he or she offers to vote *or in which he or she is designated to vote in an early voting location* on or before the day preceding the closing of the registration books for any primary, general, or special election, who possesses *during*~~[on the day of]~~ any

election the qualifications set forth in Section 145 of the Constitution, exclusive of the durational residency requirements, who is not disqualified under that section or under any other statute, and who is registered as provided in this chapter, may vote for all officers to be elected by the people and on all public questions submitted for determination at that election, in the precinct in which he or she is qualified to vote *or in his or her designated precinct at the early voting location*. Any person who shall have been convicted of any election law offense which is a felony shall not be permitted to vote until his or her civil rights have been restored by executive pardon.

- (2) Any person charged with or indicted for a crime, whether or not in custody for same, who has not yet been convicted of the offense and who is not otherwise ineligible to vote, may vote for all offices to be elected by the people and on all public questions submitted for determination at that election, in the precinct in which he or she is qualified to vote *or in his or her designated precinct at the early voting location*.
- (3) A registered voter who changes his or her place of residence from one (1) precinct to another within the same county while the registration books are closed shall be permitted to update the voting records and to vote in the present election at the appropriate precinct for the current address as set forth in KRS 116.085(3) *or in his or her designated precinct at the early voting location*.
- (4) Notwithstanding any provision of law to the contrary, any registered voter who changes his or her place of residence from one (1) precinct to another within the same county prior to the closing of the registration books and who fails to transfer his or her registration with the county clerk prior to the date the registration books are closed shall be permitted to vote in the present election at the appropriate precinct for the current address as set forth in KRS 116.085(2) *or in his or her designated precinct at the early voting location*.

- (5) Any registered voter who changes his or her place of residence to a different county while the registration books are closed shall be permitted to vote at the appropriate precinct **or in his or her designated precinct at the early voting location** for his or her former residence in the present election and shall thereafter transfer his or her voter registration.
- (6) Any registered voter who changes his or her place of residence to a different county and fails to register to vote in the county of current residence prior to the date the registration books are closed shall not be eligible to vote in the present election in the county of current residence or the county of former residence.
- (7) Any registered voter who changes his or her place of registration to a different state while the registration books are closed in the new state of residence before a presidential election shall be permitted to cast an absentee ballot for President and Vice President only, notwithstanding subsection (1) of this section, by mail ~~to~~^{to} ~~or at~~ the county clerk's office of the former residence ~~[or other place designated by the county board of elections and approved by the State Board of Elections]~~.

➔Section 11. KRS 116.045 is amended to read as follows:

- (1) Any person may register as a voter during the period registration is open if he or she possesses, or will possess on the day of the next regular election, the qualifications set forth in KRS 116.025.
- (2) The county clerk shall cause all registration to be closed the fourth Tuesday preceding through the first Monday following any primary or general election, and the twenty-eight (28) days prior to **the early voting period described in Sections 1 to 4 of this Act** and seven (7) days following any special election. If the last day of registration falls on a state or federal holiday, the period runs until the end of the next day which is not a Saturday or Sunday nor a state or federal holiday. During the period that registration is closed, the county clerk may accept and process registrations. Any voter who registers during the period that registration is closed,

except for any registered voter who transfers his or her registration pursuant to KRS 116.085(2) or (3), shall not be permitted to vote in the upcoming election.

- (3) In all counties, the county clerk shall receive registrations, transfers, or changes of party affiliation at branch offices at any place in the county during those periods that the registration books are open except for those transfers pursuant to KRS 116.085(2) or 116.085(3). However, notice in the manner provided by KRS Chapter 424 shall be given at least three (3), but not more than fourteen (14), days in advance of the time and place of any branch registration, and ten (10) days' written notice shall be given to the county executive committee of each major political party in the county in which the branch registration is to be held.
- (4) Any person may register to vote or may change his or her party affiliation in any of the following ways:
 - (a) In person;
 - (b) By mail;
 - (c) By means of the federal post card application, if the person is a resident of Kentucky and a member of the Armed Forces, or a dependent of members of the Armed Forces, or overseas citizen;
 - (d) By mail-in application form prescribed by the Federal Election Commission pursuant to the National Voter Registration Act of 1993; or
 - (e) By other methods of registration, or reregistration, approved by the State Board of Elections, including the use of voluntary interested groups and political parties, under the proper supervision and directions of the county clerk, which may include door to door canvassing.
- (5) Upon receipt of the form prescribed by the State Board of Elections or the Federal Election Commission pursuant to the National Voter Registration Act of 1993, properly filled out and signed by the applicant, the county clerk shall register the applicant.

- (6) Any individual or group shall have access to a reasonable number of voter registration forms including the mail-in application form prescribed by the Federal Election Commission pursuant to the National Voter Registration Act of 1993 in the county clerk's office. The individual or group shall act under the proper supervision and directions of the county clerk and shall return these completed forms to the county clerk for official registration by the county clerk.
- (7) No later than December 31, 1994, the Transportation Cabinet shall equip all driver's license agencies to comply with the provisions of the National Voter Registration Act of 1993. The Secretary of State shall provide assistance and interpretation to the Transportation Cabinet in determining the requirements of the National Voter Registration Act of 1993.
- (8) The county clerk shall enter the specific party identification of the voter with a political party, political organization, or political group as defined in KRS 118.015, or independent status, as indicated by the voter on the voter registration form, into the statewide voter registration system. The State Board of Elections shall promulgate regulations under KRS Chapter 13A to provide for tracking of the registration of voters identifying with political organizations and political groups as defined in KRS 118.015, and voters of independent status.

➔Section 12. KRS 116.055 is amended to read as follows:

Before a person shall be qualified to vote in a primary election, he shall possess all the qualifications required of voters in a regular election. In addition, he shall be a registered member of the party in whose primary election he seeks to vote, and shall have been registered as a member of that party on December 31 immediately preceding the primary election, or, in the case of new registrations made after December 31 immediately preceding the early voting period for the primary election, he shall have registered and remained registered as a member of that party. No person shall be allowed to vote for any party candidates or slates of candidates other than that of the party of which he is a

registered member. The qualifications shall be determined as of the date of the early voting period for the primary, without regard to the qualifications or disqualifications as they may exist at the succeeding regular election, except that minors seventeen (17) years of age who will become eighteen (18) years of age on or before the day of the regular election shall be entitled to vote in the primary if otherwise qualified. However, any registered voter, whether registered as a member of a party, political organization, political group, or as an independent, shall be qualified to vote in primary elections for candidates listed in all nonpartisan races.

➔Section 13. KRS 116.085 is amended to read as follows:

- (1) When a voter changes his place of residence to another location within the county, the clerk shall, upon application of the voter in person, by mail, or through a circuit clerk, transfer the voter's registration record to the proper precinct.
- (2) When a registered voter changes his place of residence from one (1) precinct to another within the same county before the registration books are closed and fails to transfer his registration with the county clerk prior to the date the registration books are closed, the voter shall be permitted to update the voting records and to vote in the present election at the appropriate precinct or in his or her designated precinct at the early voting location for the current address upon affirmation of his current address and signing the precinct list as set forth in KRS 117.225. Before being permitted to vote, the voter shall also confirm his identity as required in KRS 117.227 and complete the affidavit which is required to be completed by a voter whose right to vote has been challenged. The subscribed oaths shall be delivered to the county clerk and investigated in accordance with KRS 117.245.
- (3) When a registered voter changes his place of residence from one (1) precinct to another precinct within the same county after the registration books close, the voter shall be permitted to vote in the present election at the appropriate precinct or in his or her designated precinct at the early voting location for the current address upon

affirmation of his current address and signing the precinct list as set forth in KRS 117.225. Before being permitted to vote, the voter shall confirm his identity as required by KRS 117.227 and complete the affidavit which is required to be completed by a voter whose right to vote is challenged. The subscribed oaths shall be delivered to the county clerk and investigated in accordance with KRS 117.245.

- (4) When the boundaries of a precinct are changed by law, placing a registered voter in a new or different precinct, the clerk shall automatically transfer the voter's registration record to the proper precinct and mail the voter a notice of the change.
- (5) A voter who has changed his name may indicate the change at the early voting location or at the precinct during the~~on~~ election ~~day~~ by completing the form provided for this purpose by the State Board of Elections. The form shall be returned by the precinct or early voting officer to the county clerk who shall make the necessary change on the voter's registration record.

➔Section 14. KRS 116.112 is amended to read as follows:

- (1) The State Board of Elections shall establish a voter registration purge program using the change-of-address information supplied by the United States Postal Service through its licensees or other sources to identify voters whose addresses may have changed.
- (2) If it appears from information provided by the postal service or other sources that a voter has moved to a different address in the same county in which the voter is currently registered, the State Board of Elections shall provide to the county board of elections the information necessary to change the registration records to show the new address and the State Board of Elections shall send to the new address a notice of the change by forwardable mail on a form prescribed by the State Board of Elections and a postage prepaid, pre-addressed return form by which the voter may verify or correct the address information. If the county board of elections requests authorization from the State Board of Elections to send address confirmation

notices as provided in this subsection, the State Board of Elections shall grant the request.

- (3) If it appears from information provided by the postal service or other sources that a voter has moved to a different address not in the same county, the State Board of Elections shall send to the address from which the voter was last registered, by forwardable mail, a notice on a form prescribed by the State Board of Elections, with a postage prepaid and pre-addressed return card on which the voter may state his current address. If a county board of elections requests authorization from the state board to send address confirmation notices as provided in this subsection, the state board shall grant the request.
- (4) The state or county boards of elections shall not remove the name of a voter from the registration records on the ground that the voter has changed his residence unless the voter:
 - (a) Confirms in writing that the voter has changed residence to a place outside the county; or
 - (b)
 1. Has failed to respond to the notice described in subsection (3) of this section; and
 2. Has not voted or appeared to vote and, if necessary, correct the registration records of the voter's address in an election during the period beginning on the date of the notice and ending on the day after the date of the second general election for Federal office that occurs after the date of the notice.

If a county board of elections requests authorization from the state board to conduct purges of voters in its county in accordance with the provisions of this subsection, the state board shall grant the request.

- (5) The State Board of Elections shall establish an inactive list of all voters who fail to respond to the notice described in subsection (3) of this section and do not vote or

appear to vote in an election during the period beginning on the date of the notice and ending on the day after the date of the second general election for Federal office that occurs after the date of the notice. If a county board of elections requests authorization from the state board to establish an inactive list of voters for its county, the state board shall grant the request.

- (6) The State Board of Elections shall complete, not later than ninety (90) days prior to the date of the early voting period for a primary or general election, any program the purpose of which is to systematically remove the names of ineligible voters from the registration records.
- (7) Voters placed on an inactive list are to be counted only for purposes of voting and not for purposes of establishing or modifying precincts, calculating the amount of reimbursement of county clerks by the State Board of Elections for certain election-related expenses, or reporting official statistics, except as provided by the Federal Election Commission's regulations promulgated pursuant to the National Voter Registration Act of 1993.
- (8)
 - (a) The State Board of Elections and county boards of elections shall maintain for at least two (2) years and shall make available for public inspection and, where available, photocopying at a reasonable cost, all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of the registration records, except to the extent that the records relate to the declination to register to vote or the identity of a voter registration agency through which any particular voter is registered.
 - (b) The records maintained pursuant to paragraph (a) of this subsection shall include lists of the names and addresses of all persons to whom notices described in subsection (3) are sent, and information concerning whether each person has responded to the notice as of the date that inspection of the records

is made.

→Section 15. KRS 116.200 is amended to read as follows:

- (1) (a) On or before January 1, 2011, each city clerk, except in consolidated local governments and urban-county governments, shall provide the clerk of the county or counties in which the city is located with a list of all properties within the city and a map of the city boundaries for the county clerk to maintain a roster of voters who are eligible to vote in city elections. A county clerk may accept the list of city properties in an electronic format and the city clerk may provide a copy of the city's boundary map maintained by the Kentucky Commonwealth Office of Technology, Division of Geographic Information Systems; and
- (b) Documentation of any change to the boundaries of a city shall be reported to the county clerk in accordance with KRS 81A.470 and 81A.475.
- (2) (a) On or before January 1, 2011, each school district board shall provide the clerk of the county in which the school district is located with maps and written descriptions of the boundaries of each school board district located in the county for the county clerk to maintain a roster of voters who are eligible to vote in school board elections.
- (b) Documentation of any change to a school district's boundaries shall be reported to the county clerk within sixty (60) days of the change, or immediately if the change is within sixty (60) days of the August 1 deadline established in KRS 160.210(4)(d).
- (3) Each county clerk shall code all registered voters in that county in such a manner that precinct **and early voting** election officers may determine the voter's eligibility to vote in city and school board elections prior to each primary and regular election for city officers in that county, each regular election for school board members in that county, and each special election in which a ballot question is presented to the

residents of a city or a school board district.

- (4) Notwithstanding KRS 64.012, the county clerk shall not charge a fee to a city or school district providing any information required by subsections (1)(a) and (2)(a) of this section.
- (5) Nothing in this section shall prohibit a county clerk from requesting additional information from the city, school district board, or any other reliable source to ascertain whether a registered voter resides within a city or a school district boundary.

➔Section 16. KRS 117.022 is amended to read as follows:

The Attorney General, the Secretary of State, and the State Board of Elections, by mutual agreement, may petition Franklin Circuit Court to declare that an election crisis exists in a county where there is evidence of sufficient malfeasance, nonfeasance, or criminal activity to jeopardize a free and equal election in that county and to authorize the State Board of Elections to assume responsibility for the management of the election in that county. If Franklin Circuit Court makes that declaration and grant of authority, the State Board of Elections shall appoint an election manager for that county to serve for the duration of the election cycle and the county clerk, county board of elections, precinct and early voting election officers, and any other person participating in the election process in that county shall be subject to the direction of the election manager.

➔Section 17. KRS 117.025 is amended to read as follows:

- (1) The State Board of Elections shall appoint an executive director, who shall be the chief administrative officer for the board. The board shall also appoint an assistant to the director, who shall be of a different political party than the director. The salaries of the director and his assistant shall be set by the board.
- (2) The State Board of Elections shall employ, on a bipartisan basis, a staff sufficient to carry out the duties assigned to the board, including legal counsel and a training officer to provide assistance to the county clerks and the county boards of elections

in their training of precinct and early voting election officers.

- (3) The board shall:
 - (a) Maintain a complete roster of all qualified registered voters within the state by county and precinct;
 - (b) For each primary election, furnish each county clerk with a master list of all registered voters in the county, together with three (3) signature rosters of all registered voters in each precinct of the county according to party affiliation, and two (2) lists of all registered voters in each precinct of the county at least five (5) days prior to each primary election;
 - (c) For each regular election, furnish each county clerk with a master list of all registered voters in the county, together with one (1) signature roster of all registered voters in each precinct of the county on which each voter's party affiliation is identified, and two (2) lists of all registered voters in each precinct of the county at least five (5) days prior to each regular election;
 - (d) Maintain all information furnished to the board relating to the inclusion or deletion of names from the rosters for four (4) years;
 - (e) Furnish, at a reasonable price, the state central executive committee of each political party qualifying under KRS 118.015 monthly data of all additions, deletions and changes of registration in each precinct of each county and the state central executive committee shall furnish a county listing to each of the county executive committees of each political party;
 - (f) Purchase, lease or contract for the use of equipment necessary to properly carry out its duties under the provisions of this chapter and KRS Chapters 116 and 118;
 - (g) Secure information from any source which may assist the board in carrying out the purposes of this section;
 - (h) Furnish at a reasonable price any and all precinct lists to duly qualified

candidates, political party committees or officials thereof, or any committee that advocates or opposes an amendment or public question. The State Board of Elections may also furnish the precinct lists to other persons at the board's discretion, at a reasonable price. The board shall not furnish precinct lists to persons who intend to use the lists for commercial use.

➔Section 18. KRS 117.045 is amended to read as follows:

- (1) The county board of elections shall in the manner prescribed by this section, not later than March 20 each year, except in a year in which no primary and regular elections are scheduled, appoint for each precinct **and early voting location** in the county two (2) judges, one (1) clerk and one (1) sheriff of election. They shall serve in all elections held in the county during the year, except for minors seventeen (17) years of age who will become eighteen (18) years of age on or before the day of the regular election who may only serve as election officers for the primary and regular elections as provided in subsection (9) of this section. If a special election is ordered to be held in a year in which no elections are scheduled, the county executive committee of each political party in each county in the territory affected by the special election shall, not later than twenty-eight (28) days preceding the date of the special election, submit a written list of nominees for precinct **and early voting** election officers to serve in the special election in a manner consistent with the provisions of subsection (2) of this section. The county board of elections in each county in the territory affected by the special election shall, not later than twenty-one (21) days preceding the date of the special election, appoint precinct **and early voting** election officers to serve in the special election in a manner consistent with the provisions of subsections (4), (5), and (6) of this section. The State Board of Elections shall promulgate an administrative regulation establishing evaluation procedures which county boards of elections may use to qualify persons nominated to serve as precinct **and early voting** election officers.

- (2) The county executive committees of the two (2) political parties having representation on the State Board of Elections may, on or before March 15 each year, designate in writing to the county board of elections a list of not less than four (4) names for each precinct and early voting location; except that, in any precinct where there are not as many as four (4) persons possessing the qualifications of an election officer belonging to the political party filing the list, a lesser number may be designated. If there are two (2) or more contending executive committees of the same party in any county, the one recognized by the written certificate of the chairman of the state central committee of the party shall be the one authorized to submit the lists. The lists shall contain the full name, address, phone number, and Social Security number, if available, of each person listed. The lists shall be accompanied by a signed statement from each person stating that he is willing to serve, has not failed to serve without excuse in the past, and has not been convicted of an election law offense or any felony, unless the person's civil rights have been restored by the Governor. The State Board of Elections shall prescribe by administrative regulation the form of the list.
- (3) The Attorney General shall notify each party state central committee of the duties of the party.
- (4) If lists are submitted, the county board of elections shall select one (1) judge at each voting place from each political party's list, and the county board shall select the sheriff from one (1) political party's list and the clerk from the other. If no lists are submitted, the two (2) members of the county board of elections who are appointed by the State Board of Elections may submit lists; and the county board shall select the sheriff and one (1) judge from one (1) list and the clerk and the other judge from the remaining list. If no lists are submitted, the county board shall select the sheriff and one (1) judge from the membership of one (1) party and the clerk and the other judge from the membership of the remaining party. The county board shall, when

possible, also appoint an adequate number of alternate precinct *and early voting* election officers from names on the lists which were submitted but which were not selected by the county board as precinct *or early voting* election officers. If alternate precinct *and early voting* election officers are not appointed from the lists of nominees who were not selected as precinct *or early voting* election officers, the county board of elections shall submit its method of selecting alternate precinct *and early voting* election officers to the State Board of Elections for its approval.

- (5) If, after all reasonable efforts have been made, the county board of elections is unable to find two (2) qualified officers for each precinct *and early voting location* who are affiliated with the two (2) political parties having representation on the State Board of Elections, the county board shall submit a list of emergency election officer appointments to the State Board of Elections. The county board shall also present, in writing, its efforts to recruit and appoint election officers as prescribed in subsection (4) of this section. The list of emergency appointments may include qualified voters not affiliated with the two (2) parties represented on the state board. The state board, after its review, may approve any or all of the emergency appointments submitted by the county board or may direct the county board to take other action. Any emergency appointment shall be made for the next ensuing election only.
- (6) In addition to precinct *and early voting* election officers appointed under subsection (1) of this section, a county board of elections may appoint up to two (2) additional precinct *and early voting* election officers per precinct *and early voting location* with the approval of the State Board of Elections. The state board shall promulgate an administrative regulation establishing conditions under which additional precinct *and early voting* officers may be approved.
- (7) The county board of elections shall, not less than ten (10) days before the next ensuing election, send to each election officer written notice of his appointment.

The board may direct the sheriff of the county to serve the notice of appointment, if it deems the action is necessary.

- (8) The State Board of Elections may require the county board of elections to submit its list of precinct and early voting officers for review. The State Board of Elections may, after a hearing, direct the removal of any election officer who the board finds would not fairly administer the state election laws. The state board shall replace any officer so removed. The board shall provide for the method and manner of the hearing by administrative regulation.
- (9) An election officer shall be a qualified voter of the precinct; except that, where no qualified voter of the required political party is available within the precinct for precinct officers, the election officer shall be a qualified voter of the county. A minor seventeen (17) years of age who will become eighteen (18) years of age on or before the day of the regular election may serve as an election officer for the primary and regular elections in which he or she is qualified to vote; however, no precinct or early voting location shall have more than one (1) person serving as an election officer who is a minor seventeen (17) years of age. An election officer shall not be a candidate for office during the election year. An election officer shall not be the spouse, parent, brother, sister, or child of a candidate who is to be voted for at the election in the precinct in which the election officer will serve on election day or in the early voting location. An election officer shall not have changed his voter registration party affiliation for one (1) year prior to his appointment. An election officer may be removed, for cause, at any time up to five (5) days before an election. Vacancies shall be filled by the county board with alternate precinct and early voting election officers and the person appointed to fill the vacancy shall be of the same political party as the vacating officer, except for emergency appointments made as provided in subsection (5) of this section.
- (10) If the county board of elections fails to appoint election officers, or if any officer is

not present at the precinct or early voting location at the time for commencing the election, or refuses to act, and if no alternate is available, the officer in attendance representing the political party of the absentee shall appoint a suitable person to act in his place for that election. If both representatives of the same political party are absent, qualified voters present affiliating with that party shall elect, viva voce, suitable persons to act in their places.

(11) Each election officer shall be paid a minimum of sixty dollars (\$60) per election day served, and such an additional amount as compensation as may be determined by the county board of elections, with the approval of the governing body which would be responsible for funding the election officers' pay, for each election in which the election officer serves, to be paid by the county. For delivering the election packets to the polls, the precinct and early voting election officers shall receive in addition the mileage reimbursement provided for state employees, for each mile necessarily traveled in the delivery of the packets to the polls, or a flat fee if the fee equals or exceeds that amount. For delivering election returns, the precinct and early voting election judges shall receive in addition the mileage reimbursement provided for state employees for each mile necessarily traveled from the place of voting to and from the place of delivery, or a flat fee if the fee equals or exceeds that amount. The fee paid to the precinct and early voting election judges for delivering election returns shall be paid by the county.

➔Section 19. KRS 117.065 is amended to read as follows:

(1) The county board of elections shall, not later than September 20 of each year, establish the voting place for each precinct and for the early voting location. If a change becomes necessary after that date, notice of change shall be published pursuant to KRS Chapter 424. If a change becomes necessary during the~~on~~ election ~~day~~, notice shall be posted at the former voting place. The expense of

renting voting places, for which rent of not less than twenty dollars (\$20) shall be paid, shall be paid in the same manner as other election expenses.

- (2) The county board of elections shall have the authority to designate as voting places, without cost to the board, buildings constructed in whole or in part with tax revenues.
- (3) The county board of elections shall designate as voting places only those places which are accessible to all eligible voters, including those with physical limitations and the elderly.
- (4) The county board of elections shall ensure that each precinct **and early voting** polling place in the county has immediate access to a telephone within the polling place on the day of any election.

➔Section 20. KRS 117.075 is amended to read as follows:

- (1) Any qualified voter who has not been declared mentally disabled by a court of competent jurisdiction, and who, on account of age, disability or illness, is not able to appear at the polls **during the early voting period described in Sections 1 to 4 of this Act, or** on election day may vote in the following manner. At least seven (7) days prior to the date of the election and prior to the close of normal business hours, he shall present to the clerk by mail or in person his application for an absentee ballot containing a verified statement that his inability to appear is due to age, disability, or illness. The request for the application may be made by telephone, facsimile machine, mail, or in person. Within three (3) days of receipt of the request, the clerk shall mail to the voter an absentee ballot and envelopes, and the voter shall cast his vote in accordance with KRS 117.086. The ballot shall be returned by the voter to the county clerk by mail.
- (2) Ballots furnished pursuant to the provisions of this section shall include the names of all candidates for which the voter is entitled to vote.

➔Section 21. KRS 117.077 is amended to read as follows:

In case of a medical emergency within three (3)~~fourteen (14)~~ days or less of an election, a registered voter and the registered voter's spouse may apply for an absentee ballot. The application shall state that the emergency condition occurred within the three (3)~~fourteen (14)~~ day period. The application shall be notarized. The application form may be requested by and delivered by the voter or the spouse, parents, or children of the voter. If the voter has no spouse, parents, or children, the application form may be requested by and delivered by the brother, sister, niece, nephew, or designee of the voter. The application form shall be restricted to the use of the voter. Upon receipt of the application and verification, the county clerk shall issue an absentee ballot.

➔Section 22. KRS 117.085 is amended to read as follows:

- (1) All requests for an application for an absentee ballot may be transmitted by telephone, facsimile machine, by mail, by electronic mail, or in person. Except as provided in paragraph (b) of this subsection, all applications for an absentee ballot shall be transmitted only by mail to the voter or in person at the option of the voter, except that the county clerk shall hand an application for an absentee ballot to a voter permitted to vote by absentee ballot who appears in person to request the application, or shall mail the application to a voter permitted to vote by absentee ballot who requests the application by telephone, facsimile machine, or mail. The absentee ballot application may be requested by the voter or the spouse, parents, or children of the voter, but shall be restricted to the use of the voter. Except for qualified voters who apply pursuant to the requirements of KRS 117.075 and 117.077, those who are incarcerated in jail but have yet to be convicted, those who are uniformed-service voters as defined in KRS 117A.010 that are confined to a military base during the early voting period and on election day, and persons who qualify under paragraph (a)7. of this subsection, absentee ballots shall not be mailed to a voter's residential address located in the county in which the voter is registered. In the case of ballots returned by mail, the county clerk shall provide an absentee

ballot, two (2) official envelopes for returning the ballot, and instructions for voting to a voter who presents a completed application for an absentee ballot as provided in this section and who is properly registered as stated in his or her application.

(a) The following voters may apply to cast their votes by mail-in absentee ballot if the application is received not later than the close of business hours seven (7) days before the election:

1. Voters permitted to vote by absentee ballot pursuant to KRS 117.075;
2. Voters who are residents of Kentucky who are covered voters as defined in KRS 117A.010;
3. Voters who are students who temporarily reside outside the county of their residence;
4. Voters who are incarcerated in jail who have been charged with a crime but have not been convicted of the crime;
5. Voters who change their place of residence to a different state while the registration books are closed in the new state of residence before an election of electors for President and Vice President of the United States, who shall be permitted to cast an absentee ballot for electors for President and Vice President of the United States only;
6. Voters who temporarily reside outside the state but who are still eligible to vote in this state;
7. Voters who are prevented from voting in person at the polls on election day and from casting an early voting~~absentee~~ ballot in person in the county clerk's office or other early voting location on all days early~~absentee~~ voting is conducted prior to election day because their employment location requires them to be absent from the county all hours and all days early~~absentee~~ voting is conducted in the county clerk's office; and

8. Voters who are program participants in the Secretary of State's crime victim address confidentiality protection program as authorized by KRS 14.312.
- (b) Residents of Kentucky who are covered voters as defined in KRS 117A.010 may apply for an absentee ballot by means of the federal post-card application, which may be transmitted to the county clerk's office by mail, by facsimile machine, or by means of the electronic transmission system established under KRS 117A.030(4). The application may be used to register, reregister, and to apply for an absentee ballot. If the federal post-card application is received at any time not less than seven (7) days before the election, the county clerk shall affix his or her seal to the application form upon receipt.
- ~~{(e) Absentee voting shall be conducted in the county clerk's office or other place designated by the county board of elections and approved by the State Board of Elections during normal business hours for at least the twelve (12) working days before the election. A county board of elections may permit absentee voting to be conducted on a voting machine for a period longer than the twelve (12) working days before the election.~~
- ~~(d) Any qualified voter in the county who is not permitted to vote by absentee ballot under paragraph (a) of this subsection who will be absent from the county on any election day may, at any time during normal business hours on those days absentee voting is conducted in the county clerk's office, make application in person to the county clerk to vote on a voting machine in the county clerk's office or other place designated by the county board of elections and approved by the State Board of Elections.~~
- ~~(e) The following voters may, at any time during normal business hours on those days absentee voting is conducted in the county clerk's office, make application in person to the county clerk to vote on a voting machine in the county clerk's office or other~~

~~place designated by the county board of elections and approved by the State Board of Elections:~~

- ~~1. Voters who are residents of Kentucky who are covered voters as defined in KRS 117A.010, who will be absent from the county on any election day;~~
 - ~~2. Voters who are students who temporarily reside outside the county of their residence;~~
 - ~~3. Voters who have surgery scheduled that will require hospitalization on election day, and the spouse of the voter;~~
 - ~~4. Voters who temporarily reside outside the state but who are still eligible to vote in this state and who will be absent from the county on any election day;~~
 - ~~5. Voters who are residents of Kentucky who are uniformed service voters as defined in KRS 117A.010 confined to a military base on election day and who learn of that confinement within seven (7) days or less of an election and are not eligible for a paper absentee ballot under this subsection; and~~
 - ~~6. A voter who is a pregnant woman in her last trimester of pregnancy at the time she wishes to vote under this paragraph. The application form for a voter under this subparagraph shall be prescribed by the State Board of Elections, which shall contain the woman's sworn statement that she is in fact in her last trimester of pregnancy at the time she wishes to vote.~~
- ~~(f) Voters who change their place of residence to a different state while the registration books are closed in the new state of residence before a presidential election shall be permitted to cast an absentee ballot for President and Vice President only, by making application in person to the county clerk to vote on a voting machine in the county clerk's office or other place designated by the county board of elections and approved by the State Board of Elections.~~
- ~~(g) Any member of the county board of elections, any precinct election officer appointed to serve in a precinct other than that in which he or she is registered, any~~

~~alternate precinct election officer, any deputy county clerk, any staff for the State Board of Elections, and any staff for the county board of elections may vote on a voting machine in the county clerk's office or other place designated by the county board of elections, and approved by the State Board of Elections, up to the close of normal business hours on the day before the election. The application form for those persons shall be prescribed by the State Board of Elections and, in the case of application by precinct election officers, shall contain a verification of appointment signed by a member of the county board of elections. If an alternate precinct election officer or a precinct election officer appointed to serve in a precinct other than that in which he or she is registered receives his or her appointment while absentee voting is being conducted in the county, such officer may vote on a voting machine in the county clerk's office or other place designated by the county board of elections, and approved by the State Board of Elections, up to the close of normal business hours on the day before the election. In case of such voters, the verification of appointment shall also contain the date of appointment. The applications shall be restricted to the use of the voter only.]~~

~~(2)(h)~~ The members of the county board of elections or their designees who provide equal representation of both political parties may serve as early voting~~[precinct]~~ election officers, without compensation, for all early~~[absentee]~~ voting performed on a voting machine in the county clerk's office or other place designated by the county board of elections and approved by the State Board of Elections. If the members of the county board of elections or their designees serve as early voting~~[precinct]~~ election officers for the early~~[absentee]~~ voting, they shall perform the same duties and exercise the same authority as precinct election officers who serve on the day of an election. If the members of the county board of elections or their designees do not serve as early voting~~[precinct]~~ election officers for the early~~[absentee]~~ voting, the county clerk or deputy county clerks shall supervise the early~~[absentee]~~ voting.

~~(3)~~~~(1)~~ Any individual qualified to appoint challengers for the day of an election may also appoint challengers to observe all ~~early~~~~absentee~~ voting performed at the county clerk's office or other place designated by the county board of elections, and approved by the State Board of Elections, and those challengers may exercise the same privileges as challengers appointed for observing voting on the day of an election at a regular polling place.

~~(4)~~~~(2)~~ The clerk shall type the name of the voter permitted to vote by absentee ballot on the application form for that person's use and no other. The absentee ballot application form shall be in the form prescribed by the State Board of Elections, shall bear the seal of the county clerk, and shall contain the following information: name, residential address, precinct, party affiliation, statement of the reason the person cannot vote in person on election day, statement of where the voter shall be during the early voting period and on election day, statement of compliance with residency requirements for voting in the precinct, and the voter's mailing address for an absentee ballot. The form shall be verified and signed by the voter. A notice of the actual penalty provisions in KRS 117.995(2) and (5) shall be printed on the application.

~~(5)~~~~(3)~~ If the county clerk finds that the voter is properly registered as stated in his or her application and qualifies to receive an absentee ballot by mail, he or she shall mail to the voter an absentee ballot, two (2) official envelopes for returning the ballot, and instructions for voting. The county clerk shall complete a postal form for a certificate of mailing for ballots mailed within the fifty (50) states, and it shall be stamped by the postal service when the ballots are mailed. An absentee ballot may be transmitted by facsimile machine or by the electronic transmission system established under KRS 117A.030(4) to a covered voter as defined in KRS 117A.010. The covered voter shall be notified of the options for transmittal of the absentee ballot, and the absentee ballot shall be transmitted by the method chosen

for receipt by the resident of Kentucky who is a covered voter.

~~(6)~~~~(4)~~ Absentee ballots which are requested prior to the printing of the ballots shall be mailed or otherwise transmitted as provided in subsection ~~(5)~~~~(3)~~ of this section by the county clerk to the voter within three (3) days of the receipt of the printed ballots; and absentee ballots which are requested subsequent to the receipt of the ballots by the county clerk shall be mailed or otherwise transmitted as provided in subsection ~~(5)~~~~(3)~~ of this section to the voter within three (3) days of the receipt of the request.

~~(7)~~~~(5)~~ The clerk shall cause ballots to be printed fifty (50) days prior to each primary or regular election, and forty-five (45) days prior to a special election.

~~(8)~~~~(6)~~ The outer envelope shall bear the words "Absentee Ballot" and the address and official title of the county clerk and shall provide space for the voter's signature, voting address, precinct number, and signatures of two (2) witnesses if the voter signs the form with the use of a mark instead of the voter's signature. A detachable flap on the inner envelope shall provide space for the voter's signature, voting address, precinct number, signatures of two (2) witnesses if the voter signs the form with the use of a mark instead of the voter's signature and notice of penalty provided in KRS 117.995(5). The clerk shall type the voter's address and precinct number in the upper left hand corner of the outer envelope and of the detachable flap on the inner envelope immediately below the blank space for the voter's signature. The inner envelope shall be blank. The clerk shall retain the application and the postal form required by subsection ~~(5)~~~~(3)~~ of this section for twenty-two (22) months after the election.

~~(9)~~~~(7)~~ Any person who has received an absentee ballot by mail but who knows at least seven (7) days before the date of the election that he or she will be in the county **during the early voting period or** on election day and who has not voted pursuant to the provisions of KRS 117.086 shall cancel his or her absentee ballot

and vote in person. The voter shall return the absentee ballot to the county clerk's office ~~[no later than seven (7) days]~~ prior to **the day the voter votes in person**~~[the date of the election]~~. Upon the return of the absentee ballot, the clerk shall mark on the outer envelope of the sealed ballot or the unmarked ballot the words "Canceled because voter appeared to vote in person." Sealed envelopes so marked shall not be opened. The clerk shall remove the voter's name from the list of persons who were sent absentee ballots, and the voter may vote in the precinct in which he or she is properly registered **or at the early voting location**.

~~(10)~~~~(8)~~ Any voter qualified for a mail-in absentee ballot who does not receive a requested mail-in ballot within a reasonable amount of time shall contact the county clerk, who shall reissue a second ballot. The county clerk shall keep a record of the absentee ballots issued and returned by mail~~], and the absentee voting that is performed on the voting machine in the county clerk's office or other place designated by the county board of elections and approved by the State Board of Elections,~~ to verify that only the first voted ballot to be returned by the voter is counted. Upon the return of any ballot after the first ballot is returned, the clerk shall mark on the outer envelope of the sealed ballot the words "Canceled because ballot reissued."

~~(11)~~~~(9)~~ Any covered voter as defined in KRS 117A.010 who has received an absentee ballot but who knows that he or she will be in the county **during the early voting period or** on election day and who has not voted pursuant to the provisions of KRS 117.086 shall cancel his or her absentee ballot and vote in person. The voter shall return the absentee ballot to the county clerk's office on or before **the day the voter votes in person**~~[election day]~~. Upon the return of the absentee ballot, the clerk shall mark on the outer envelope of the sealed ballot or the unmarked ballot the words "Canceled because voter appeared to vote in person." Sealed envelopes so marked shall not be opened. If the covered voter is unable to return the absentee ballot to the

county clerk's office on or before the voter~~[election day, at the time he or she]~~ votes in person, he or she shall sign a written oath as to his or her qualifications on the form prescribed by the State Board of Elections pursuant to KRS 117.245. The clerk shall remove the voter's name from the list of persons who were sent absentee ballots, provide the voter with written authorization to vote at the precinct or early voting location, and the voter may vote in the precinct in which he or she is properly registered or at the early voting location.

~~(12)~~~~(10)~~ Notwithstanding the provisions of the Kentucky Open Records Act, KRS 61.870 to 61.884, the information contained in an application for an absentee ballot shall not be made public until after the close of business hours on the election day for which the application applies. This subsection shall not prohibit at any time the disclosure, upon request, of the total number of applications for absentee ballots that have been filed, or the disclosure to the Secretary of State or the State Board of Elections, if requested or if otherwise required by law, of any information in an application for an absentee ballot.

→Section 23. KRS 117.0851 is amended to read as follows:

Absentee and early voting ballots cast, as provided by Sections 1 to 4 of this Act, KRS 117.075, 117.077, and 117.085, shall all be tabulated in the same manner, as shall be provided by this chapter.

→Section 24. KRS 117.086 is amended to read as follows:

(1) The voter returning his absentee ballot by mail shall mark his ballot, seal it in the inner envelope and then in the outer envelope, and mail it to the county clerk as shall be provided by this chapter. The voter shall sign the detachable flap and the outer envelope in order to validate the ballot. A person having power of attorney for the voter and who signs the detachable flap and outer envelope for the voter shall complete the voter assistance form as required by KRS 117.255. The signatures of two (2) witnesses are required if the voter signs the form with the use of a mark

instead of the voter's signature. A resident of Kentucky who is a covered voter as defined in KRS 117A.010 who has received an absentee ballot transmitted by facsimile machine or by means of the electronic transmission system established under KRS 117A.030(4) shall transmit the voted ballot to the county clerk by mail only, conforming with ballot security requirements that may be promulgated by the state board by administrative regulation. In order to be counted, the ballots shall be received by the clerk by at least the time established by the election laws generally for the closing of the polls *on election day*, which time shall not include the extra hour during which those voters may vote who were waiting in line to vote at the scheduled poll closing time.

- (2) ~~Any voter who shall be absent from the county on election day, but who does not qualify to receive an absentee ballot by mail under the provisions of KRS 117.085, and~~ All voters qualified to vote prior to the election under the provisions of KRS 117.085 *during the early voting period*~~]~~ shall vote at the main office of the county clerk or other place designated by the county board of elections, and approved by the State Board of Elections~~], prior to the day of election]~~. The clerk may provide for such voting by the voting equipment in general use in the county either at the precinct~~], the equipment as may be used to tabulate absentee ballots,]~~ or any other voting equipment approved by the State Board of Elections for use in Kentucky, except as follows:
- (a) Any voter ~~qualifying to vote in the clerk's office or other place designated by the county board of elections, and approved by the State Board of Elections,~~ who receives assistance to vote shall complete the voter assistance form required by KRS 117.255.
- (b) Any voter ~~qualifying to vote in the clerk's office or other place designated by the county board of elections, and approved by the State Board of Elections,~~ whose qualifications are challenged by any clerk or deputy shall complete an

"Oath of Voter" affidavit.

(3) ~~[When the clerk uses general voting equipment as provided for in subsection (2) of this section, each voter casting his vote at the clerk's office or other place designated by the county board of elections, and approved by the State Board of Elections, shall sign an "Absentee Ballot Signature Roster."~~

~~(4)~~ The clerk shall designate a location within his office where the **early voting** ballots shall be cast secretly. The county clerk, with the approval of the State Board of Elections, may establish locations other than his main office in which the voters may execute their **early voting** ballots. Public notice of the locations shall be given pursuant to KRS Chapter 424 and similar notice by mail shall be given to the county chairmen of the two (2) political parties whose candidates polled the largest number of votes in the county at the last general election.

~~(4)~~~~(5)~~ The State Board of Elections shall promulgate administrative regulations to provide for casting ballots as provided in subsection (2) of this section.

~~(5)~~~~(6)~~ The clerk shall deposit all of the absentee ballots returned by mail in a locked ballot box immediately upon receipt without opening the outer envelope. The ballot box shall be locked with three (3) locks. The keys to the box shall be retained by the three (3) members of the central absentee ballot counting board, if one is appointed, or by the members of the board of elections, and the box shall remain locked until the ballots are counted. All voting equipment on which ballots are cast as permitted in subsection (2) of this section shall also remain locked and the keys shall be retained by the three (3) members of the central absentee ballot counting board, if one is appointed, or by the members of the board of elections, and the equipment shall remain locked until the ballots are counted.

~~(6)~~~~(7)~~ The clerk shall keep a list for each election of all persons who return their absentee ballots by mail ~~or who cast their ballots in the clerk's office or other place designated by the county board of elections and approved by the State Board of~~

~~Elections], and shall send a copy of the[each] list to the state board after the election day for which the list applies. Notwithstanding the provisions of the Kentucky Open Records Act, KRS 61.870 to 61.884, each list of all persons who return their absentee ballots by mail [or cast their ballots in the clerk's office or other designated and approved place] shall not be made public until after the close of business hours on the election day for which the list applies. The county clerk and the Secretary of State shall keep a record of the number of votes cast by absentee ballots returned by mail[and cast on the voting machine in the county clerk's office or other place designated by the county board of elections and approved by the State Board of Elections,] which are cast in any election as a part of the official returns of the election.~~

(7) The clerk shall keep a list for each election of all persons who cast their ballots during the early voting period in the clerk's office or other place designated by the county board of elections and approved by the State Board of Elections, and shall send a copy of the list to the state board after the early voting period for which the list applies. Notwithstanding the provisions of the Kentucky Open Records Act, KRS 61.870 to 61.884, each list of all persons who cast their ballots during the early voting period in the clerk's office or other designated and approved place shall not be made public until after the close of business hours on the election day for which the list applies. The county clerk and the Secretary of State shall keep a record of the number of votes cast during the early voting period on the voting machine in the county clerk's office or other place designated by the county board of elections and approved by the State Board of Elections, which are cast in any election as a part of the official returns of the election.

(8) The county board of elections shall report to the State Board of Elections within ten (10) days after any primary or general election as to the number of rejected absentee

ballots and the reasons for rejected absentee ballots on a form prescribed by the State Board of Elections in administrative regulations promulgated under KRS Chapter 13A.

➔Section 25. KRS 117.0865 is amended to read as follows:

Any person who aids another in completing an absentee or early voting ballot shall not solicit or encourage that person to vote for or against any candidate, party, or issue. Any person who violates this section shall be guilty of a Class D felony.

➔Section 26. KRS 117.087 is amended to read as follows:

- (1) The challenge of an absentee ballot returned by mail shall be in writing and in the hands of the county clerk before 10 a.m. on election day.
- (2) The county board of elections shall count the absentee ballots returned by mail and the early voting votes cast on the voting machine in the county clerk's office or other place designated by the county board of elections and approved by the State Board of Elections. The board may appoint a central ballot counting board of not less than three (3) members, who shall be qualified voters and no more than two-thirds (2/3) of whom shall be members of the same political party, to count the ballots at the direction of the county board of elections.
- (3) Beginning at 10 a.m. on election day, the board shall meet at the clerk's office to count the absentee ballots returned by mail and the early voting ballots cast on the voting machine in the county clerk's office or other place designated by the county board of elections and approved by the State Board of Elections. Candidates or their representatives shall be permitted to be present. The county board of elections shall authorize representatives of the news media to observe the counting of the ballots. The board shall open the boxes containing absentee ballots returned by mail and remove the envelopes one (1) at a time. As each envelope is removed, it shall be examined to ascertain whether the outer envelope and the detachable flap are in proper order and have been signed by the voter. A person having power of attorney

for the voter and who signs the detachable flap and outer envelope for the voter shall complete the voter assistance form required by KRS 117.255. The signatures of two (2) witnesses are required if the voter signs the form with the use of a mark instead of the voter's signature. All unsigned absentee ballots shall be rejected automatically. The chairman of the county board of elections shall compare the signatures on the outer envelope and the detachable flap with the signature of the voter that appears on the registration card. If the outer envelope and the detachable flap are found to be in order, the chairman shall read aloud the name of the voter. If the vote of the voter is not rejected on a challenge then made as provided in subsection (4) of this section, the chairman shall remove the detachable flap and place the inner envelope unopened in a ballot box which has been provided for the purpose.

- (4) When the name of a voter who cast an absentee ballot by mail is read aloud by the chairman, the vote of the voter may be challenged by any board member or by the written challenge provided in subsection (1) of this section and the challenge may be determined and the vote accepted or rejected by the board as if the voter was present and voting in person; but if the outer envelope and the detachable flap are regular, and substantially comply with the provisions of this chapter, they shall be considered as showing that the voter is prima facie entitled to vote. If the vote of a voter is rejected pursuant to the challenge, the inner envelope shall not be opened, but returned to the outer envelope upon which the chairman shall write on the envelope the word "rejected."
- (5) After the challenges have been made and all the blank inner envelopes have been placed in a ballot box, the box shall be thoroughly shaken to redistribute the absentee ballots in the box. The board shall open the ballot box, remove the absentee ballots from the inner envelopes, and count the ballots.
- (6) The board shall unlock any voting equipment used to cast early voting ballots in the

clerk's office or other place designated by the county board of elections, and approved by the State Board of Elections, as provided for in Sections 1 to 4 of this Act and KRS 117.086, and a total of all early voting ballots shall be made and recorded on the form provided by the State Board of Elections.

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

➔Section 27. KRS 117.088 is amended to read as follows:

- (1) For purposes of this section, "blind or visually impaired individual" means an individual who:
- (a) Has a visual acuity of 20/200 or less in the better eye with correcting lenses or has a limited field of vision so that the widest diameter of the visual field subtends an angle no greater than twenty (20) degrees;
 - (b) Has a medically indicated expectation of visual deterioration;
 - (c) Has a medically diagnosed limitation in visual functioning that restricts the individual's ability to read and write standard print at levels expected of individuals of comparable ability;
 - (d) Has been certified as requiring permanent assistance to vote under KRS 117.255(5) for reason of blindness; or
 - (e) Qualifies to receive assistance to vote under KRS 117.255(2) for reason of blindness.
- (2) For purposes of this section, "pilot program" means a program in a county containing a consolidated local government or containing a city of the first class for unassisted voting by blind or visually impaired individuals.
- (3) A county board of elections in a county containing a consolidated local government or containing a city of the first class may establish a pilot program. As part of this

pilot program, the State Board of Elections shall approve the use of voting equipment under KRS 117.379 that is designed to permit blind and visually impaired individuals to vote without assistance, for use beginning in the 2002 general election. No county board of elections in a county containing a consolidated local government or containing a city of the first class shall be required to operate a pilot program.

- (4) The State Board of Elections, if it approves the voting equipment under KRS 117.379, may approve the use of voting equipment designed to permit blind and visually impaired individuals to vote without assistance in as many locations within a county containing a consolidated local government or containing a city of the first class as are designated by the county board of elections.
- (5) A county board of elections in a county containing a consolidated local government or containing a city of the first class shall provide a report to the State Board of Elections after every primary or general election regarding the number of blind or visually impaired individuals that have utilized the voting equipment during the pilot program.
- (6) Notwithstanding the provisions of KRS 116.025 or Sections 1 to 4 of this Act, or any other statute to the contrary, a blind or visually impaired voter residing in a county containing a consolidated local government or containing a city of the first class that is operating a pilot program shall be permitted to vote at a location outside the precinct of his or her registration by voting at a location within the county of his or her registration on a voting machine designed to permit blind or visually impaired individuals to vote without assistance, which may include voting at the county clerk's office, or other place designated by the county board of elections, and approved by the State Board of Elections.
- (7) Notwithstanding the provisions of Sections 1 to 4 of this Act, KRS 117.075, 117.085, 117.086, or 117.0863 or any other statute to the contrary, a blind or

visually impaired individual residing in a county containing a consolidated local government or containing a city of the first class that is operating a pilot program shall be permitted to vote in the location within the county of his or her registration as provided under subsection (6) of this section, on a voting machine designed to permit blind or visually impaired individuals to vote without assistance, at any time during which ~~early~~~~absentee~~ voting is conducted in the clerk's office or other place designated by the county board of elections during normal business hours during the early voting period~~on at least any of the twelve (12) working days before the election, and the county board of elections may permit the voting to be conducted on a voting machine for a period longer than the twelve (12) working days before the election prescribed above~~. An application for those blind or visually impaired individuals wishing to vote on a voting machine approved for use by blind or visually impaired individuals shall be prescribed by the State Board of Elections and shall include the individual's sworn statement that the individual is blind or visually impaired.

- (8) Notwithstanding the requirements of Sections 1 to 4 of this Act, KRS 117.381, or any other statute to the contrary, the State Board of Elections may certify, as a part of the pilot project of a county containing a consolidated local government or containing a city of the first class, voting equipment which utilizes audio recordings, voice-activated technology, or vocal recognition technology to record a vote, and may require such accommodations as would permit a blind or visually impaired voter to cast a vote in secret.
- (9) Notwithstanding the provisions of Sections 1 to 4 of this Act, KRS 117.255, a blind or visually impaired voter residing in a county containing a consolidated local government or containing a city of the first class that is operating a pilot project may cast his or her vote alone and without assistance on a voting machine approved for use by blind or visually impaired individuals. However, the blind or visually

impaired voter shall be instructed by the officers of election, with the aid of the instruction cards and the model, in the use of the machine, if the voter so requests.

- (10) Nothing in this section shall impair the right of any qualified voter under KRS 117.255 to receive assistance and vote according to the procedures specified in that section.

➔Section 28. KRS 117.145 is amended to read as follows:

- (1) At least twenty-five (25)~~fifteen (15)~~ days before the day of any special election, and at least fifty (50) days before the day of any primary or regular election, the county clerk of each county shall cause to be printed and ready for use ballot labels for each candidate who, and each question which, is entitled to be voted upon in such election. The ballot labels shall be printed on clear white paper or other material which shall be furnished by the printer. They shall be printed in black ink, in plain, clear type clearly legible to a person with normal vision, and shall be of a size to fit the ballot frames. The labels shall include the necessary party designations.
- (2) Each county clerk shall have printed a sufficient number of paper absentee ballots. The absentee ballot shall be used for voting by absent voters;~~by precinct officers who have been assigned to a precinct other than their own; by members of a county board of elections;~~ by voters so disabled by age, infirmity or illness as to be unable to appear at the polls; and for voting in an emergency situation. The ballot stubs shall be consecutively numbered and the county board shall keep a record, by number, of all absentee ballots used for any of the purposes listed herein.
- (3) No later than the Friday preceding ~~the~~^a special or regular election day, the county clerk shall equip the precinct voting machines with the necessary supplies for the purpose of write-in votes. The county clerk shall also attach a pencil or pen to the voting machine for write-in purposes. The county clerk shall equip each early voting machine with the necessary supplies, including attaching a pencil or pen

to the voting machine for the purpose of write-in votes, at least five (5) days before the early voting period begins.

- (4) If supplemental paper ballots have been approved as provided in KRS 118.215, the county clerk shall cause to be printed a sufficient number of paper ballots for the registered voters of each precinct for regular voting, and a sufficient number of paper ballots for early voting. The paper ballots shall have stubs which are numbered consecutively. The quality of paper on which the supplemental paper ballots are printed shall be determined by regulations promulgated by the secretary of the Finance and Administration Cabinet.

➔Section 29. KRS 117.165 is amended to read as follows:

- (1) Upon completing the preparation of the machines in accordance with the provisions of KRS 117.155, and not later than the Thursday preceding the day of the election, the county clerk shall notify the members of the county board of elections that the machines are ready for use. The board shall thereupon convene at the office of the county clerk, not later than the Friday preceding the day of the election, and examine the machines to determine whether the requirements of KRS 117.155 have been met. The county board of elections shall publish notice, in accordance with KRS 424.130(1)(d), at least twenty-four (24) hours in advance of the time when the machines are to be examined by the board. If found in proper order, the members of the county board of elections shall endorse their approval in the book in which the county clerk has entered the numbers of the machines opposite the numbers of the precincts. The clerk shall then deliver all of the keys to the machines to the county board of elections who shall give a receipt for the keys which shall contain identification of the keys. Not later than one (1) hour before the time set for the opening of the election day polls, the board shall deliver all election supplies including the precinct list, tabulation sheets, and the key to the device covering the registering counters and other keys necessary for the operation of the machine in

registering votes, to the election officers of the precinct in which the machine is being used, who shall give the board a receipt containing identification of the keys. The master key and all other keys shall remain in the possession of the county board of elections.

- (2) Not later ~~than~~^{then} four (4) business days preceding the date set by the county board of elections to conduct early voting~~absentee voting in accordance with KRS 117.085(1)(c)~~, the county clerk shall notify the members of the county board of elections that the voting machines designated for use during early~~absentee~~ voting are ready for use. The board shall thereupon convene at the office of the county clerk, not later than three (3) business days preceding the date set by the county board of elections to conduct early~~absentee~~ voting, and examine the machines to determine whether the requirements of KRS 117.155 have been met. The county board of elections shall publish notice, in accordance with KRS 424.130(1)(d), at least twenty-four (24) hours in advance of the time when the early~~absentee~~ voting machines are to be examined by the board. If found in proper order, the members of the county board of elections shall endorse their approval in the book in which the county clerk has entered the identification number of the machines designated for use during early~~absentee~~ voting. Not later than one (1) hour before the time set for the opening of the early voting polls, the board shall deliver all election supplies, including the precinct lists, tabulation sheets, and the key to the device covering the registering counters and other keys necessary for the operation of the machine in registering votes, to the election officers of the early voting location in which the machine is being used, who shall give the board a receipt containing identification of the keys. The master key and all other keys shall remain in the possession of the county board of elections.
- (3) Any candidate, one (1) representative of each political party having candidates to be voted for at the election, and representatives of the news media may be present

when the examination of the machines is made by the county board of elections.

➔Section 30. KRS 117.187 is amended to read as follows:

- (1) The State Board of Elections shall regularly provide special training regarding the election laws and methods of enforcement to all members of county boards of elections, county attorneys, Commonwealth's attorneys, and certain members of the Department of Kentucky State Police.
- (2) The county board of elections shall provide special training before each early voting period for primary and regular elections~~[election]~~, and any special election held during a year in which no elections are scheduled, to all election officers, alternates, and certified challengers regarding their duties and the penalties for failure to perform. Election officers, including alternates, and certified challengers shall attend the training session, unless excused by the county board of elections for reason of illness or other emergency. Any person who fails to attend a training session without being excused shall be prohibited from serving as an election officer or challenger for a period of five (5) years. The training provided by the county board of elections shall include but not be limited to the following:
 - (a) Operation of the voting machine or ballot cards;
 - (b) Posting of necessary signs and notices at the polling place;
 - (c) Voter assistance;
 - (d) Maintaining precinct rosters;
 - (e) Confirmation of a voter's identity;
 - (f) Challenge of a voter;
 - (g) Completing changes of address or name at the polling place;
 - (h) Qualifications for voting in a primary election;
 - (i) Electioneering and exit polling;
 - (j) Write-in voting procedures;
 - (k) Persons who may be in the voting room;

- (l) Election violations and penalties;
 - (m) Assistance which may be provided by law enforcement officers;
 - (n) Election reports;
 - (o) Disability awareness;
 - (p) Provisional voting process;
 - (q) Election emergency contingency plan;~~and~~
 - (r) Elections and voting equipment security plan; **and**
 - (s) **Early voting.**
- (3) The county attorney shall attend the training session for election officers to assist in explaining the duties and penalties for failure to perform.
- (4) Compensation in the minimum amount of ten dollars (\$10) for reimbursement of actual expenses shall be paid by the county to the election officers for attending the training session.

➔Section 31. KRS 117.195 is amended to read as follows:

- (1) At least one (1) hour prior to the opening of the polls **for early and regular voting,** the county clerk shall deliver each machine, with the operating device and mechanism and the device covering the registering counters securely locked, to the clerk of the **early voting location or** precinct in which it is to be used **for early or regular voting,** and shall take a receipt indicating the distinguishing number of the machine. The clerk of the **early voting location or** precinct shall cause the machine to be arranged in the voting place so that the front of the machine, on which appear the ballot labels and the operating devices, will not be visible, when being operated, to any person other than the voter.
- (2) In polling places in which machines for multiple precincts are located **and for early voting locations,** the county clerk shall post a sign near each machine identifying the precinct **or precincts** for which the machine has been designated.
- (3) If supplemental paper ballots have been approved as provided in KRS 118.215, the

county clerk shall, at least one hour prior to the opening of the polls for regular voting and for early voting, deliver a sufficient number of ballots for the registered voters of each precinct or for early voting voters, a sufficient number of voting booths for voting paper ballots, string, rubber stamps for marking "Spoiled" and "Unused" ballots and a locked ballot box for each precinct and for each early voting location. The county clerk shall take a receipt for the number of ballots issued and the ballot box for each precinct and for each early voting location. The county clerk shall retain the keys to all ballot boxes.

➔Section 32. KRS 117.205 is amended to read as follows:

Before permitting any person to vote on the day of the election for regular voting or during the early voting period for early voting, the election officers shall examine the machine to ascertain whether it has been operated since the counters referred to in subsections (10) and (11) of KRS 117.125 were set at zero, and to ascertain whether the ballot labels are arranged as specified on the printed instruction cards. If the machine indicates that it has been operated or if the ballot labels are not so arranged, the officers shall not unlock the operating device or mechanism, but shall immediately secure the attendance of the county clerk and one (1) member of the county board of elections other than the county clerk, who shall reset the counters at zero and relock the device covering the counters, or properly arrange the ballot labels, as the case may be, in the presence of the election officers. If the attendance of members of the board of elections cannot be obtained before the opening of the regular or early voting polls or within one (1) hour thereafter, the election officers shall notify the county clerk of the foregoing facts and obtain from the county clerk a reserve voting machine, and proceed to conduct the election or early voting. Any reserve machine shall have been certified for use at the election by the county board of elections and prepared for use at the election by the election officers in the precinct or early voting location in the same manner as the original machine was prepared for the election or early voting. The machine found to

have been so operated shall be returned immediately to the custody of the county clerk, whose duty it shall be to promptly repair same in order that it may be used as a reserve machine in the election if needed.

➔Section 33. KRS 117.215 is amended to read as follows:

- (1) If, during the conduct of an election, including the early voting period, a machine becomes in a state of disrepair so that it cannot be operated in a manner that will comply with the provisions of this chapter, the election officers shall lock or seal the machine in such a manner as to prevent further voting thereon and record the numbers shown by the public counter. Then the election officers shall secure from the county clerk a reserve voting machine, which shall be prepared and made ready for use as provided in KRS 117.205, and thereupon proceed to conduct the election or early voting. When the polls or early voting period are closed both the original and reserve voting machines shall be examined and the votes thereon registered shall be counted as provided in KRS 117.275 and the aggregate number of votes cast on both machines for each candidate and on each question shall be certified as the result of the election in that precinct or early voting location.
- (2) If an emergency should arise due to the malfunction of the voting machine, the county clerk shall provide a backup voting machine or supplemental paper ballots for use at the precinct or early voting location and a ballot box in which to deposit the voted ballots. The ballot box shall be locked with two (2) locks and the judges of the precinct or early voting location shall each hold the key to one (1) lock. At the close of voting, the ballots shall be counted at the precinct or a central counting center and added to the votes cast by machine. The aggregate of these votes shall be certified as the result of the election in that precinct or early voting period.

➔Section 34. KRS 117.225 is amended to read as follows:

- (1) Any person desiring to vote on election day or during the early voting period shall give his name and address to the clerk of the election. If the person's name is listed

on the precinct list furnished by the State Board of Elections as provided in KRS 117.025 and if no challenge is made, he shall sign his name on the precinct or early voting list in the space opposite his printed name. The voter's signature shall constitute his verification that he is a properly registered and qualified voter. The voter shall then retire alone to cast his vote on the voting machine. The county board of elections may provide to each precinct the original registration form of each voter entitled to vote in that precinct. The county board of elections may provide original registration forms of each voter entitled to vote in the county for early voting. These forms shall be used to compare signatures in those precincts or early voting locations to which the forms are provided.

- (2) If supplemental paper ballots are used for regular voting or for early voting, as provided in KRS 118.215, after voting on the voting machine the voter shall take the supplemental paper ballot with the stub intact and retire alone to the voting booth provided for voting paper ballots. After voting the supplemental paper ballot, the voter shall remove the numbered stub, hand the stub to an election official and deposit the voted ballot in the locked ballot box.

➔Section 35. KRS 117.227 is amended to read as follows:

Election officers shall confirm the identity of each voter by personal acquaintance or by a document, such as a motor vehicle operator's license, Social Security card, or credit card. The election officer for regular and early voting confirming the identity shall sign the precinct or early voting voter roster and list the method of identification.

➔Section 36. KRS 117.235 is amended to read as follows:

- (1) No person, other than the election officers, challengers, person assisting voters in accordance with KRS 117.255(3), and a minor child in the company of a voter, shall be permitted within the voting room while the vote is being polled, except as follows:
 - (a) For the purpose of voting;

- (b) By authority of the election officers to keep order and enforce the law;
 - (c) With the express approval of the county board of elections to repair or replace voting equipment that is malfunctioning and to provide additional voting equipment; or
 - (d) At the voter's discretion, a minor child in the company of a voter may accompany the voter into a voting booth or other private area provided for casting a vote.
- (2) No officer of election shall do any electioneering on election day or during the early voting period.
- (3) No person shall electioneer at the polling place on the day of any election or early voting period, as established in KRS 118.025 and Sections 1 to 4 of this Act, within a distance of three hundred (300) feet of any entrance to a building in which a voting machine is located if that entrance is unlocked and is used by voters during an~~on~~ election ~~day~~, unless the fiscal court or legislative body of an urban-county, charter county, or consolidated local government, on a countywide basis, specifically prohibits electioneering during an~~on the day of any~~ election by ordinance for a distance greater than three hundred (300) feet from the polling place. No person shall electioneer within the interior of a building or affix any electioneering materials to the exterior or interior of a building where the county clerk's office is located, or any building designated by the county board of elections and approved by the State Board of Elections for early~~absentee~~ voting, during the hours early~~absentee~~ voting is being conducted in the building by the county clerk pursuant to Sections 2 and 3 of this Act~~[KRS 117.085(1)(e)]~~. Electioneering shall include the displaying of signs, the distribution of campaign literature, cards, or handbills, the soliciting of signatures to any petition, or the solicitation of votes for or against any bona fide candidate or ballot question in a manner which expressly advocates the election or defeat of the candidate or expressly advocates the passage

or defeat of the ballot question, but shall not include exit polling or other exceptions established by the State Board of Elections through the promulgation of administrative regulations.

- (4) No voter shall be permitted to converse with others while in any room in which voting, including early~~absentee~~ voting, is conducted concerning their support or nonsupport of any candidate, party, or issue to be voted on, except as provided in KRS 117.255.
- (5) Any precinct or early voting election officer, county clerk, deputy county clerk, or any law enforcement official may enforce the election laws and maintain law and order at the polls and within three hundred (300) feet of any entrance to the building in which the voting machine is located if that entrance is unlocked and is used by voters. Assistance may be requested of any law enforcement officer.
- (6) Notwithstanding the provisions of subsection (1) of this section, the State Board of Elections may establish a program designed to instill in school children a respect for the democratic principles of voting by conducting in any county a mock election for school children in conjunction with any primary, or regular or special election. The State Board of Elections shall promulgate administrative regulations regarding the mock elections to insure that the regular voting process will not be impaired.

➔Section 37. KRS 117.237 is amended to read as follows:

- (1) A county board of elections, a clerk, judge/executive, sheriff, fiscal court, the Attorney General, grand jury, or the county chairman of either of the two (2) political parties which polled the largest vote in the preceding general election may request that the Department of Kentucky State Police patrol voting precincts or the early voting location in the county during the hours the polls are open on the day of any primary or regular or special election or during the early voting period for the purpose of maintaining order and enforcing the election laws of the state. The Department of Kentucky State Police shall investigate any reported violations of the

election laws. Candidates may petition any of the aforementioned officers or bodies to request State Police patrols of county voting precincts or the early voting location.

- (2) The Department of Kentucky State Police shall report the results of their investigation to the appropriate Commonwealth's and county attorneys.

➔Section 38. KRS 117.255 is amended to read as follows:

- (1) The voter shall be instructed by the officers of election, with the aid of the instruction cards and the model, in the use of the machine, if the voter so requests.
- (2) Except for those voters who have been certified as requiring assistance on a permanent basis, no voter shall be permitted to receive any assistance in voting at the polls unless he makes and signs an oath that, because of blindness, other physical disability, or an inability to read English, he is unable to vote without assistance. The oath shall be upon a voter assistance form prescribed by the State Board of Elections. Any person assisting a voter shall complete the voter assistance form.
- (3) Upon making and filing the oath with the precinct or early voting clerk, the voter requiring assistance shall retire to the voting machine or ballot completion area with the precinct or early voting judges, and one (1) of the judges shall, in the presence of the other judge and the voter, operate the machine or complete the ballot as the voter directs. A voter requiring assistance in voting may, if he prefers, be assisted by a person of his own choice who is not an election officer, except that the voter's employer, an agent of the voter's employer, or an officer or agent of the voter's union shall not assist a voter.
- (4) The precinct or early voting election clerk shall swear a person assisting a voter in voting to operate the voting machine or complete the ballot in accordance with the directions of the voter, and the person sworn shall enter the voting booth or ballot completion area and operate the machine or complete the ballot for the voter as the

voter directs.

- (5) A voter who requires voting assistance on a permanent basis because of blindness or other physical disability may apply to the county board of elections for certification. Application may be made when registering to vote or completing the voter assistance form by indicating that the reason for obtaining assistance is permanent. The county board of elections shall determine whether the applicant requires assistance on a permanent basis. The county board of elections shall notify the county clerk of persons certified as requiring permanent voting assistance and the county clerk shall enter the certification on the voter's registration record. The State Board of Elections shall indicate on the precinct and early voting roster of voters those voters who are certified to receive assistance permanently without signing the voter assistance form at the precinct.
- (6) "Voting booth" or "ballot completion area" means an area in which a voter casts his vote or completes his ballot which is designed to insure the secrecy of the vote. No voter shall be assisted under this subsection unless the judges and the sheriff of election are satisfied of the truth of the facts stated in the oath. The voter shall state in his oath the specific reason that requires him to receive assistance.
- (7) No voter shall be permitted to occupy the voting machine more than two (2) minutes if other voters are waiting to use it, except that those voters who because of a disability need extra time to cast a ballot shall be given a reasonable amount of time to vote.
- (8) In primaries~~[primary elections]~~, before a voter is permitted to use the voting machine, a judge of the election shall adjust the machine so that the voter will only be able to vote for the persons for whom the voter is qualified to vote.
- (9) If the machine is so constructed as to require adjustment after one person has voted before another person may vote, the judges of election shall adjust it after each person has voted.

- (10) The election officers shall constantly maintain a watch in order to prevent any person from voting more than once.
- (11) If supplemental paper ballots have been approved, as provided in KRS 118.215, the voter shall vote his ballot in privacy in a booth provided for that purpose by the county clerk. If the voter spoils his ballot, he shall return the spoiled paper ballot to an election official who shall stamp the ballot "Spoiled," initial and place the spoiled ballot in an envelope provided for that purpose. The voter shall be issued a second supplemental paper ballot. Upon completion of voting, the voter shall remove the numbered stub from the ballot, hand the stub to an election official and deposit the voted ballot in the locked ballot box in the presence of precinct election officials.
- (12) The election sheriff shall be responsible for reporting violations of this section.

➔Section 39. KRS 117.265 is amended to read as follows:

- (1) A voter may, at any regular or special election and their respective early voting periods, cast a write-in vote for any person qualified as provided in subsection (2) or (3) of this section, whose name does not appear upon the ballot label for any office, by writing the name of his or her choice upon the appropriate device for the office being voted on provided on the voting machine as required by KRS 117.125. Any candidate for city, county, urban-county, consolidated local government, charter county government, or unified local government office who is defeated in a partisan or nonpartisan primary shall be ineligible as a candidate for the same office in the regular election. Any voter utilizing an absentee ballot for a regular or special election may write in a vote for any eligible person whose name does not appear upon the ballot, by writing the name of his or her choice under the office.
- (2) Write-in votes shall be counted only for candidates for election to office who have filed a declaration of intent to be a write-in candidate with the Secretary of State or county clerk, depending on the office being sought, on or before the second~~fourth~~

~~]Friday [in October]~~preceding the early voting period for~~[date of]~~ the regular ~~[election]~~and ~~[not later than the second Friday before the date of a]~~special elections~~[election]~~. In the case of a special election administered under KRS 118.730, a declaration of intent to be a write-in candidate shall be filed at least twenty-eight (28) days before the early voting period for~~[day of]~~ the election. The declaration of intent shall be filed no earlier than the first Wednesday after the first Monday in November of the year preceding the year the office will appear on the ballot, and no later than 4 p.m. local time at the place of filing when filed on the last date on which papers may be filed. The declaration of intent shall be on a form prescribed by the Secretary of State.

- (3) A person shall not be eligible as a write-in candidate:
- (a) For more than one (1) office in a regular or special election; or
 - (b) If his or her name appears upon the ballot label for any office, except that the candidate may file a notice of withdrawal prior to filing an intent to be a write-in candidate for office when a vacancy in a different office occurs because of:
 1. Death;
 2. Disqualification to hold the office sought;
 3. Severe disabling condition which arose after the nomination; or
 4. The nomination of an unopposed candidate.
- (4) Persons who wish to run for President and Vice-President shall file a declaration of intent to be a write-in candidate, along with a list of presidential electors pledged to those candidates, with the Secretary of State on or before the second~~[fourth]~~ Friday ~~[in October]~~preceding the early voting period for~~[date of]~~ the regular election for those offices. The declaration of intent shall be filed no earlier than the first Wednesday after the first Monday in November of the year preceding the year the office will appear on the ballot, and no later than 4 p.m. local time at the place of filing when filed on the last date on which papers may be filed. Write-in votes cast

for the candidates whose names appear on the ballot shall apply to the slate of pledged presidential electors, whose names shall not appear on the ballot.

- (5) The county clerk shall provide to the precinct **and early voting** election officers certified lists of those persons who have filed declarations of intent as provided in subsections (2) and (3) of this section. Only write-in votes cast for qualified candidates shall be counted.
- (6) Two (2) election officers of opposing parties shall upon the request of any voter instruct the voter on how to cast a write-in vote.

➔Section 40. KRS 117.275 is amended to read as follows:

- (1) At the count of the votes in any precinct **or early voting location**, any candidate or slate of candidates and any representatives to witness and check the count of the votes therein, who are authorized to be appointed as is provided in subsection (9) of this section, shall be admitted and be permitted to be present and witness the count.
- (2) As soon as the polls **for regular and early voting, respectively**, are closed, and the last voter has voted, the judges shall immediately lock and seal the voting equipment so that the voting and counting mechanism will be prevented from operation, and they shall sign a certificate stating:
 - (a) That the voting equipment has been locked against voting and sealed;
 - (b) The number of voters, as shown on the public counters;
 - (c) The number registered on the protective or accumulative counter or device, if any; and
 - (d) The number or other designation of the voting equipment, which certificate shall be returned by the judges of election to the officials authorized by law to receive it. The judges shall compare the number of voters, as shown by the counter of the voting equipment, with the number of those who have voted as shown by the protective or accumulative counter or device, if any.
- (3) Where voting equipment is used which does not print the candidates' names along

with the total votes received on a general return sheet or record for that equipment, the procedure to be followed shall be as follows:

- (a) The judges, in the presence of the representatives mentioned in subsection (1) of this section, if any, and of all other persons who may be lawfully within the polling place, shall give full view of all the counter numbers;
 - (b) The judges shall enter, in ink, the total votes cast for each candidate, and slate of candidates, and for and against each question on the return sheets; and
 - (c) Each precinct **and early voting** election officer shall sign **his or her** **respective**~~[the]~~ return sheets, and a copy of the return sheets shall be posted on the precinct **and early voting location** door.
- (4) Where voting equipment is used that prints the candidates' names along with the total votes received on a return sheet or record for that equipment, **each early voting** **and**~~[the]~~ precinct election **officer**~~[officers]~~ shall sign **his or her** **respective**~~[the]~~ return sheets or record for the voting equipment, which shall be posted on the door of the precinct **and early voting location**.
- (5) If any officer shall decline to sign the return sheets, he or she shall state the reason in writing, and a copy thereof, signed by the officer, shall be enclosed with the return sheets.
- (6) Each of the return sheets, if applicable, and the record of the voting equipment shall be enclosed in an envelope. One (1) copy of the return sheets, if applicable, one (1) copy of the record of the voting equipment, and the write-in roll, if any write-in votes were cast in the precinct **or early voting location**, shall be directed to the county board of elections of the county in which the election is being held. One (1) copy of the return sheets or record of the voting equipment shall be given to the county clerk of the county in which the election is being held and to each of the local governing bodies of the two (2) dominant political parties, but a local governing body of a dominant political party may decline a copy of the precinct **or**

early voting election return by filing a written declination with the county board of elections prior to the election, and upon this declination, a printed copy shall not be issued to the political party so declining. The declination on file shall be effective for that election and any subsequent elections until revoked by the local governing body of a dominant political party by filing a written revocation with the county board of elections. The envelope shall have endorsed thereon a certificate of the election officers, stating the number of the machine, the precinct or early voting location where it has been used, the number on the seal, and the number on the protective or accumulative counter or device at the close of the polls.

- (7) Following the tabulation of all votes cast in the election, including absentee votes, early voting votes, and write-in votes, the county board shall mail a copy of the precinct-by-precinct summary of the tabulation sheets, including precinct votes cast at the early voting location, showing the results from each precinct to the State Board of Elections and the county clerk shall mail or deliver the precinct signature rosters from each precinct and early voting location to the State Board of Elections during the period established by KRS 117.355(3).
- (8) As soon as possible after the completion of the count, the two (2) judges shall return to the county board of elections the keys to the voting machine received and receipted for by them, and the county clerk in which the precinct or voting location is located shall have the voting machine properly boxed or securely covered and removed to a proper and secure place of storage.
- (9) In primaries, each candidate, slate of candidates, or group of candidates may designate to the county board of elections a representative to witness and check the vote count. In regular elections, the governing authority of each political party, each candidate for member of board of education, nonpartisan candidate, independent candidate, or independent ticket may designate a representative to the county board of elections to witness and check the vote count. The county board of elections shall

authorize representatives of the news media to witness the vote count.

- (10) If supplemental paper ballots have been approved, as provided in KRS 118.215, after the polls are closed, the two (2) judges shall return to the county clerk's office the locked ballot box, all ballot stubs, spoiled ballots, and unvoted ballots at the same time as the tabulation of votes from the voting machine is delivered. The county clerk shall issue a receipt for the number of ballot stubs, unvoted ballots, spoiled ballots and the ballot box.
- (11) The county board of elections, or its designee, shall count and tally the paper ballots manually or with the use of tabulating equipment which does not involve an additional voting system. The results of the vote tally shall be certified by the county board of elections to the county clerk and to the Secretary of State.
- (12) The county board of elections shall authorize the candidates, slates of candidates, or their representatives, and representatives of the news media to be present during the counting of the paper ballots.
- (13) Except as otherwise required in this chapter that certain records and papers relating to specified elections be retained for twenty-two (22) months, the county clerk shall retain the voted paper ballots for twenty-two (22) months and the unvoted paper ballots for sixty (60) days after each election day, after which time they shall be destroyed in a manner to render them unreadable by the county board of elections if no contest or recount action has been filed.

➔Section 41. KRS 117.305 is amended to read as follows:

- (1) The canvass and returns provided for in KRS 117.275 shall constitute the official returns of the precinct, unless before 4 p.m. on the Tuesday following a primary or regular election, or before 4 p.m. on the day following a special election held for the purpose of filling a vacancy, the county clerk or county board of elections takes notice of a discrepancy in the tally of votes cast in any precinct, early voting location, or number of precincts, or a candidate makes a written request to the

county board of elections in the case of a candidate who has filed with the county clerk, or the Secretary of State in the case of a candidate who has filed with the Secretary of State, to check and recanvass the voting machines, early voting ballots, and absentee ballots of any precinct or any number of precincts involving his or her race. After this time period has elapsed and notice is taken, the county election board shall assemble at 9 a.m. on the Thursday following the filing deadline to request a recanvass, and not sooner, and recheck and recanvass each machine and make a proper return thereof to the county clerk, and the canvass and return shall become the official returns for the election. In making the recanvass, the board shall make a record of the number of the seal upon the voting machine and, without unlocking the machine against voting, recanvass the vote cast thereon. If, after a recanvass, it is found that the original canvass of the returns has been correctly made from the machine, and that there still remains a discrepancy unaccounted for, this discrepancy shall be noted. If, upon recanvass, it appears that the original canvass of the returns by the election officers was incorrect, the returns and all papers being prepared by the board shall be corrected accordingly. The county board of elections shall, immediately upon receipt of a request for a recanvass, notify each candidate for the office of the time and place of the recanvass. At the recanvass, each political party represented on the board may appoint a representative there to be its governing body, and also each candidate to be voted for may be present, either in person or by a representative or both. The county board of elections shall authorize representatives of the news media to observe the recanvass of the votes cast on the voting machine in each precinct or early voting location. Nothing in this section shall prohibit an individual from requesting, in addition to a recanvass, a recount as authorized by KRS Chapter 120.

- (2) The State Board of Elections shall prescribe forms to be used by county boards of election to report all recanvassed votes. The form shall include the following

information:

- (a) The name of the county in which the recanvass was conducted;
- (b) The date of the report;
- (c) The date of the election;
- (d) The office for which the recanvass was conducted;
- (e) The names of each candidate for the office being recanvassed; and
- (f) The machine votes, including early voting votes, absentee votes, and vote totals for each candidate, as well as write-in votes cast in a regular or special election for candidates whose names did not appear on the ballot.

The report shall be signed by each member of the county board of elections.

- (3) The county board of elections shall file its recanvass report as prescribed in administrative regulations promulgated by the State Board of Elections in conformity with KRS Chapter 13A.
- (4) The State Board of Elections shall promulgate administrative regulations in accordance with KRS Chapter 13A to establish the proper procedures for conducting a recanvass for each type of voting system approved by the State Board of Elections and in use in Kentucky.

➔Section 42. KRS 117.315 is amended to read as follows:

- (1) Each political party is entitled to have not exceeding two (2) challengers at each precinct and early voting location during the holding of the primary election. Any group of bona fide candidates, as defined in KRS 118.176, of the same political party equal to twenty-five percent (25%) of all the candidates for that party to be voted for in a county in any primary, including state, district, and all other candidates, may recommend to the county committee or governing authority of the party for the county a list of persons whom they desire to have appointed as challengers in each precinct and early voting location in the county. If more than two (2) such lists are furnished, the committee or governing authority, in making

appointments of challengers, shall alternate between the several lists so furnished so as to give to each list an equal amount or proportion of the appointments, but in no event shall there be appointed more than one (1) challenger for any precinct **or early voting location** from any one (1) list. The list of challengers shall be presented to the chair or secretary of the party committee of the county **at least thirty-five (35) days**~~[on or before the third Friday in April]~~ preceding the primary **early voting period**, and the committee or the chairman thereof shall make the appointments, certify to same, and present a list of certified challengers to the county clerk at least twenty (20) days before the **early voting for**~~[date on which]~~ the primary **begins**~~[is held]~~. The appointment of challengers shall be certified in all respects as challengers at regular elections, except as otherwise provided in this section. The challengers shall be registered voters of the county in which the primary is held and shall be subject to the same penalties and possess the same rights and privileges as challengers at regular elections, except that the challengers of one political party shall not be entitled to challenge persons who offer to vote for candidates of any other party in the primary. The provisions of this section shall be enforceable against the chair of the political party committees by a mandatory summary proceeding instituted in the Circuit Court. The order of the court may be reviewed by the Court of Appeals as provided for the granting or dissolving of temporary injunctions.

- (2) Any school board candidate, any independent ticket or candidate for city office, any nonpartisan city candidate, or candidate for an office of the Court of Justice at the primary or regular election may designate not more than one (1) challenger to be present at and witness the holding of primaries or elections in each precinct **or early voting location** in the county. A candidate who designates a challenger shall present the county clerk with the name of the challenger at least twenty (20) days preceding the primary or regular election **early voting period**. The challenger shall be entitled

to stay in the room or at the door. The challenger shall be a registered voter of the county in which the primary or election is held, shall be appointed in writing by the chair of the committee, independent candidate, or candidates representing a ticket, and shall produce written appointment on demand of any election officer.

- (3) The county executive committee of any political party having a ticket to elect at any regular or special election may designate not more than two (2) challengers to be present at and witness the holding of the election in each precinct **and early voting location** in the county. The challengers shall be entitled to stay in the room or at the door. The challengers shall be registered voters of the county in which the election is held, shall be appointed in writing signed by the chair of the committee, and shall produce written appointments on demand of any election officer. The committee or chair shall present the county clerk with a list of designated challengers at least twenty (20) days preceding a regular election **early voting period** and at least fifteen (15) days preceding a special election **early voting period**.
- (4) Except as provided in KRS Chapter 242, not later than the fourth Tuesday preceding an **early voting period for an** election at which constitutional amendments or other public questions are to be submitted to the vote of the people, any committee that in good faith advocates or opposes an amendment or public question may file a petition with the clerk of the county asking that the petitioners be recognized as the committee entitled to nominate challengers to serve at the election at which the constitutional amendment or public question is to be voted on. If more than one (1) committee alleging itself to advocate or oppose the same amendment file such a petition, the county board of elections shall decide, and announce by certified mail, return receipt requested, to each committee not less than the third Tuesday preceding the **early voting period for the** election, which committee is entitled to nominate the challengers. The decision shall not be final, but any aggrieved party may institute proceedings with the county judge/executive

and, upon hearing, the county judge/executive shall determine which of the committees shall be recognized as the one to select challengers at the election.

- (5) The committee shall file the names of the persons nominated by it with the clerk of the county at least twenty (20) days before the primary and regular early voting periods for elections and not less than fifteen (15) days preceding the date of a special election early voting period. The county board of elections shall, not later than the Thursday preceding the election early voting period, certify the nominees of the committee for the respective precincts to serve as challengers at the election where any constitutional amendment or public question is to be voted upon. If more than one (1) amendment or question is to be voted upon, the county board of elections may designate, on the petition of the committee, one (1) person for each amendment and question to serve as challenger at the election.
- (6) The challengers shall perform their duties in the same manner and be subject to the same privileges as other challengers at an election.

➔Section 43. KRS 117.316 is amended to read as follows:

The duties of a challenger appointed and certified as provided in KRS 117.315 shall include:

- (1) The challenge of the eligibility of a voter who presents himself at the precinct or his or her designated precinct at the early voting location to vote, but who the challenger has reason to believe:
- (a) Is not a duly registered voter in the precinct;
 - (b) Is not a resident of the precinct;
 - (c) Is a convicted felon who has not had his civil rights restored; or
 - (d) Is not the person he claims to be.
- (2) If the challenger attempts to challenge a person's right to vote, he shall express his challenge to the precinct or early voting election officer; he shall sign the oath of voter executed by the voter if the voter's name appears on the precinct roster and

state the reason for his challenge as required by KRS 117.245(2).

➔Section 44. KRS 117.317 is amended to read as follows:

A challenger appointed and certified as provided in KRS 117.315 shall not:

- (1) Electioneer or campaign on behalf of any candidate, issue, or political party;
- (2) Handle official election materials except as provided in KRS 117.187;
- (3) Attempt to intimidate or harass, verbally or otherwise, any voter who is being challenged or any precinct or early voting election officer;
- (4) Behave in any manner to disrupt activities at the polling place; or
- (5) Attempt to interfere with the proper conduct of the election.

➔Section 45. KRS 117.318 is amended to read as follows:

- (1) It shall be the duty of a precinct and early voting election officer to warn a challenger who violates any provision of KRS 117.187 and 117.316 to 117.318. If the challenger continues to violate these provisions, the precinct or early voting election officer shall order the challenger out of the polling place. Any challenger ordered from the polling place shall be prohibited from acting as a challenger in any precinct in any election for a period of five (5) years.
- (2) The provisions of KRS 117.187 and 117.316 to 117.318 shall apply to all challengers in all elections conducted in the Commonwealth.

➔Section 46. KRS 117.345 is amended to read as follows:

- (1) The cost of all elections held in any county shall be allowed by the fiscal court and paid by the county treasurer, except as otherwise provided by law.
- (2) When the cost of any election has been allowed by the fiscal court and paid by the county treasurer, and within sixty (60) days following the date of the election, the county treasurer shall certify a statement of the number of precincts in the county, the date, and kind of election to the State Board of Elections, including an election that was delayed or postponed in accordance with KRS 39A.100. The certification shall be filed within ninety (90) days after the election. Upon receipt of the

certification and upon being satisfied as to the correctness thereof, the State Board of Elections shall issue its warrant upon the State Treasurer in favor of the county treasurer for the amount of two hundred fifty-five dollars (\$255) for each precinct in the county.

- (3) Payments to any county under the provisions of subsection (2) of this section shall be terminated if and whenever it fails to renew a lease, contract, or lease and option with the State Property and Buildings Commission executed in connection with the acquisition of voting machines by the commission for the use of the county; and payments to any county shall be terminated whenever the county fails to pay any part of the rentals required for any effective period of the lease or if a county board of elections fails to provide training to precinct and early voting election officers required by KRS 117.187(2).

➔Section 47. KRS 117.355 is amended to read as follows:

- (1) Within three (3) days after any primary or general election, the precinct election sheriff shall file a report with the chairman of the county board of elections and with the local grand jury. The report shall include any irregularities observed and any recommendations for improving the election process.
- (2) Within ten (10) days after any primary or general election, the county board of elections shall file a report with the State Board of Elections and the local grand jury. The report shall include any irregularities of which the county board has knowledge and any recommendations for improving the election process. The report shall also include a breakdown by precinct and early voting location of the number of voters requiring assistance to vote and the reasons therefor; the number of special ballots cast by category; and any other information required by the state board.
- (3) Within thirty (30) days after any primary or general election, the county board of elections shall transmit the information required by KRS 117.275(4) to (7).
- (4) The State Board of Elections shall issue administrative regulations to prescribe the

forms required by this section.

➔Section 48. KRS 117.375 is amended to read as follows:

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

- (1) "Electronic or electromechanical voting system" means a system of casting votes by use of marking devices and tabulating ballots employing automatic tabulating equipment or data processing equipment.
- (2) "Automatic tabulating equipment" means apparatus necessary to automatically examine and count votes as designated on ballots and data processing machines which can be used for counting ballots and tabulating results.
- (3) "Voting device" means either an apparatus in which paper ballots or ballot cards are used in connection with an implement by which a voter registers his votes with ink or other substance or by punching, or an apparatus by which such votes are registered electronically, so that in either case the votes so registered may be computed and tabulated by means of automatic tabulating equipment.
- (4) "Ballot card" means a tabulating card on which votes may be recorded by a voter by use of a voting punch device or by marking with a pen or special marking device.
- (5) "Ballot label" means the cards, papers, booklet, pages or other material on which appear the names of candidates and the questions to be voted on by means of ballot cards or voting machines.
- (6) "Ballot" or "official ballot" means the voting machine ballot label, ballot cards, paper ballots, *early voting ballots*, an absentee ballot, or a supplemental paper ballot which has been authorized for the use of voters in any primary, general or special election by the Secretary of State or the county clerk.
- (7) "Voting punch device" means an apparatus in which ballots or ballot cards are inserted for the piercing of ballots by the voter. The hole may be in the form of a round dot, rectangle, square, or any other shape that will clearly indicate the intent of the voter.

- (8) "Vote marking device" means any approved device for marking a paper ballot with ink or other substance which will enable the ballot to be tabulated by means of automatic tabulating equipment.
- (9) "Secrecy envelope" means the envelope handed to the voter with his ballot into which the voter shall place his voted ballot cards.
- (10) "Precinct ballot counter" means an automatic tabulating device used at the precinct or early voting location to tabulate and process ballots.
- (11) "Voting machine" or "machine" shall include lever machines and, as far as applicable, any electronic or electromechanical unit and supplies utilized or relied upon by a voter in casting and recording his votes in an election.

➔Section 49. KRS 117.387 is amended to read as follows:

- (1) In any county in which the fiscal court has adopted voting by means of an electronic voting system, the county board of elections may elect to also conduct early~~absentee~~ voting by the use of such a system.
- (2) When a ballot card is used for voting by mail it shall be accompanied by a stylus, voter instructions, and a specimen ballot showing the proper positions to vote on the ballot card for each candidate or question. The card shall be mounted on material suitable to receive the punched out chip.

➔Section 50. KRS 117.389 is amended to read as follows:

On any day not more than thirty (30) nor less than five (5) days prior to the election day, the county clerk shall have the automatic tabulating equipment tested in the manner prescribed by the State Board of Elections. However, automatic tabulating equipment used for early voting shall be tested at least ten (10) days prior to the start of the early voting period.

➔Section 51. KRS 117.995 is amended to read as follows:

- (1) Any person appointed to serve as an election officer but who shall knowingly and willfully fail to serve and who is not excused by the county board of elections for

the reasons specified in this chapter shall be guilty of a violation and shall be ineligible to serve as an election officer for a period of five (5) years.

- (2) Any county clerk or member of the county board of elections who knowingly and willfully violates any of the provisions of this chapter, including furnishing applications for absentee ballots to persons other than those specified by the provisions of this chapter and failure to type the name of the voter on the application form as required by the provisions of this chapter, shall be guilty of a Class D felony.
- (3) Any officer who willfully fails to prepare or furnish ballot labels or absentee ballots or fails to allow a qualified voter to cast his or her vote on the machine as required of the voter by this chapter shall be guilty of a Class A misdemeanor.
- (4) Any election officer who knowingly and willfully violates any of the provisions of this chapter, including failure to enforce the prohibition against electioneering established by KRS 117.235, shall be guilty of a Class A misdemeanor for the first offense and a Class D felony for each subsequent offense.
- (5) Any person who signs a name other than his or her own on an application for an absentee ballot or on the verification form for the ballot or on an emergency absentee ballot affidavit, or any person who votes an absentee ballot other than the one issued in his or her name, or any person who applies for the ballot for the use of anyone other than himself or herself or the person designated by the provisions of this chapter, or any person who makes a false statement on an application for an absentee ballot or on an emergency absentee ballot affidavit shall be guilty of a Class D felony.
- (6) Any person who violates any provision of KRS 117.235 or 117.236 related to prohibited activities during absentee voting, early voting, or on election day, after he or she has been duly notified of the provisions by any precinct or early voting election officer, county clerk, deputy county clerk, or other law enforcement

official, shall, for each offense, be guilty of a Class A misdemeanor.

- (7) Any person who knowingly and willfully prepares or assists in the preparation of an inaccurate or incomplete voter assistance form or fails to complete a voter assistance form when required shall be guilty of a Class A misdemeanor for the first offense and a Class D felony for each subsequent offense; however, if a voter has been permanently certified as requiring voting assistance, there shall be no offense for the failure of the voter to complete the form.
- (8) The members of a county board of elections that fails to provide the training to precinct and early voting election officers required by KRS 117.187(2) shall be subject to removal by the State Board of Elections.

➔Section 52. KRS 118.015 is amended to read as follows:

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

- (1) A "political party" is an affiliation or organization of electors representing a political policy and having a constituted authority for its government and regulation, and whose candidate received at least twenty percent (20%) of the total vote cast at the last preceding election at which presidential electors were voted for;
- (2) The word "election" used in reference to a state, district, county, or city election, includes the decisions of questions submitted to the qualified voters as well as the choice of officers by them;
- (3) A "ballot" or "official ballot" means the voting machine ballot label, ballot cards, paper ballots, early voting ballot, an absentee ballot, or a supplemental paper ballot which has been authorized for the use of the voters in any primary, general, or special election by the Secretary of State or the county clerk;
- (4) "Ballot label" means the cards, papers, booklet, pages, or other material on which appear the names of candidates and the questions to be voted on by means of ballot cards or voting machines;
- (5) "Ballot card" means a tabulating card on which votes may be recorded by a voter by

- use of a voting punch device or by marking with a pen or special marking device;
- (6) "Voting machine" or "machine" shall include lever machines and, as far as applicable, any electronic or electromechanical unit and supplies utilized or relied upon by a voter in casting and recording his votes in an election;
 - (7) The word "resident" used in reference to a candidate in a state, district, county, or city election shall mean actual resident, without regard to the residence of the spouse of the candidate;
 - (8) "Political organization" means a political group not constituting a political party within the meaning of subsection (1) of this section but whose candidate received two percent (2%) or more of the vote of the state at the last preceding election for presidential electors; and
 - (9) "Political group" means a political group not constituting a political party or a political organization within the meaning of subsections (1) and (8) of this section.

➔Section 53. KRS 118.025 is amended to read as follows:

- (1) Except as otherwise provided by law, voting in all elections shall be by secret ballot on voting machines.
- (2) The general laws applying to regular, special, and primary elections shall apply to elections conducted with the use of voting machines, and all provisions of the general laws applying to the custody of ballot boxes shall apply, as far as applicable, to the custody of the voting machine.
- (3) Primary elections for the nomination of candidates or slates of candidates to be voted for at the next regular election shall be held on the first Tuesday after the third Monday in May of each year, **and shall include early voting as established in Sections 1 to 4 of this Act.**
- (4) The election of all officers of all governmental units shall be held on the first Tuesday after the first Monday in November, **and shall include early voting as established in Sections 1 to 4 of this Act.**

- (5) If the law authorizes the calling of a special election on a day other than the day of the regular election in November, the election shall be held on a Tuesday, **and shall include early voting as established in Sections 1 to 4 of this Act.**
- (6) If the law requires that a special election be held within a period of time during which the voting machines must be locked as required by KRS 117.295, the special election shall be held on the fourth Tuesday following the expiration of the period during which the voting machines are locked, **and shall include early voting as established in Sections 1 to 4 of this Act.**

➔Section 54. KRS 118.035 is amended to read as follows:

- (1) **For regular voting,** the polls shall be opened on the day of a primary, special election, or regular election at 6 a.m., prevailing time, and shall remain open until each voter who is waiting in line at the polls at 6 p.m., prevailing time, has voted. At 6 p.m., prevailing time, if voters are waiting at the polls to vote, the precinct election sheriff shall announce that a voter wishing to vote must immediately get in line. When all voters waiting at the polls at that time are in line, the precinct election sheriff shall then determine which voter is the last in line, and that voter shall be the last voter permitted to vote. The precinct election sheriff shall wait in line with the last voter who shall be permitted to vote until that voter has voted and shall inform a voter who subsequently arrives at the polls that no one shall be permitted to vote after the last voter in line at 6 p.m., prevailing time. After the last voter waiting in line at 6 p.m., prevailing time, has voted, the polls shall then be closed.
- (2) **Early voting hours shall be governed by Sections 2 and 3 of this Act.**
- (3) As provided in Section 148 of the Constitution of Kentucky, any person entitled to a vote at any election in this state shall, if he has made application for leave prior to the day he appears before the county clerk to request an application for ~~for to~~ ~~execute~~ an absentee ballot, be entitled to absent himself from any services or

employment in which he is then engaged or employed for a reasonable time, but not less than four (4) hours on the day he appears before the clerk to request an application for ~~for to execute~~ an absentee ballot, during normal business hours of the office of the clerk or to cast his ballot ***during the early voting period or*** on the day of the election between the time of opening and closing the polls. The employer may specify the hours during which an employee may absent himself.

~~(4)~~⁽³⁾ No person shall be penalized for taking a reasonable time off to vote, unless, under circumstances which did not prohibit him from voting, he fails to vote. Any qualified voter who exercises his right to voting leave under this section but fails to cast his vote, under circumstances which did not prohibit him from voting, may be subject to disciplinary action.

~~(5)~~⁽⁴⁾ Any person selected to serve as an election officer shall be entitled to absent himself from any services or employment in which he is then engaged or employed for a period of an entire day to attend training or to serve as an election officer. The person shall not, because of so absenting himself, be liable to any penalty. The employer may specify the hours during which the employee may absent himself. No person shall refuse an employee the privilege hereby conferred, or discharge or threaten to discharge an employee or subject an employee to a penalty, because of the exercise of the privilege.

➔Section 55. KRS 118.045 is amended to read as follows:

- (1) Every voting location ***during the early voting period and*** on the day upon which any election is held shall, during voting hours, display an American flag of dimensions of reasonable size, which shall be firmly attached to the main entrance of the voting location so that it will be readily visible to the general public.
- (2) A precinct ***or early voting*** sheriff shall attach the American flag to the main entrance of the voting location upon the opening of the polls ***each day during the early voting period and*** on the election day and shall remove the same upon the

closing of the polls *each day during the early voting period and on election day.*

- (3) The fiscal court of every county shall purchase out of its general fund sufficient American flags for every voting location in that county. All American flags purchased by the fiscal court shall be manufactured in the United States.

➔Section 56. KRS 118.105 is amended to read as follows:

- (1) Except as provided in subsections (3) and (4) of this section and in KRS 118.115, every political party shall nominate all of its candidates for elective offices to be voted for at any regular election at a primary held as provided in this chapter, and the governing authority of any political party shall have no power to nominate any candidate for any elective office or to provide any method of nominating candidates for any elective office other than by a primary as provided in this chapter.
- (2) Any political organization not constituting a political party as defined in KRS 118.015 may make its nominations as provided in KRS 118.325.
- (3) If a vacancy occurs in the nomination of an unopposed candidate or in a nomination made by the primary before the certification of candidates for the regular election made under KRS 118.215, because of death, disqualification to hold the office sought, or severe disabling condition which arose after the nomination, the governing authority of the party may provide for filling the vacancy, but only following certification to the governing authority, by the Secretary of State, that a vacancy exists for a reason specified in this subsection. When such a nomination has been made, the certificate of nomination shall be signed by the chair and secretary of the governing authority of the party making it, and shall be filed in the same manner as certificates of nomination at a primary.
- (4) If a vacancy occurs in the nomination of an unopposed candidate or in a nomination made by the primary before the certification of candidates for the regular election, and if that party's nominee was the only political party candidate for the office sought, the governing authority of each party may nominate a candidate for the

regular election, provided that no person has sought that party's nomination by filing a notification and declaration.

- (5) If a vacancy occurs in the nomination of a candidate under the conditions of subsection (3) or (4) of this section prior to September 15 preceding the day of the regular election, certificates of nomination for replacement candidates shall be filed in the same manner as provided in subsections (3) and (4) not later than 4 p.m. ten (10) days after the vacancy occurs, excluding weekends and legal holidays. If a vacancy occurs in the nomination of a candidate under the conditions of subsection (3) or (4) of this section on or after September 15 preceding the date of the regular election, certificates of nomination for replacement candidates shall be filed in the same manner as provided in subsections (3) and (4) not later than 4 p.m. five (5) days after the vacancy occurs, excluding weekends and legal holidays.
- (6) If a vacancy in candidacy described in subsection (5) of this section occurs later than the second Thursday preceding the date of the early voting period for the regular election, no certificates of nomination shall be filed and any candidate whose name does not appear on the ballot may seek election by write-in voting pursuant to KRS 117.265.
- (7) This section does not apply to candidates for members of boards of education, or presidential electors, nor to candidates participating in nonpartisan elections. However, regardless of the number of days served by a judge acting as a Senior Status Special Judge, a judge who elected to retire as a Senior Status Special Judge in accordance with KRS 21.580 shall not become a candidate for any elected office during the five (5) year term prescribed in KRS 21.580(1)(a)1.

➔Section 57. KRS 118.176 is amended to read as follows:

- (1) A "bona fide" candidate means one who is seeking nomination in a primary or election in a special or regular election according to law.
- (2) The bona fides of any candidate seeking nomination or election in a primary or in a

special or regular election may be questioned by any qualified voter entitled to vote for the candidate or by an opposing candidate by summary proceedings consisting of a motion before the Circuit Court of the judicial circuit in which the candidate whose bona fides is questioned resides. An action regarding the bona fides of any candidate seeking nomination or election in a primary or in a special or regular election may be commenced at any time prior to the early voting period for the regular election. The motion shall be tried summarily and without delay. Proof may be heard orally, and upon motion of either party shall be officially reported. If the Circuit Judge of the circuit in which the proceeding is filed is disqualified or absent from the county or is herself or himself a candidate, the proceeding may be presented to, heard and determined by the Circuit Judge of any adjoining judicial circuit.

- (3) In any action or proceeding under this section the burden of proof as to the bona fides of a candidate shall be on the person challenging the bona fides of a candidate.
- (4) If the court finds the candidate is not a bona fide candidate it shall so order, and certify the fact to the board of elections, and the candidate's name shall be stricken from the written designation of election officers filed with the board of elections or the court may refuse recognition or relief in a mandatory or injunctive way. The order of the Circuit Court shall be entered on the order book of the court and shall be subject to a motion to set aside in the Court of Appeals. The motion shall be heard by the Court of Appeals or a judge thereof in the manner provided for dissolving or granting injunctions, except that the motion shall be made before the court or judge within five (5) days after the entry of the order in the Circuit Court, and may be heard and tried upon the original papers, and the order of the Court of Appeals or judge thereof shall be final.
- (5) No person shall approach the Circuit Judge for the purpose or view of influencing his or her decision on the motion pending before the Circuit Judge or to be tried by

him or her.

➔Section 58. KRS 118.212 is amended to read as follows:

- (1) If, before the time of certification of candidates who will appear on the ballot provided in KRS 118.215, any candidate whose notification and declaration or certificate or petition of nomination has been filed in the office of the Secretary of State dies or notifies the Secretary of State in writing, signed and properly notarized that he will not accept the nomination or election, the Secretary of State shall not certify his name.
- (2) If, after the certification of candidates who will appear on the ballot, any candidate whose notification and declaration or certificate or petition of nomination has been filed in the office of the county clerk dies or notifies the clerk, in the manner described in subsection (1) of this section, that he will not accept the nomination or election, the clerk shall ensure that notice is provided to the appropriate precincts as provided in subsection (5) of this section.
- (3) If, after the certification of candidates who will appear on the ballot, any candidate whose notification and declaration or certificate or petition of nomination has been filed in the office of the Secretary of State dies or notifies the Secretary of State in the manner described in subsection (1) of this section, that he will not accept the nomination or election, the Secretary of State shall immediately notify the appropriate county clerk, and the clerk shall ensure that notice is provided to the appropriate precincts as provided in subsection (5) of this section.
- (4) If, after the certification of candidates who will appear on the ballot, any candidate whose name appears on the ballot shall officially withdraw or die, neither the early voting and precinct election officers nor the county board of elections shall tabulate or record the votes cast for the candidate; and, if there is only one (1) remaining candidate on the ballot for that office in a primary election, following the withdrawal or death of the other candidate or candidates, neither the early voting

and precinct election officers nor the county board of elections shall tabulate or record the votes for the remaining candidate, and the officer with whom the remaining candidate has filed his or her nomination papers shall immediately issue and file in his or her office a certificate of nomination for that remaining candidate and send a copy to the remaining candidate.

- (5) If, after the certification of candidates who will appear on the ballot, any candidate whose name appears on the ballot shall officially withdraw or die, the county clerk shall provide a notice to the early voting and precinct election officers who shall see that the notice is conspicuously displayed at the polling place advising voters of the change, and that votes for the candidate shall not be tabulated or recorded. If the county clerk learns of the death or withdrawal at least five (5) days prior to the early voting period~~election~~ and provides the notice required by this subsection and the early voting or precinct officers fail to post the notice at the polling place, the early voting or precinct officers shall be guilty of a violation subject to a fine of not less than ten dollars (\$10) nor more than two hundred fifty dollars (\$250).

➔Section 59. KRS 118.227 is amended to read as follows:

- (1) If a vacancy occurs in a slate of candidates before the ballots are printed for the primary election because of death, disqualification to hold the office sought, or severe disabling condition which arose after the deadline for filing the notification and declaration, the remaining member of the slate may:
- (a) Designate a replacement for the vacant candidate; or
 - (b) Change the composition of the slate and designate a running mate.

Any changes made to the slate of candidates as set forth in this subsection shall be made on forms prescribed by the State Board of Elections and filed with the Secretary of State not later than the deadline for printing primary election ballots, but only following certification to the remaining candidates by the Secretary of State that a vacancy exists for a reason specified in this subsection. The Secretary of

State shall immediately certify any changes made to a slate of candidates to the appropriate county clerk, the Registry of Election Finance, and the State Board of Elections.

- (2) If a vacancy occurs in a slate of candidates after the ballots are printed for the primary, the remaining member of the slate may:
 - (a) Designate a replacement for the vacant candidate; or
 - (b) Change the composition of the slate and designate a running mate.

Any changes made to the slate of candidates as set forth in this subsection shall be made on forms prescribed by the State Board of Elections and filed with the Secretary of State filed with the registry prior to the primary election, but only following certification to the remaining candidate by the Secretary of State that a vacancy exists for a reason specified in subsection (1) of this section. The Secretary of State shall immediately certify any changes made to a slate of candidates to the appropriate county clerk, the Registry of Election Finance, and the State Board of Elections.

- (3) If a replacement for a vacant candidate is made after the ballots are printed for the primary because of death, disqualification to hold the office sought, or severe disabling condition which arose after the deadline for filing the notification and declaration, notices informing the voters of the change in the composition of the slate shall be printed by the State Board of Elections and sent to the appropriate county clerk to be posted at each ***early voting location and*** precinct polling place. Any votes cast prior to any changes made to the composition of a slate shall be counted as votes cast for the new slate composition.
- (4) The provisions of KRS 118.105 shall apply to vacancies occurring in the nomination of a qualifying slate of candidates.

➔Section 60. KRS 118.305 is amended to read as follows:

- (1) Except as provided in KRS 118.345, and subject to the provisions of subsections

(2), (3), and (4) of this section, the county clerk of each county shall cause to be printed for the voting machines and on the absentee ballots for the regular election the names of the following persons:

- (a) Candidates of a political party, as defined in KRS 118.015, who have received certificates of nomination at the preceding primary, or certificates of nomination under KRS 118.185, and whose certificates of nomination have been filed with the Secretary of State or the appropriate county clerk;
- (b) Candidates of a political party, as defined in KRS 118.015, who have been nominated for an unexpired term in a manner determined by the governing authority of the party, as provided in KRS 118.115, and whose evidences of nomination have been filed with the Secretary of State or the appropriate county clerk within the time prescribed in this chapter;
- (c) Candidates of a political party, as defined in KRS 118.015, who have been nominated by the governing authority of the party to fill a vacancy in the candidacy of a person nominated at the preceding primary election, as provided in KRS 118.105, and whose certificates of nomination have been filed with the Secretary of State or the appropriate county clerk, by at least the date provided by the election law generally for such filing;
- (d) Candidates who have been nominated by a political organization as provided in KRS 118.325 and whose certificates or petitions of nomination have been filed with the Secretary of State or the appropriate county clerk within the time prescribed in this chapter;
- (e) Independent candidates who have been nominated by petition as provided in KRS 118.315, and whose petitions of nomination have been filed with the Secretary of State or the appropriate county clerk within the time prescribed in this chapter;
- (f) Successful nominees of all nonpartisan primaries which shall have been

conducted;

- (g) Candidates who have filed a petition of candidacy as shall be required to fill a vacancy which shall appear on the ballot;
- (h) The county clerk shall determine whether the name of any replacement candidate who has been nominated as provided in KRS 118.105(5) may be placed on the machine ballot or ballot cards and whether the voting machine may be reprogrammed to count the votes cast for that candidate or whether the ballot or ballot cards must be reprinted to accommodate votes cast for any replacement candidate and shall take the appropriate action to accommodate the replacement of any candidate. If the county clerk determines that the name of any replacement candidate cannot be accommodated on the existing ballot or ballot cards and if there is insufficient time before the election to reprint the entire ballot, the county clerk shall request approval to use supplemental paper ballots for voting for that office only in the same manner as permitted for other situations as provided in KRS 118.215(5), and, if approved, shall have an adequate number of supplemental paper ballots printed for voting for that office and only votes cast for that office by means of the supplemental paper ballots shall be tabulated and recorded by the precinct and early voting election officers and county board of elections. All actions by a county clerk, the State Board of Elections, and the Secretary of State which are necessary to provide for voting at a regular election for candidates nominated pursuant to KRS 118.105(5) shall be carried out with all possible speed. When a candidate has been replaced as provided in KRS 118.105(5) after absentee ballots have been printed and distributed for the regular election, neither the early voting or precinct election officers nor the county board of elections shall tabulate or record any absentee votes cast for the candidate who was replaced. If ballots are reprinted or supplemental paper ballots are printed, or

if voting machines must be reprogrammed to count the votes cast for a replacement candidate, the costs for the printing and reprogramming shall be paid by the political party who has nominated a replacement candidate, or proportionately by each political party if each party nominates a replacement candidate;

- (i) Candidates for President and Vice President of the United States, of those political parties and organizations who have nominated presidential electors as provided in KRS 118.325, if the certificate of nomination of the electors has been filed with the Secretary of State within the time prescribed in this chapter;
 - (j) Candidates for soil and water district supervisors who have been nominated by petition as provided in KRS 262.210; and
 - (k) Candidates for city office for which no nonpartisan primary has been conducted in a city which requires nonpartisan city elections.
- (2) Any candidate for city office who is defeated in a partisan or nonpartisan primary shall be ineligible as a candidate for the same office in the regular election.
 - (3) Candidates for members of boards of education shall have their names printed on ballot labels and absentee ballots for the regular election only after filing as provided in KRS 160.220.
 - (4) Except as provided in KRS 118.105 and 118.115, no candidate's name shall be printed upon the ballot labels and absentee ballots for any regular election as the nominee of any political party, as defined in KRS 118.015, or under the emblem of any political party, as so defined, except those candidates who have been duly and regularly nominated as nominees of that party at a primary held as provided in this chapter.
 - (5) No county clerk shall knowingly cause to be printed, upon the ballot labels or absentee ballots for any regular election, the name of any candidate of a political

party, as defined in KRS 118.015, who has not been nominated in the manner provided in the primary election laws or the name of any candidate who is not in compliance with the restrictions concerning party registration and candidacy provided in of KRS 118.315(1).

- (6) The names of candidates for President and Vice President shall be certified in lieu of certifying the names of the candidates for presidential electors.
- (7) When a vacancy occurs in an elective office which is required by law to be filled temporarily by appointment, the officer or body designated by law to make the appointment, or in the case of an office to be filled by appointment from a list of nominations, the officer or body designated by law to make the nominations, shall immediately notify in writing both the county clerk and Secretary of State of the vacancy.
- (8) A judge who elected to retire as a Senior Status Special Judge in accordance with KRS 21.580 shall not become a candidate or a nominee for any elected office during the five (5) year term prescribed in KRS 21.580(1)(a)1., regardless of the number of days served by the judge acting as a Senior Status Special Judge.

➔Section 61. KRS 118.375 is amended to read as follows:

- (1) If a vacancy occurs in any elective office less than one hundred thirty-four (134) days before the primary *early voting period* or at any time after the primary, but not less than three (3) months before the regular election, independent, or political organization, or political group candidates may file their petitions at the time and place provided in KRS 118.365, subject to the restrictions concerning party registration and candidacy provided in KRS 118.315(1).
- (2) A judge who elected to retire as a Senior Status Special Judge in accordance with KRS 21.580 shall not become a candidate or a nominee for any elected office during the five (5) year term prescribed in KRS 21.580(1)(a)1., regardless of the number of days served by the judge acting as a Senior Status Special Judge.

→Section 62. KRS 118.385 is amended to read as follows:

- (1) The Secretary of State and county clerks shall preserve in their respective offices all certificates and petitions of nomination filed therein, for six (6) months after the election for which the nominations were made.
- (2) Each county clerk and the Secretary of State shall retain and preserve, for a period of twenty-two (22) months from the date of any primary or general or special election at which candidates for the office of presidential elector or member of the United States Senate or House of Representatives are voted for, and only for the precincts in which any such office appears on the ballot all records and papers relative to the voter returns for all the offices voted for in those precincts **and early voting locations.**

→Section 63. KRS 118.405 is amended to read as follows:

No candidate's name shall appear on any voting machine or absentee ballot more than once, except that a candidate's name may appear twice if he is a candidate for a primary or a regular election and also a candidate to fill a vacancy in the same office required to be filled at a special election, when the special election to fill a vacancy is scheduled for the regular election~~[day]~~.

→Section 64. KRS 118.435 is amended to read as follows:

The election of electors of President and Vice President of the United States shall be held on the Tuesday next after the first Monday in November every four (4) years, beginning with 1892. The Governor may, by proclamation, appoint the same day in any other year, pursuant to Act of Congress, for holding the election, in the event of a vacancy in the offices of President and Vice President. **Early voting established in Sections 1 to 4 of this Act shall apply to the election dates.**

→Section 65. KRS 118.475 is amended to read as follows:

The election of representatives in Congress shall be held on the Tuesday next after the first Monday in November in every even numbered year. **Early voting established in**

Sections 1 to 4 of this Act shall apply to the election date.

➔Section 66. KRS 118.561 is amended to read as follows:

- (1) Subject to KRS 118.555 **and Sections 1 to 4 of this Act**, on the first Tuesday after the third Monday in May, in each presidential election year, the Commonwealth of Kentucky shall conduct presidential preference primary elections within each political party.
- (2) Hours of voting shall be in accordance with KRS 118.035 **and Sections 2 and 3 of this Act**.
- (3) The cost of election, officials, and the entire method of conducting the presidential preference primary shall be in accordance with Kentucky statutory provisions on primary elections.

➔Section 67. KRS 118.730 is amended to read as follows:

- (1) When a vacancy exists in either house of the General Assembly during its session, the presiding officer of the house in which the vacancy exists shall issue a writ of election; when the General Assembly is not in session, the writ shall be issued by the Governor. The writ shall be signed by the officer issuing it, shall designate the day for holding the election, and shall be directed to the proper sheriff or sheriffs.
- (2) If a writ of election has been issued to fill a vacancy in either house of the General Assembly and only one (1) candidate has been nominated under KRS 118.760 and 118.770 and no candidate has filed a declaration of intent to be a write-in candidate for the vacancy under KRS 117.265(2), the county clerks of the counties in the territory in which the special election is to be held shall conduct voting in only one (1) of the following:
 - (a) The county clerk's office; or
 - (b) Other place or places designated by the county board of elections and approved by the State Board of Elections.
- (3) Subsection (2) of this section shall not apply when the writ of election calls for the

election to be held ~~during~~ either:

- (a) ~~The day of~~ A primary or general election; or
- (b) ~~The same day as~~ Any other special election, except an uncontested special election to fill a vacancy in either house of the General Assembly.

➔Section 68. KRS 118A.010 is amended to read as follows:

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

- (1) "Ballot" or "official ballot" means the voting machine ballot label, ballot cards, paper ballots, early voting ballots, an absentee ballot, a special ballot, or a supplemental paper ballot which has been authorized for the use of the voters in any primary, general, or special election by the Secretary of State or the county clerk;
- (2) "Ballot card" means a tabulating card on which votes may be recorded by a voter by use of a voting device or by marking with a pen or special marking device;
- (3) "Ballot label" means the cards, papers, booklet, pages, or other material on which appear the names of candidates and the questions to be voted on by means of ballot cards or voting machines;
- (4) "Election" refers only to elections for offices of the Court of Justice; and
- (5) "Voting machine" or "machine" shall include lever machines and, as far as applicable, any electronic or electromechanical unit and supplies utilized or relied upon by a voter in casting his vote in an election.

No provisions of KRS Chapter 118 existing on March 10, 1976, except KRS 118.015 through 118.045 shall apply to such elections. All other provisions of the election laws not inconsistent with this chapter shall be applicable thereto.

➔Section 69. KRS 118A.150 is amended to read as follows:

- (1) In certification of candidates for judicial office, no reference shall be made to political affiliation.
- (2) The Secretary of State shall not knowingly certify to the county clerk of any county the name of any candidate who has not filed the required nomination or candidacy

papers, nor knowingly fail to certify the name of any candidate who has filed the required nomination or candidacy papers.

- (3) No county clerk shall knowingly cause to be printed on the ballot labels or absentee ballots for any election, the name of a candidate for an office of the Court of Justice who has not been certified in the manner specified in this chapter.
- (4) If, before the time of certification of candidates who will appear on the ballot provided for in this chapter, any candidate whose petition or certificate of nomination or petition for candidacy has been filed, dies or notifies the Secretary of State in writing, signed and properly notarized, that he will not accept the nomination or election, the Secretary of State shall not certify his name.
- (5) If, after the certification of candidates who will appear on the ballot, any candidate whose petition or certificate of nomination or petition for candidacy has been filed, dies or notifies the Secretary of State in the manner described in subsection (4) of this section, that he will not accept the nomination or election, the Secretary of State shall immediately notify the appropriate county clerk, and the clerk shall ensure that notice is provided to the appropriate precincts as provided in subsection (7) of this section.
- (6) If after the certification of candidates who will appear on the ballot, any candidate whose name appears on the ballot shall withdraw or die, neither the precinct election officers nor the county board of elections shall tabulate or record the votes cast for the candidate; and, in a primary election, if there are only one (1) or two (2) remaining candidates on the ballot for that office, following the withdrawal or death of the other candidate or candidates, neither the precinct *or early voting* election officers nor the county board of elections shall tabulate or record the votes for the remaining candidate or candidates, and the officer with whom the remaining candidate or candidates has filed his or her nomination papers shall immediately issue and file in his or her office a certificate of nomination for that remaining

candidate or candidates and send a copy to the remaining candidate or candidates.

- (7) If, after the certification of candidates who will appear on the ballot, any candidate whose name appears on the ballot shall withdraw pursuant to KRS 118.212 or die, the county clerk shall provide notices to the precinct **and early voting** election officers who shall see that a notice is conspicuously displayed at the polling place advising voters of the change, and that votes for the candidate shall not be tabulated or recorded. If the county clerk learns of the death or withdrawal at least five (5) days prior to the **early voting period of the** election and provides the notices required by this subsection and the precinct **and early voting** officers fail to post the notices at the polling place, the officers shall be guilty of a violation, subject to a fine of not less than ten dollars (\$10) nor more than two hundred fifty dollars (\$250).

➔Section 70. KRS 119.005 is amended to read as follows:

- (1) A "ballot" or "official ballot" means the voting machine ballot label, ballot cards, paper ballots, **early voting ballots**, an absentee ballot, a special ballot, or a supplemental paper ballot which has been authorized for the use of the voters in any primary, general or special election by the Secretary of State or the county clerk;
- (2) "Ballot label" means the cards, papers, booklet, pages or other material on which appear the names of candidates and the questions to be voted on by means of ballot cards or voting machines;
- (3) "Ballot card" means a tabulating card on which votes may be recorded by a voter by use of a voting punch device or by marking with a pen or special marking device;
- (4) **"Election" includes the early voting period described in Sections 1 to 4 of this Act; and**
- (5)** "Voting machine" or "machine" shall include lever machines and, as far as applicable, any electronic or electromechanical unit and supplies utilized or relied upon by a voter in casting and recording his vote in an election.

➔Section 71. KRS 119.165 is amended to read as follows:

- (1) Any person who falsely personates a registered voter, and receives and casts a ballot by means of such personation, shall be guilty of a Class D felony. An attempt at such personation shall constitute a Class A misdemeanor.
- (2) Any person who, by means other than falsely ~~impersonating~~~~[personating]~~ a registered voter, votes at an election in this state when he or she is a resident of another state or country, or votes more than once at an election, or votes by use of the naturalization papers of another person, shall be guilty of a Class D felony. Any person who knowingly votes or attempts to vote in a precinct or in his or her designated precinct at the early voting location other than the one in which he resides shall be guilty of a Class A misdemeanor, unless by voting in a precinct or in his or her designated precinct at the early voting location in which he or she does not live he is enabled to vote in a race or on a matter in which he could not vote in his or her proper precinct or in his or her designated precinct at the early voting location in which case he shall be guilty of a Class D felony. Any person who lends or hires his or her or another's naturalization papers to be used for the purpose of voting shall be subject to the same penalty.
- (3) Any resident of this state who, by means other than falsely ~~impersonating~~~~[personating]~~ a registered voter, votes at a regular or special election before he or she has resided in this state thirty (30) days, or in the county and precinct or in his or her designated precinct in the early voting location, where the election is held the time required by law, or before he or she has attained full age, or before he or she has become a citizen, shall be guilty of a Class B misdemeanor.
- (4) Any person who, by means other than falsely ~~impersonating~~~~[personating]~~ a registered voter, votes in a primary election knowing that he or she is not qualified as provided in KRS 116.055, shall be guilty of a violation.
- (5) Any person who applies for or receives a ballot at any voting place other than the

one at which he or she is entitled to vote, under circumstances not constituting a violation of any of the provisions of subsections (1) to (4) of this section, shall be guilty of a Class A misdemeanor.

➔Section 72. KRS 119.215 is amended to read as follows:

Any person who sells, loans, gives, or furnishes intoxicating liquor to any person in this state on the day of any regular or primary election or their respective early voting periods, under circumstances not constituting a violation of KRS 244.290 or 244.480, shall be fined not less than twenty-five dollars (\$25) nor more than fifty dollars (\$50) for each offense.

➔Section 73. KRS 120.005 is amended to read as follows:

- (1) A "ballot" or "official ballot" means the voting machine ballot label, ballot cards, paper ballots, early voting ballots, an absentee ballot, a special ballot, or a supplemental paper ballot which has been authorized for the use of the voters in any primary, general or special election by the Secretary of State or the county clerk;
- (2) "Ballot label" means the cards, papers, booklet, pages or other material on which appear the names of candidates and the questions to be voted on by means of ballot cards or voting machines;
- (3) "Ballot card" means a tabulating card on which votes may be recorded by a voter by use of a voting punch device or by marking with a pen or special marking device;
- (4) "Election" includes the early voting period described in Sections 1 to 4 of this Act; and
- (5) "Voting machine" or "machine" shall include lever machines and, as far as applicable, any electronic or electromechanical unit and supplies utilized or relied upon by a voter in casting and recording his vote in an election.

➔Section 74. KRS 120.017 is amended to read as follows:

- (1) It shall be the duty of early voting and precinct election officers at all primary, regular, or special elections to immediately report to the county clerk any

administrative or clerical error discovered in the process of conducting the polling or tabulation of votes at any such election.

- (2) Upon receipt by the county clerk of notice of error in conducting the polling or tabulation of votes pursuant to subsection (1) of this section, the county clerk shall file an action in the Circuit Court, within fifteen (15) days of the election, requesting a recount of ballots for the early voting location or precinct reporting the administrative or clerical error. Simultaneously with the filing of such action, the county clerk shall make written notice by regular mail to all candidates appearing on the ballot of the precinct at issue that such action is being filed. In the case of an election for candidates for offices for the state at large or an election on a statewide public question, the action shall be filed in the Franklin Circuit Court; in the case of other elections, the action shall be filed in the Circuit Court of the county in which the precinct reporting the error is located.
- (3) An action filed in the Circuit Court of proper jurisdiction pursuant to this section shall be heard summarily and without delay. Upon filing of the action, the circuit clerk shall immediately notify the Circuit Judge, and the judge shall at once enter an order directing custody of the voting machine, the ballots, boxes and all papers pertaining to the election from that early voting location or precinct claiming error, to be transferred to the Circuit Court, and fix a day for the recount proceeding to begin.
- (4) Candidates notified pursuant to subsection (3) of this section shall, upon proper motion, be made parties to the action.
- (5) On the day fixed for the recount, the court shall proceed to recount the ballots if their integrity is satisfactorily shown and shall complete the recount as soon as practicable, and shall file and enter of record the results thereof.
- (6) Any person made party to the action pursuant to subsection (4) of this section may appeal from the judgment to the Court of Appeals, in the same manner as provided

in KRS 120.075.

- (7) The county clerk shall certify the final recount results entered of record in any action filed pursuant to this section to the county board of elections and to the local governing body of each of two (2) dominant political parties. Final certification of election results shall then proceed according to KRS Chapters 117, 118, and 118A.

➔Section 75. KRS 120.290 is amended to read as follows:

- (1) If a contest instituted under KRS 120.280 involves the recount of ballots, and the court has determined that the petition of contest presents sufficient grounds, the court shall immediately order the ballots of the counties and precincts in which the recount is demanded sent to the courthouse at Frankfort, in a manner designated in the order. The court may appoint two (2) special commissioners to help make the recount, who shall receive three dollars (\$3) per day and their actual traveling expenses, when approved by the Franklin Circuit Court. The attorneys representing the contestant and the Commonwealth's attorney representing the contestee may be present at all hearings on the recount. The contestant and contestee shall each be entitled to appoint one (1) inspector, who shall be allowed to witness the recount.
- (2) The result of the recount of ballots shall be reported to the court within three (3) days after it has been completed, together with all the disputed ballots and any ballots not counted. After inspecting and passing on the disputed and uncounted ballots, the court shall add such of them as are found to be legal to the number of legal ballots determined by the recount. If the court finds that any ballots were procured by fraud, duress, bribery, intimidation, or for valuable consideration, they shall be rejected as illegal and void. If there has been such error, fraud or other irregularity as to make it impossible to ascertain the correct result in any precinct, the ballots from that precinct **and any applicable early voting location** shall be thrown out and considered void. The vote from a precinct **or early voting location** shall not be counted if the contestants prove that there was bribery or intimidation

of the electors in that precinct or early voting location and the court finds that the contestants were in the minority in the applicable~~[that]~~ precinct and were not in any way implicated in the bribery or fraud complained of.

➔Section 76. KRS 132.380 is amended to read as follows:

- (1) (a) Before any person's name shall appear before the voters during an~~[on]~~ election~~[day]~~ as a candidate for the office of property valuation administrator in any primary or general election, except a current property valuation administrator already qualified as a candidate to succeed himself or herself in office, or before that person may be appointed property valuation administrator, except as an interim appointee as provided by KRS 132.375, that person shall hold a certificate issued by the department, showing that he or she has been examined by the department and is qualified for the office.
- (b) All certificates issued shall expire one (1) year from the date of issuance.
- (c) The examinations shall be written and formulated so as to test fairly the ability and fitness of the applicant to serve as property valuation administrator.
- (d) The department shall hold the examination at a central location during the month of November of each year immediately preceding each year in which property valuation administrators are to be elected.
- (e) The department shall, at least thirty (30) days prior to the examination, issue a statewide press release announcing the examination and post the announcement on the department's Web site.
- (f) Any person desiring to take an examination shall appear at the time and place designated.
- (2) (a) If, after the giving of the examination, as provided in subsection (1) of this section, there is no person qualified to be a candidate in the county, the department shall hold a second examination.
- (b) Applicants from only those counties having no person qualified shall be

eligible to take the examination.

- (c) Notice of the second examination shall be made by issuing a press release in those counties and posting an announcement for the examination on the department's Web site at least fourteen (14) days prior to the second examination.
- (3) (a) If no qualified candidate files for the office, a special examination shall be given at a time determined by the department.
 - (b) Notice of and registration for the special examination shall be provided in the same manner as provided in subsection (2) of this section.
- (4) (a) Whenever there is a vacancy in the office of property valuation administrator to be filled by appointment or by election, and there is not more than one (1) person holding a valid certificate and eligible for appointment or election, the department shall hold a special examination for applicants seeking a certificate for the office.
 - (b) If, after the giving of a special examination, only one (1) person is qualified, the county judge/executive may request a second examination.
 - (c) Notice of and registration for the special examination shall be provided in the same manner as provided by subsection (2) of this section.
- (5) (a) Examinations shall be given and graded in accordance with rules of the department published at the time of the examination.
 - (b) Within ten (10) days after the examination, a certificate of fitness and qualification to fill the office of property valuation administrator shall be issued by the department to each person passing the examination.
- (6) Examination records shall be preserved by the department for twelve (12) months after the examination, and the record of any person who took the examination may be seen by him or her at the office of the department in Frankfort, Kentucky.

➔Section 77. KRS 141.010 is amended to read as follows:

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

- (1) "Commissioner" means the commissioner of the Department of Revenue;
- (2) "Department" means the Department of Revenue;
- (3) "Internal Revenue Code" means the Internal Revenue Code in effect on December 31, 2013, exclusive of any amendments made subsequent to that date, other than amendments that extend provisions in effect on December 31, 2013, that would otherwise terminate, and as modified by KRS 141.0101;
- (4) "Dependent" means those persons defined as dependents in the Internal Revenue Code;
- (5) "Fiduciary" means "fiduciary" as defined in Section 7701(a)(6) of the Internal Revenue Code;
- (6) "Fiscal year" means "fiscal year" as defined in Section 7701(a)(24) of the Internal Revenue Code;
- (7) "Individual" means a natural person;
- (8) "Modified gross income" means the greater of:
 - (a) Adjusted gross income as defined in Section 62 of the Internal Revenue Code of 1986, including any subsequent amendments in effect on December 31 of the taxable year, and adjusted as follows:
 1. Include interest income derived from obligations of sister states and political subdivisions thereof; and
 2. Include lump-sum pension distributions taxed under the special transition rules of Pub. L. No. 104-188, sec. 1401(c)(2); or
 - (b) Adjusted gross income as defined in subsection (10) of this section and adjusted to include lump-sum pension distributions taxed under the special transition rules of Pub. L. No. 104-188, sec. 1401(c)(2);
- (9) "Gross income," in the case of taxpayers other than corporations, means "gross income" as defined in Section 61 of the Internal Revenue Code;

- (10) "Adjusted gross income," in the case of taxpayers other than corporations, means gross income as defined in subsection (9) of this section minus the deductions allowed individuals by Section 62 of the Internal Revenue Code and as modified by KRS 141.0101 and adjusted as follows, except that deductions shall be limited to amounts allocable to income subject to taxation under the provisions of this chapter, and except that nothing in this chapter shall be construed to permit the same item to be deducted more than once:
- (a) Exclude income that is exempt from state taxation by the Kentucky Constitution and the Constitution and statutory laws of the United States and Kentucky;
 - (b) Exclude income from supplemental annuities provided by the Railroad Retirement Act of 1937 as amended and which are subject to federal income tax by Public Law 89-699;
 - (c) Include interest income derived from obligations of sister states and political subdivisions thereof;
 - (d) Exclude employee pension contributions picked up as provided for in KRS 6.505, 16.545, 21.360, 61.560, 65.155, 67A.320, 67A.510, 78.610, and 161.540 upon a ruling by the Internal Revenue Service or the federal courts that these contributions shall not be included as gross income until such time as the contributions are distributed or made available to the employee;
 - (e) Exclude Social Security and railroad retirement benefits subject to federal income tax;
 - (f) Include, for taxable years ending before January 1, 1991, all overpayments of federal income tax refunded or credited for taxable years;
 - (g) Deduct, for taxable years ending before January 1, 1991, federal income tax paid for taxable years ending before January 1, 1990;
 - (h) Exclude any money received because of a settlement or judgment in a lawsuit

brought against a manufacturer or distributor of "Agent Orange" for damages resulting from exposure to Agent Orange by a member or veteran of the Armed Forces of the United States or any dependent of such person who served in Vietnam;

- (i) 1. For taxable years ending prior to December 31, 2005, exclude the applicable amount of total distributions from pension plans, annuity contracts, profit-sharing plans, retirement plans, or employee savings plans.

The "applicable amount" shall be:

- a. Twenty-five percent (25%), but not more than six thousand two hundred fifty dollars (\$6,250), for taxable years beginning after December 31, 1994, and before January 1, 1996;
 - b. Fifty percent (50%), but not more than twelve thousand five hundred dollars (\$12,500), for taxable years beginning after December 31, 1995, and before January 1, 1997;
 - c. Seventy-five percent (75%), but not more than eighteen thousand seven hundred fifty dollars (\$18,750), for taxable years beginning after December 31, 1996, and before January 1, 1998; and
 - d. One hundred percent (100%), but not more than thirty-five thousand dollars (\$35,000), for taxable years beginning after December 31, 1997.
2. For taxable years beginning after December 31, 2005, exclude up to forty-one thousand one hundred ten dollars (\$41,110) of total distributions from pension plans, annuity contracts, profit-sharing plans, retirement plans, or employee savings plans.
 3. As used in this paragraph:
 - a. "Distributions" includes but is not limited to any lump-sum

- distribution from pension or profit-sharing plans qualifying for the income tax averaging provisions of Section 402 of the Internal Revenue Code; any distribution from an individual retirement account as defined in Section 408 of the Internal Revenue Code; and any disability pension distribution;
- b. "Annuity contract" has the same meaning as set forth in Section 1035 of the Internal Revenue Code; and
 - c. "Pension plans, profit-sharing plans, retirement plans, or employee savings plans" means any trust or other entity created or organized under a written retirement plan and forming part of a stock bonus, pension, or profit-sharing plan of a public or private employer for the exclusive benefit of employees or their beneficiaries and includes plans qualified or unqualified under Section 401 of the Internal Revenue Code and individual retirement accounts as defined in Section 408 of the Internal Revenue Code;
- (j) 1. a. Exclude the portion of the distributive share of a shareholder's net income from an S corporation subject to the franchise tax imposed under KRS 136.505 or the capital stock tax imposed under KRS 136.300; and
- b. Exclude the portion of the distributive share of a shareholder's net income from an S corporation related to a qualified subchapter S subsidiary subject to the franchise tax imposed under KRS 136.505 or the capital stock tax imposed under KRS 136.300.
2. The shareholder's basis of stock held in a S corporation where the S corporation or its qualified subchapter S subsidiary is subject to the franchise tax imposed under KRS 136.505 or the capital stock tax imposed under KRS 136.300 shall be the same as the basis for federal

income tax purposes;

- (k) Exclude, to the extent not already excluded from gross income, any amounts paid for health insurance, or the value of any voucher or similar instrument used to provide health insurance, which constitutes medical care coverage for the taxpayer, the taxpayer's spouse, and dependents, or for any person authorized to be provided excludable coverage by the taxpayer pursuant to the federal Patient Protection and Affordable Care Act of 2010, Pub. L. No. 111-148, or the Health Care and Education Reconciliation Act of 2010 Pub. L. No. 111-152, during the taxable year. Any amounts paid by the taxpayer for health insurance that are excluded pursuant to this paragraph shall not be allowed as a deduction in computing the taxpayer's net income under subsection (11) of this section;
- (l) Exclude income received for services performed as an early voting or a precinct worker for election training or for working at election booths in state, county, and local primary, regular, or special elections;
- (m) Exclude any amount paid during the taxable year for insurance for long-term care as defined in KRS 304.14-600;
- (n) Exclude any capital gains income attributable to property taken by eminent domain;
- (o) Exclude any amount received by a producer of tobacco or a tobacco quota owner from the multistate settlement with the tobacco industry, known as the Master Settlement Agreement, signed on November 22, 1998;
- (p) Exclude any amount received from the secondary settlement fund, referred to as "Phase II," established by tobacco companies to compensate tobacco farmers and quota owners for anticipated financial losses caused by the national tobacco settlement;
- (q) Exclude any amount received from funds of the Commodity Credit

- Corporation for the Tobacco Loss Assistance Program as a result of a reduction in the quantity of tobacco quota allotted;
- (r) Exclude any amount received as a result of a tobacco quota buydown program that all quota owners and growers are eligible to participate in;
 - (s) Exclude state Phase II payments received by a producer of tobacco or a tobacco quota owner;
 - (t) Exclude all income from all sources for active duty and reserve members and officers of the Armed Forces of the United States or National Guard who are killed in the line of duty, for the year during which the death occurred and the year prior to the year during which the death occurred. For the purposes of this paragraph, "all income from all sources" shall include all federal and state death benefits payable to the estate or any beneficiaries; and
 - (u) For taxable years beginning on or after January 1, 2010, exclude all military pay received by active duty members of the Armed Forces of the United States, members of reserve components of the Armed Forces of the United States, and members of the National Guard, including compensation for state active duty as described in KRS 38.205;
- (11) "Net income," in the case of taxpayers other than corporations, means adjusted gross income as defined in subsection (10) of this section, minus:
- (a) The deduction allowed by KRS 141.0202;
 - (b) Any amount paid for vouchers or similar instruments that provide health insurance coverage to employees or their families;
 - (c) For taxable years beginning on or after January 1, 2010, the amount of domestic production activities deduction calculated at six percent (6%) as allowed in Section 199(a)(2) of the Internal Revenue Code for taxable years beginning before 2010; and
 - (d) 1. All the deductions allowed individuals by Chapter 1 of the Internal

Revenue Code as modified by KRS 141.0101 except:

- a. Any deduction allowed by the Internal Revenue Code for state or foreign taxes measured by gross or net income, including state and local general sales taxes allowed in lieu of state and local income taxes under the provisions of Section 164(b)(5) of the Internal Revenue Code;
- b. Any deduction allowed by the Internal Revenue Code for amounts allowable under KRS 140.090(1)(h) in calculating the value of the distributive shares of the estate of a decedent, unless there is filed with the income return a statement that such deduction has not been claimed under KRS 140.090(1)(h);
- c. The deduction for personal exemptions allowed under Section 151 of the Internal Revenue Code and any other deductions in lieu thereof;
- d. For taxable years beginning on or after January 1, 2010, the domestic production activities deduction allowed under Section 199 of the Internal Revenue Code;
- e. Any deduction for amounts paid to any club, organization, or establishment which has been determined by the courts or an agency established by the General Assembly and charged with enforcing the civil rights laws of the Commonwealth, not to afford full and equal membership and full and equal enjoyment of its goods, services, facilities, privileges, advantages, or accommodations to any person because of race, color, religion, national origin, or sex, except nothing shall be construed to deny a deduction for amounts paid to any religious or denominational club, group, or establishment or any organization operated solely

for charitable or educational purposes which restricts membership to persons of the same religion or denomination in order to promote the religious principles for which it is established and maintained;

- f. Any deduction directly or indirectly allocable to income which is either exempt from taxation or otherwise not taxed under this chapter;
- g. The itemized deduction limitation established in 26 U.S.C. sec. 68 shall be determined using the applicable amount from 26 U.S.C. sec. 68 as it existed on December 31, 2006; and
- h. A taxpayer may elect to claim the standard deduction allowed by KRS 141.081 instead of itemized deductions allowed pursuant to 26 U.S.C. sec. 63 and as modified by this section; and

- 2. Nothing in this chapter shall be construed to permit the same item to be deducted more than once;

(12) "Gross income," in the case of corporations, means "gross income" as defined in Section 61 of the Internal Revenue Code and as modified by KRS 141.0101 and adjusted as follows:

- (a) Exclude income that is exempt from state taxation by the Kentucky Constitution and the Constitution and statutory laws of the United States;
- (b) Exclude all dividend income received after December 31, 1969;
- (c) Include interest income derived from obligations of sister states and political subdivisions thereof;
- (d) Exclude fifty percent (50%) of gross income derived from any disposal of coal covered by Section 631(c) of the Internal Revenue Code if the corporation does not claim any deduction for percentage depletion, or for expenditures attributable to the making and administering of the contract under which such

- disposition occurs or to the preservation of the economic interests retained under such contract;
- (e) Include in the gross income of lessors income tax payments made by lessees to lessors, under the provisions of Section 110 of the Internal Revenue Code, and exclude such payments from the gross income of lessees;
 - (f) Include the amount calculated under KRS 141.205;
 - (g) Ignore the provisions of Section 281 of the Internal Revenue Code in computing gross income;
 - (h) Exclude income from "safe harbor leases" (Section 168(f)(8) of the Internal Revenue Code);
 - (i) Exclude any amount received by a producer of tobacco or a tobacco quota owner from the multistate settlement with the tobacco industry, known as the Master Settlement Agreement, signed on November 22, 1998;
 - (j) Exclude any amount received from the secondary settlement fund, referred to as "Phase II," established by tobacco companies to compensate tobacco farmers and quota owners for anticipated financial losses caused by the national tobacco settlement;
 - (k) Exclude any amount received from funds of the Commodity Credit Corporation for the Tobacco Loss Assistance Program as a result of a reduction in the quantity of tobacco quota allotted;
 - (l) Exclude any amount received as a result of a tobacco quota buydown program that all quota owners and growers are eligible to participate in;
 - (m) For taxable years beginning after December 31, 2004, and before January 1, 2007, exclude the distributive share income or loss received from a corporation defined in subsection (24)(b) of this section whose income has been subject to the tax imposed by KRS 141.040. The exclusion provided in this paragraph shall also apply to a taxable year that begins prior to January 1,

2005, if the tax imposed by KRS 141.040 is paid on the distributive share income by a corporation defined in subparagraphs 2. to 8. of subsection (24)(b) of this section with a return filed for a period of less than twelve (12) months that begins on or after January 1, 2005, and ends on or before December 31, 2005. This paragraph shall not be used to delay payment of the tax imposed by KRS 141.040; and

- (n) Exclude state Phase II payments received by a producer of tobacco or a tobacco quota owner;
- (13) "Net income," in the case of corporations, means "gross income" as defined in subsection (12) of this section minus:
- (a) The deduction allowed by KRS 141.0202;
 - (b) Any amount paid for vouchers or similar instruments that provide health insurance coverage to employees or their families;
 - (c) For taxable years beginning on or after January 1, 2010, the amount of domestic production activities deduction calculated at six percent (6%) as allowed in Section 199(a)(2) of the Internal Revenue Code for taxable years beginning before 2010; and
 - (d) All the deductions from gross income allowed corporations by Chapter 1 of the Internal Revenue Code and as modified by KRS 141.0101, except:
 - 1. Any deduction for a state tax which is computed, in whole or in part, by reference to gross or net income and which is paid or accrued to any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, or to any foreign country or political subdivision thereof;
 - 2. The deductions contained in Sections 243, 244, 245, and 247 of the Internal Revenue Code;
 - 3. The provisions of Section 281 of the Internal Revenue Code shall be

- ignored in computing net income;
4. Any deduction directly or indirectly allocable to income which is either exempt from taxation or otherwise not taxed under the provisions of this chapter, and nothing in this chapter shall be construed to permit the same item to be deducted more than once;
 5. Exclude expenses related to "safe harbor leases" (Section 168(f)(8) of the Internal Revenue Code);
 6. Any deduction for amounts paid to any club, organization, or establishment which has been determined by the courts or an agency established by the General Assembly and charged with enforcing the civil rights laws of the Commonwealth, not to afford full and equal membership and full and equal enjoyment of its goods, services, facilities, privileges, advantages, or accommodations to any person because of race, color, religion, national origin, or sex, except nothing shall be construed to deny a deduction for amounts paid to any religious or denominational club, group, or establishment or any organization operated solely for charitable or educational purposes which restricts membership to persons of the same religion or denomination in order to promote the religious principles for which it is established and maintained;
 7. Any deduction prohibited by KRS 141.205;
 8. Any dividends-paid deduction of any captive real estate investment trust; and
 9. For taxable years beginning on or after January 1, 2010, the domestic production activities deduction allowed under Section 199 of the Internal Revenue Code;
- (14) (a) "Taxable net income," in the case of corporations that are taxable in this state,

- means "net income" as defined in subsection (13) of this section;
- (b) "Taxable net income," in the case of corporations that are taxable in this state and taxable in another state, means "net income" as defined in subsection (13) of this section and as allocated and apportioned under KRS 141.120. A corporation is taxable in another state if, in any state other than Kentucky, the corporation is required to file a return for or pay a net income tax, franchise tax measured by net income, franchise tax for the privilege of doing business, or corporate stock tax;
- (c) "Taxable net income," in the case of homeowners' associations as defined in Section 528(c) of the Internal Revenue Code, means "taxable income" as defined in Section 528(d) of the Internal Revenue Code. Notwithstanding the provisions of subsection (3) of this section, the Internal Revenue Code sections referred to in this paragraph shall be those code sections in effect for the applicable tax year; and
- (d) "Taxable net income," in the case of a corporation that meets the requirements established under Section 856 of the Internal Revenue Code to be a real estate investment trust, means "real estate investment trust taxable income" as defined in Section 857(b)(2) of the Internal Revenue Code, except that a captive real estate investment trust shall not be allowed any deduction for dividends paid;
- (15) "Person" means "person" as defined in Section 7701(a)(1) of the Internal Revenue Code;
- (16) "Taxable year" means the calendar year or fiscal year ending during such calendar year, upon the basis of which net income is computed, and in the case of a return made for a fractional part of a year under the provisions of this chapter or under regulations prescribed by the commissioner, "taxable year" means the period for which the return is made;

- (17) "Resident" means an individual domiciled within this state or an individual who is not domiciled in this state, but maintains a place of abode in this state and spends in the aggregate more than one hundred eighty-three (183) days of the taxable year in this state;
- (18) "Nonresident" means any individual not a resident of this state;
- (19) "Employer" means "employer" as defined in Section 3401(d) of the Internal Revenue Code;
- (20) "Employee" means "employee" as defined in Section 3401(c) of the Internal Revenue Code;
- (21) "Number of withholding exemptions claimed" means the number of withholding exemptions claimed in a withholding exemption certificate in effect under KRS 141.325, except that if no such certificate is in effect, the number of withholding exemptions claimed shall be considered to be zero;
- (22) "Wages" means "wages" as defined in Section 3401(a) of the Internal Revenue Code and includes other income subject to withholding as provided in Section 3401(f) and Section 3402(k), (o), (p), (q), and (s) of the Internal Revenue Code;
- (23) "Payroll period" means "payroll period" as defined in Section 3401(b) of the Internal Revenue Code;
- (24) (a) For taxable years beginning before January 1, 2005, and after December 31, 2006, "corporation" means "corporation" as defined in Section 7701(a)(3) of the Internal Revenue Code; and
- (b) For taxable years beginning after December 31, 2004, and before January 1, 2007, "corporations" means:
1. "Corporations" as defined in Section 7701(a)(3) of the Internal Revenue Code;
 2. S corporations as defined in Section 1361(a) of the Internal Revenue Code;

3. A foreign limited liability company as defined in KRS 275.015;
4. A limited liability company as defined in KRS 275.015;
5. A professional limited liability company as defined in KRS 275.015;
6. A foreign limited partnership as defined in KRS 362.2-102(9);
7. A limited partnership as defined in KRS 362.2-102(14);
8. A limited liability partnership as defined in KRS 362.155(7) or in 362.1-101(7) or (8);
9. A real estate investment trust as defined in Section 856 of the Internal Revenue Code;
10. A regulated investment company as defined in Section 851 of the Internal Revenue Code;
11. A real estate mortgage investment conduit as defined in Section 860D of the Internal Revenue Code;
12. A financial asset securitization investment trust as defined in Section 860L of the Internal Revenue Code; and
13. Other similar entities created with limited liability for their partners, members, or shareholders.

For purposes of this paragraph, "corporation" shall not include any publicly traded partnership as defined by Section 7704(b) of the Internal Revenue Code that is treated as a partnership for federal tax purposes under Section 7704(c) of the Internal Revenue Code or its publicly traded partnership affiliates. As used in this paragraph, "publicly traded partnership affiliates" shall include any limited liability company or limited partnership for which at least eighty percent (80%) of the limited liability company member interests or limited partner interests are owned directly or indirectly by the publicly traded partnership;

(25) "Doing business in this state" includes but is not limited to:

- (a) Being organized under the laws of this state;
- (b) Having a commercial domicile in this state;
- (c) Owning or leasing property in this state;
- (d) Having one (1) or more individuals performing services in this state;
- (e) Maintaining an interest in a pass-through entity doing business in this state;
- (f) Deriving income from or attributable to sources within this state, including deriving income directly or indirectly from a trust doing business in this state, or deriving income directly or indirectly from a single-member limited liability company that is doing business in this state and is disregarded as an entity separate from its single member for federal income tax purposes; or
- (g) Directing activities at Kentucky customers for the purpose of selling them goods or services.

Nothing in this subsection shall be interpreted in a manner that goes beyond the limitations imposed and protections provided by the United States Constitution or Pub. L. No. 86-272;

- (26) "Pass-through entity" means any partnership, S corporation, limited liability company, limited liability partnership, limited partnership, or similar entity recognized by the laws of this state that is not taxed for federal purposes at the entity level, but instead passes to each partner, member, shareholder, or owner their proportionate share of income, deductions, gains, losses, credits, and any other similar attributes;
- (27) "S corporation" means "S corporation" as defined in Section 1361(a) of the Internal Revenue Code;
- (28) "Limited liability pass-through entity" means any pass-through entity that affords any of its partners, members, shareholders, or owners, through function of the laws of this state or laws recognized by this state, protection from general liability for actions of the entity; and

(29) "Captive real estate investment trust" means a real estate investment trust as defined in Section 856 of the Internal Revenue Code that meets the following requirements:

- (a)
 1. The shares or other ownership interests of the real estate investment trust are not regularly traded on an established securities market; or
 2. The real estate investment trust does not have enough shareholders or owners to be required to register with the Securities and Exchange Commission; and
- (b)
 1. The maximum amount of stock or other ownership interest that is owned or constructively owned by a corporation equals or exceeds:
 - a. Twenty-five percent (25%), if the corporation does not occupy property owned, constructively owned, or controlled by the real estate investment trust; or
 - b. Ten percent (10%), if the corporation occupies property owned, constructively owned, or controlled by the real estate investment trust.

The total ownership interest of a corporation shall be determined by aggregating all interests owned or constructively owned by a corporation;

2. For the purposes of this paragraph:
 - a. "Corporation" means a corporation taxable under KRS 141.040, and includes an affiliated group as defined in KRS 141.200, that is required to file a consolidated return pursuant to the provisions of KRS 141.200; and
 - b. "Owned or constructively owned" means owning shares or having an ownership interest in the real estate investment trust, or owning an interest in an entity that owns shares or has an ownership interest in the real estate investment trust. Constructive ownership

shall be determined by looking across multiple layers of a multilayer pass-through structure; and

- (c) The real estate investment trust is not owned by another real estate investment trust.

➔Section 78. KRS 160.483 is amended to read as follows:

- (1) The license fees imposed under KRS 160.482 to 160.488 on businesses, trades, occupations, and professions shall be at a single, uniform percentage rate not to exceed one-half of one percent (0.5%) of:
 - (a) Salaries, wages, and commissions, and other compensations earned by persons within the county for work done and services performed or rendered in the county; and
 - (b) The net profits of all businesses, trades, occupations, and professions, for activities conducted in the county.
- (2) The license fees, once imposed, shall continue from year to year until changed as prescribed in KRS 160.484.
- (3) No public service company which pays an ad valorem tax is required to pay a license fee.
- (4) (a) It is the intent of the General Assembly to continue the exemption from local license fees and occupational taxes that existed on January 1, 2006, for providers of multichannel video programming services or communications services as defined in KRS 136.602 that were taxed under KRS 136.120 prior to January 1, 2006.
 - (b) To further this intent, no company providing multichannel video programming services or communications services as defined in KRS 136.602 shall be required to pay a license fee. If only a portion of an entity's business is providing multichannel video programming services or communications services, including products or services that are related to and provided in

support of the multichannel video programming services or communications services, this exclusion applies only to that portion of the business that provides multichannel video programming services or communications services, including products or services that are related to and provided in support of the multichannel video programming services or communications services.

- (5) No license fee shall be imposed upon or collected from:
- (a) Any bank, trust company, combined bank and trust company, combined trust, banking and title business in this state;
 - (b) Any savings and loan association whether state or federally chartered;
 - (c) Any income received by members of the Kentucky National Guard for active duty training, unit training assemblies, and annual field training; or
 - (d) Any income received by early voting or precinct workers for election training or work at election booths in state, county, and local primary, regular, or special elections.
- (6) No license tax shall be collected from any individual who is not a resident of the county of the tax-levying authority imposing the tax.
- (7) Pursuant to this section, no tax-levying authority shall regulate any aspect of the manner in which any duly ordained, commissioned, or denominationally licensed minister of religion may perform his or her duties and activities as a minister of religion. Duly ordained, commissioned, or denominationally licensed ministers of religion shall be subject to the same license fees imposed on others by the tax-levying authority on salaries, wages, commissions, and other compensation earned for work done and services performed or rendered.

➔Section 79. KRS 160.605 is amended to read as follows:

There is hereby authorized the levy of an occupational license tax for schools on salaries, wages, commissions, and other compensation of individuals for work done and services

performed or rendered in a county and on the net profits of all businesses, professions, or occupations from activities conducted in a county. No public service company which pays an ad valorem tax is required to pay an occupational license tax for schools. No occupational license tax for schools shall be imposed upon or collected from any insurance company, bank, trust company, combined bank and trust company, combined trust, banking and title business in this state, any savings and loan association whether state or federally chartered, or upon income received by members of the Kentucky National Guard for active duty training, unit training assemblies, and annual field training, or upon income received by early voting or precinct workers for election training or work at election booths in state, county, and local primary, regular, or special election.

➔Section 80. KRS 178.170 is amended to read as follows:

- (1) The fiscal court, after an election as provided in subsection (2), may issue and sell bonds for the purpose of constructing or reconstructing public roads and bridges. The bonds shall bear interest at a rate or rates or method of determining rates as the fiscal court determines, be payable at least annually, and shall be in denominations of not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1000). The bonds shall mature within forty (40) years, and may be redeemed within that time at the pleasure of the court.
- (2) Upon the petition of one hundred and fifty (150) legal voters who are freeholders of the county, the county judge/executive shall make an order on his order book directing an election to be held in the county at the next regularly-scheduled November election if the question as it will appear on the ballot is submitted to the county clerk not later than the second Tuesday in August preceding the regular election. The order shall direct the sheriff to advertise the election and its object by publication pursuant to KRS Chapter 424 and also by printed handbills posted at not less than four (4) public places in the early voting location and each voting precinct

in the county and at the courthouse door. The election shall be held under the general election laws. The question shall be: "Are you in favor of issuing in bonds for the purpose of building roads and bridges?"

- (3) All the money raised by the sale of bonds under this section shall be used solely for the construction of hard surface roads.

➔Section 81. KRS 242.030 is amended to read as follows:

- (1) The date of the local option election, **including an early voting period described in Sections 1 to 4 of this Act,** may be stated in the petition for election. If the **dates** ~~are~~^[date is] not stated, ~~they~~^[it] shall be designated by the county judge/executive.
- (2) The local option election shall be held not earlier than sixty (60) nor later than ninety (90) days after the date the petition is filed with the county clerk.
- (3) The local option election shall not be held on the same **days**^[day] that a primary or general election is held in the territory or any part of the territory, nor within thirty (30) days next preceding or following a regular political election.
- (4) A local option election in any territory less than the county shall not be held on the same **days**^[day] on which an election for the entire county is held, except as approved in KRS 242.125.
- (5) No local option election shall be held in the same territory more than once in every three (3) years.

➔Section 82. KRS 242.040 is amended to read as follows:

Within five (5) days after the county judge/executive orders an election, the county clerk shall give to the sheriff a certified copy of the order. The sheriff shall have the order published pursuant to KRS Chapter 424 in the county. When the election is ordered for the entire county, the sheriff shall also advertise the order by written or printed handbills posted at not less than five (5) conspicuous places in each precinct of the county for two (2) weeks before **the early voting period of** the election, and, when the election is ordered held in a city, district or precinct, at five (5) conspicuous places in each precinct therein

for the same length of time. The sheriff shall report in writing to the county judge/executive that the notices have been published and posted.

➔Section 83. KRS 242.070 is amended to read as follows:

- (1) Not more than twenty (20) days prior to the early voting period for an election held under this chapter, any group of citizens that in good faith favors or opposes the proposition to be submitted may file with the chair of the county board of elections a petition asking that it be recognized as the committee entitled to certify challengers. If more than one (1) group claims the right to certify challengers, the county board of elections shall promptly decide and publicly announce which committee is entitled to certify challengers. That decision shall not be final, but any aggrieved party may appeal to the county judge/executive, and upon hearing the county judge/executive shall determine which group shall be recognized.
- (2) (a) Each committee is entitled to have up to two (2) challengers at each precinct and early voting location during the holding of the election. Any group of citizens of the county may recommend to a committee a list of persons whom they desire to have appointed as challengers in each precinct and early voting location in the county. If more than two (2) such lists are furnished, the committee, in making appointments of challengers, shall alternate between the several lists so furnished so as to give to each list an equal amount or proportion of the appointments. The committee shall not appoint more than one (1) challenger for any precinct or early voting location from any one (1) list when multiple lists have been submitted. Any lists of challengers shall be presented to the committee within twenty (20) days after the local option petition is filed with the county clerk, and the committee or its chair shall make and certify the appointments and present a list of certified challengers to the county clerk at least twenty (20) days before the early voting period for~~[date on which]~~ the local option election will be held.

- (b) The appointment of challengers shall be certified in all respects as challengers at regular elections, except as otherwise provided in this section. The challengers shall be registered voters of the county in which the election is held and shall be subject to the same penalties and possess the same rights and privileges as challengers at regular elections, except that the challengers of one (1) committee may not challenge a person because the person offered to vote in a way favorable to the other committee.
 - (c) The provisions of this section shall be enforceable against the chair of each committee by a mandatory summary proceeding instituted in the Circuit Court. The order of the court may be reviewed by the Court of Appeals as provided for the granting or dissolving of temporary injunctions.
- (3) The challengers shall perform their duties in the same manner and be subject to the same privileges as other challengers at an election including those provided in KRS 117.187 and 117.316 to 117.318.

➔Section 84. KRS 242.090 is amended to read as follows:

The *early voting and* precinct election officers appointed for a primary and a regular election under KRS 117.045 shall serve as *early voting and* precinct election officers in local option elections. If a local option election is ordered to be held in a year in which there are no elections scheduled or prior to March 20 in a year in which elections are scheduled, *early voting and* precinct election officers shall be appointed in the manner provided under KRS 117.045 for special elections ordered to be held in a year in which there are no elections scheduled.

➔Section 85. KRS 242.120 is amended to read as follows:

- (1) Any qualified voter may demand a recount of the votes or contest the election in the same manner as is provided for the recount of votes or contest of general elections of county officers by KRS 120.155 to 120.185. The members of the county board of election commissioners shall be named as contestees and summons shall be served

upon them. Any qualified voter may intervene as contestee by filing a petition to be made a party in the action.

- (2) (a) The canvass and returns provided for in KRS 242.110 shall constitute the official returns for the local option election, unless before 4 p.m. on the seventh day following the local option election, the county clerk or county board of elections takes notice of a discrepancy in the tally of votes cast in any early voting location, precinct, or number of precincts within the territory voting in the local option election, or a committee favoring or opposing the proposition makes a written request to the county board of elections to check and recanvass the early voting and regular voting machines and absentee ballots of any precinct or any number of precincts involving the local option election. After this time period has elapsed and notice is taken, the county board of elections shall assemble at 9 a.m. on the second day following the filing deadline to request a recanvass, and not sooner, and recheck and recanvass each machine and make a proper return thereof to the county clerk, and the canvass and return shall become the official returns for the election.
- (b) In making the recanvass, the county board of elections shall make a record of the number of the seal upon the voting machine and, without unlocking the machine against voting, recanvass the vote cast thereon. If, after a recanvass, it is found that the original canvass of the returns has been correctly made from the machine and that there still remains a discrepancy unaccounted for, this discrepancy shall be noted. If, upon recanvass, it appears that the original canvass of the returns by the election officers was incorrect, the returns and all papers being prepared by the county board of elections shall be corrected accordingly.
- (c) The county board of elections shall, immediately upon receipt of a request for a recanvass, notify the committees favoring or opposing the proposition of the

time and place of the recanvass. At the recanvass, the committees favoring or opposing the proposition may be present. The county board of elections shall authorize representatives of the news media to observe the recanvass of the votes cast on the voting machine in *the early voting location and in* each precinct. Nothing in this section shall prohibit an individual from requesting, in addition to a recanvass, a recount as authorized by KRS Chapter 120.

- (3) The State Board of Elections shall prescribe forms to be used by county boards of election to report all recanvassed votes. The form shall include the following information:
- (a) The name of the county in which the recanvass was conducted;
 - (b) The date of the report;
 - (c) The date of the local option election;
 - (d) The proposition for which the recanvass was conducted;
 - (e) The names of the leaders of the committees favoring or opposing the proposition being recanvassed; and
 - (f) The *regular and early voting* machine votes, absentee votes, and vote totals for each "yes" or "no" vote.

The report shall be signed by each member of the county board of elections.

- (4) The county board of elections shall file its recanvass report as prescribed in administrative regulations promulgated by the State Board of Elections in accordance with KRS Chapter 13A.
- (5) The State Board of Elections shall promulgate administrative regulations in accordance with KRS Chapter 13A to establish the proper procedures for conducting a local option election recanvass for each type of voting system approved by the State Board of Elections and in use in Kentucky.

➔Section 86. KRS 244.290 is amended to read as follows:

- (1) (a) A premises that is licensed to sell distilled spirits or wine at retail shall be

permitted to remain open during the hours the polls are open on any primary, or regular, local option, or special election~~[day]~~ unless it is located where the legislative body of a city with a population equal to or greater than three thousand (3,000) based on the most recent federal decennial census, urban-county government, consolidated local government, charter county government, unified local government, or the fiscal court of a county containing a city with a population equal to or greater than three thousand (3,000) based on the most recent federal decennial census adopts an ordinance that prohibits the sale of distilled spirits and wine or limits the hours and times in which distilled spirits and wine may be sold within its jurisdictional boundaries on any primary, or regular, local option, or special election~~[day]~~ during the hours the polls are open.

- (b) This subsection shall only apply in a wet or moist territory.
 - (c) Notwithstanding any other provision of the Kentucky Revised Statutes to the contrary, the fiscal court of a county shall not by ordinance or any other means:
 - 1. Supersede, reverse, or modify any decision made pursuant to this subsection by the legislative body of a city within that county; or
 - 2. Impose an action upon a city within that county when that city has taken no formal action pursuant to this subsection.
- (2) In any county containing a city of the first class, or a city with a population equal to or greater than twenty thousand (20,000) based upon the most recent federal decennial census in which the sale of distilled spirits and wine by the drink is permitted under KRS Chapter 242, an election on the question of permitting the sale of distilled spirits and wine by the drink on Sunday may be held as provided in KRS Chapter 242.
- (3) Except as provided in KRS 243.050, a premise for which there has been granted a

license for the sale of distilled spirits or wine at retail by the drink or by the package shall not remain open for any purposes between midnight and 6 a.m. or at any time during the twenty-four (24) hours of a Sunday, unless:

- (a) The licensee provides a separate locked department in which all stocks of distilled spirits and wine are kept during those times; or
 - (b) The legislative body of a city with a population equal to or greater than three thousand (3,000) based on the most recent federal decennial census, urban-county government, consolidated local government, charter county government, unified local government, or the fiscal court of a county containing a city with a population equal to or greater than three thousand (3,000) based on the most recent federal decennial census, has otherwise established the hours and times in which distilled spirits and wine may be sold within its jurisdictional boundaries.
- (4) In any city with a population equal to or greater than three thousand (3,000) based on the most recent federal decennial census, or in any county containing such a city in which the sale of distilled spirits and wine is permitted under KRS Chapter 242, the legislative body of the city or county may, by ordinance, permit the sale of distilled spirits and wine by the drink on Sunday from 1 p.m. until the designated closing hour of that locality at hotels, motels, or restaurants which:
- (a) Have dining facilities with a minimum seating capacity of one hundred (100) people at tables; and
 - (b) Receive less than fifty percent (50%) of their annual food and beverage receipts from the dining facilities from the sale of alcohol.
- (5) In any county containing a licensed small farm winery that is permitted to sell alcoholic beverages under KRS Chapter 242, the sale of alcoholic beverages at the small farm winery on Sunday may be permitted if:
- (a) The legislative body of the county approves by local ordinance the sale of

- alcoholic beverages on Sunday in strict accordance with the sales permitted by KRS 243.155 on the licensed premises of a small farm winery from 1 p.m. until the prevailing time for that locality; or
- (b) A limited sale precinct election on the issue of Sunday sales is approved after meeting the requirements of KRS 242.1241.
- (6) In any county containing a city of the first class or in any city located therein in which the sale of distilled spirits and wine is permitted under KRS Chapter 242, the distilled spirits director may issue a license to holders of a quota retail drink license or a special private club license which permits the sale of distilled spirits and wine by the drink on Sunday from 1 p.m. until the prevailing time for that locality.
- (7) Any city or county which has enacted a comprehensive, regulatory ordinance relating to the licensing and operation of hotels, motels, inns, or restaurants for the sale of alcoholic beverages by the drink under KRS 243.072, may also regulate and provide for the limited sale of distilled spirits and wine by the drink on Sundays if:
- (a) The special Sunday retail drink licenses are issued only to those hotels, motels, inns, or restaurants authorized to sell alcoholic beverages by the drink under KRS 243.072; and
- (b) The licensed retailers selling distilled spirits and wine by the drink have applied to the state director and meet all other legal requirements for obtaining a special Sunday retail drink license.
- (8) Notwithstanding any provision of the Kentucky Revised Statutes to the contrary, in any county containing an urban-county government, consolidated local government, charter county government, or unified local government where Sunday sales of distilled spirits and wine by the drink have been previously approved, the legislative body of the urban-county government, consolidated local government, charter county government, or unified local government may by ordinance extend Sunday sales to any premises licensed to sell distilled spirits and wine by the drink located

within the territorial boundaries of the urban-county government, consolidated local government, charter county government, or unified local government and may by ordinance establish the hours such distilled spirits and wine by the drink may be sold.

- (9) Any city or county that has lawfully enacted a regulatory ordinance pursuant to this section prior to August 1, 2014, shall be deemed to meet the requirements for doing so set out in this section and may continue to enforce the ordinance pursuant to the provisions of this section.

➔Section 87. KRS 244.295 is amended to read as follows:

- (1) In any county containing an urban-county government, a premises that has been granted a license for the sale of distilled spirits or wine at retail shall not be permitted to remain open for any purpose between midnight and 6 a.m., or at any time during the twenty-four (24) hours of a Sunday, unless the licensee provides a separate department within his or her licensed premises capable of being locked and closed off, within which is kept all stocks of distilled spirits and wine, and all fixtures and apparatus connected with his or her business as a licensee, and the department is kept locked during the time mentioned above. The licensee shall be deemed to have complied with this section; except that the legislative body of an urban-county government in which traffic in distilled spirits and wine is permitted under KRS Chapter 242 shall have the exclusive right and power, by ordinance, to establish the hours and times in which distilled spirits and wine may be sold within its jurisdictional boundaries. Provided, however, distilled spirits or wine may not be sold in any portion of a county containing an urban-county government during the twenty-four (24) hours between 6 a.m. Sunday and 6 a.m. Monday, except as provided in subsections (2) and (3) of this section; and provided, also, that all stocks of distilled spirits and wine shall be kept locked during the hours in which the licensee is prohibited from selling distilled spirits and wine.

- (2) In any county containing an urban-county government in which the sale of distilled spirits and wine is permitted under KRS Chapter 242, an election on the question of permitting the sale of distilled spirits and wine by the drink on Sunday may be held as provided in KRS 242.020 to 242.040 and 242.060 to 242.120. In any election, the form of the proposition shall be, "Are you in favor of the sale of distilled spirits and wine by the drink between the hours of one p.m. and midnight on Sunday in (name of county)?".
- (3) In any county containing an urban-county government in which the sale of distilled spirits and wine is permitted under KRS Chapter 242, the legislative body of the urban-county government may by resolution or ordinance submit to the electorate a proposal to permit the sale of distilled spirits and wine by the drink on Sunday from 1 p.m. until a closing hour specified in the proposal by hotels, motels, convention centers, convention hotel complexes, restaurants, racetracks, and commercial airports which are licensed for the retail sale of distilled spirits and wine by the drink and which have dining facilities with a minimum seating capacity of one hundred (100) people at tables and which receive less than fifty percent (50%) of their annual food and beverage receipts from dining facilities by the sale of alcohol. The proposal to be submitted to the electorate shall be framed so that any voter who wishes to vote in favor of the limited Sunday sales of distilled spirits and wine by the drink may signify his or her approval by voting "yes" and any voter who wishes to vote against the limited Sunday sales of distilled spirits and wine by the drink may do so by voting "no." The election shall be held on a date stipulated by the legislative body, and the cost of the election shall be borne by the urban-county government. The proposal shall be published pursuant to KRS Chapter 424 and shall also be advertised by written or printed handbills posted at not less than five (5) conspicuous places in each precinct of the county for two (2) weeks before the early voting period of the election. The general election laws, including penalties

for violations, shall apply to the election, except where those laws are inconsistent with the provisions of this section. The proposal submitted to the electorate shall be effective immediately if a majority of those voting on the proposal vote "yes."

- (4) In any county containing an urban-county government in which the sale of distilled spirits and wine by the drink is permitted on Sunday as provided in subsections (2) and (3) of this section, licensed retailers selling distilled spirits and wine by the drink may apply to the director of the Division of Distilled Spirits for a special Sunday retail drink license. Upon receipt of an application and payment of the prescribed fee, the director shall issue a license.
- (5) Notwithstanding any provision of the Kentucky Revised Statutes to the contrary, in any county containing an urban-county government where Sunday sales of distilled spirits and wine by the drink have been previously approved, the legislative body of the urban-county government may by ordinance extend Sunday sales to any premises licensed to sell distilled spirits and wine by the drink located within the territorial boundaries of the urban-county government and may by ordinance establish the hours such distilled spirits and wine by the drink may be sold.

➔Section 88. KRS 244.480 is amended to read as follows:

- (1) Except as provided in subsection (4) of this section, no brewer or distributor shall deliver any malt beverages on Sunday or between the hours of midnight and 6 a.m. on any other day.
- (2) Except as provided in subsection (4) of this section, no retailer shall sell, give away, or deliver any malt beverages between midnight and 6 a.m. or at any time during the twenty-four (24) hours of a Sunday.
- (3) (a) A retailer may sell malt beverages during the hours the polls are open on a primary, or regular, local option, or special election ~~day~~ unless the retailer is located where the legislative body of an urban-county government, consolidated local government, charter county government, unified local

government, city containing a population equal to or greater than three thousand (3,000) based on the most recent federal decennial census, or the fiscal court of a county containing such a city, in which traffic in malt beverages is permitted by KRS Chapter 242 has adopted an ordinance that prohibits the sale of alcoholic beverages or limits the hours and times in which alcoholic beverages may be sold within its jurisdictional boundaries on any primary, or regular, local option, or special election~~[day]~~.

- (b) This subsection shall only apply in a wet or moist territory.
- (c) Notwithstanding any other provisions of the Kentucky Revised Statutes to the contrary, the fiscal court of a county shall not by ordinance or any other means:
 - 1. Supersede, reverse, or modify any decision made pursuant to this subsection by the legislative body of a city within that county; or
 - 2. Impose an action upon a city within that county when that city has taken no formal action pursuant to this subsection.
- (4) The legislative body of an urban-county government, consolidated local government, charter county government, unified local government, city with a population equal to or greater than three thousand (3,000) based on the most recent federal decennial census, or county containing such a city, in which traffic in malt beverages is permitted by KRS Chapter 242, shall have the exclusive power to establish the times in which malt beverages may be sold within its jurisdictional boundaries, including Sunday and any primary, or regular, local option, or special election~~[day]~~ sales if the hours so fixed shall not prohibit the sale, gift, or delivery of any malt beverages between 6 a.m. and midnight during any day, except Sunday.
- (5) Any city or county that has lawfully enacted a regulatory ordinance pursuant to this section prior to August 1, 2014, shall be deemed to meet the requirements for doing so set out in this section and may continue to enforce the ordinance pursuant to the

provisions of this section.

➔Section 89. KRS 262.120 is amended to read as follows:

After the commission has made and recorded a determination that there is need, in the interest of the public health, safety and welfare, for the organization of a district in a particular territory and has defined the boundaries of that district, it shall consider the question whether the operation of a district within those boundaries with the powers conferred upon districts in this chapter is administratively practicable and feasible. To assist the commission in the determination of administrative practicability and feasibility, the commission shall, within a reasonable time after entry of the finding that there is need for the organization of the district and the determination of the boundaries of the district, hold a referendum, **including an early voting period described in Sections 1 to 4 of this Act**, within the proposed district upon the proposition of the creation of the district, and cause due notice of the referendum to be given. The question shall be submitted to the voters in the following form: "For creation of a soil conservation district of the lands below described and lying in the County (or Counties) of,, and" and "Against creation of a soil conservation district of the lands below described and lying in the County (or Counties) of, and" The voter shall be instructed to vote "yes" for one or the other of the propositions, as the voter may favor or oppose creation of the district. The boundaries of the proposed district as determined by the commission shall be set forth. Only owners of lands lying within the boundaries of the territory, as determined by the commission, shall be eligible to vote in the referendum.

➔Section 90. KRS 262.380 is amended to read as follows:

- (1) The board shall supervise the referendum, prescribe appropriate regulations governing the conduct of the referendum, **including early voting as described in Sections 1 to 4 of this Act**, and publish the result of the referendum. Only owners of lands within the district may vote in the referendum.
- (2) No informalities in the conduct of the referendum or in any matters relating to the

referendum shall invalidate the referendum or its result if notice of the referendum shall have been given substantially as provided in KRS 262.370 and the referendum has been fairly conducted.

➔Section 91. KRS 262.540 is amended to read as follows:

- (1) Within sixty (60) days after a petition for discontinuance of a district has been received by the commission it shall give due notice of the holding of a referendum, supervise the referendum and issue appropriate regulations governing the conduct of the referendum, **including an early voting period described in Sections 1 to 4 of this Act.**
- (2) The question shall be submitted to the voters in the following form: "For terminating the existence of the (name of the district)" and "Against terminating the existence of the (name of the district)." The voters shall be instructed to vote "yes" for one or the other of the propositions, as the voter may favor or oppose discontinuance of the district. Only owners of lands lying within the boundaries of the district may vote in the referendum.
- (3) No informalities in the conduct of the referendum or in any matters relating to the referendum shall invalidate it or its result if notice of the referendum shall have been given substantially as provided in subsection (1) and the referendum has been fairly conducted.

➔Section 92. KRS 262.725 is amended to read as follows:

After the board of supervisors has made and recorded a determination that there is need, in the interest of the public health, safety and welfare, for creation of the proposed watershed conservancy district, it shall consider the question whether the operation of a district within the proposed boundaries with the powers conferred upon such districts in KRS 262.745 is administratively practicable and feasible. To assist the board of supervisors in this determination, the board shall, within a reasonable time after entry of the finding that there is need for the organization of the district and the determination of

the boundaries of the district, hold a referendum within the conservation district upon the proposition of the creation of the district to identify boundaries and give notification of funding options. Due notice of the referendum shall be given as provided in KRS 262.010(4). Such notice shall state the ~~dates~~^[date] of holding the referendum, **including an early voting period described in Sections 1 to 4 of this Act**, the hours of opening and closing the polls, and shall designate one or more places within the proposed district as polling places. The board shall appoint a polling superintendent and other necessary polling officers giving equal representation to the proponents and opponents of the question involved.

→Section 93. KRS 262.730 is amended to read as follows:

The question to be voted on shall be submitted in the following form:

"For the creation of Watershed Conservancy District"

"Against the creation of Watershed Conservancy District"

The voters shall be instructed to vote "yes" on one or the other of the propositions, as the voter may favor or oppose creation of the district. The boundaries of the proposed district as determined by the board of supervisors shall be set forth. Only owners of lands lying within the boundaries of the territory shall be eligible to vote in the referendum. Qualified voters may vote by absentee vote **and during an early voting period** in such referendum under rules set out in KRS Chapter 117.

→Section 94. KRS 262.748 is amended to read as follows:

- (1) Upon determination by the board of directors of a watershed conservancy district that the improvement, continuing operation, or maintenance of a watershed project is necessary, the board of directors may adopt a resolution which shall set out:
 - (a) A list of the benefited lands located in the flood plain, as determined by the board of directors, giving the acreage of such lands and the names of the owners thereof as defined by KRS 262.010(7) with a classification of such lands or parts thereof into classes in order that assessments may be made

according to direct benefits; and

- (b) The annual assessments to be levied upon the lands set out in the resolution on the basis of a certain amount per acre according to benefits received, not to exceed in any one (1) year a sum per acre specified in the resolution.
- (2) The board of directors shall cause due notice of the resolution to be given to all the owners of benefited lands, as determined by the board. Said notice shall set out the time and place of a meeting of the board of directors of the watershed conservancy district at which owners of benefited lands who may be liable for the annual assessments may be heard.
- (3) At the hearing upon the resolution, owners of benefited lands may voice their views concerning the proposal as to whether it should be undertaken, and the scope thereof, or the degree of benefit received by their lands. The board shall prepare a record summarizing the proceedings. If the board of directors determines as a result of the hearing that the proposal should be carried out as planned, it may make such changes or revisions in the resolution as it deems proper and shall give due notice of an election to be held at which benefited landowners may vote on the question of annual special assessments to defray the cost. The notice of the election shall include the text of the resolution of the board in its final form. The board of directors may give due notice as provided in KRS 262.010(4).
- (4) The board of directors shall prepare the following question to be presented to the voters: "Should the assessment for improvement, continuing operation, or maintenance proposed by resolution of the..... Watershed Conservancy District be adopted?" Voters shall be instructed to vote "yes" or "no" on the proposition. Only owners of benefited land as set out in the resolution shall be eligible to vote. The board of directors may provide for a meeting of the landowners at which the vote may be cast, in which case qualified voters may vote by absentee vote ***and during an early voting period***. The board shall appoint a polling superintendent and other

necessary election officers, giving representation to the opponents of the question as well as to proponents.

- (5) If a majority of those voting upon the proposition favor the assessment the board shall give due notice of the vote. Any owner of property to be benefited by the project may, within forty (40) days after publication of such notice, file an action in the Circuit Court of the county in which his lands are located seeking relief by declaratory judgment or injunction. If a suit is filed, the county attorney shall represent the board of directors in upholding the validity of the proposed assessment. After the lapse of time specified herein all actions by owners of properties to be benefited shall be forever barred.
- (6) If no suit is filed and no injunction issued within the time allowed in subsection (5) of this section, the board of directors shall levy annual assessments effective only upon the benefited properties and based on the acreage thereof. The annual assessment shall be made by the board of directors at the same time and in the same manner as provided in KRS 262.765 for taxes generally and shall be collected as provided in KRS 262.770. The assessments shall constitute liens against the land benefited and shall attach to the land, taking precedence over all other liens except state, county and municipal taxes and prior improvement assessments.

➔Section 95. KRS 262.750 is amended to read as follows:

- (1) Bonds authorized by KRS 262.745 shall not be issued until proposed by order or resolution of the board of directors, specifying the purpose for which the funds are to be used and the proposed undertaking, the amount of bonds to be issued, the rate of interest they are to bear and the amount of any necessary tax levy authorized in KRS 262.760 to establish a sinking fund for the liquidation of bonds as provided in KRS 262.760. Copy of the order or resolution shall be certified to the board of supervisors.
- (2) The board of supervisors shall conduct a hearing on such proposal after notice given

pursuant to KRS 262.010(4). If it appears that the proposal is within the scope and purpose of KRS 262.700 to 262.795 and meets all other requirements of the law, the proposal shall be submitted to the landowners of the district by referendum under supervision of the board of supervisors.

- (3) Provisions of KRS 262.725, 262.730 and 262.740 as to notice, qualifications of voters, absentee voting, *early voting*, and manner of holding referendum election in organizing a watershed conservancy district shall apply to the referendum held under this section.
- (4) If the landowners voting favor the proposal, subject to the provisions of KRS Chapter 66, the bonds may be issued.