

1 AN ACT relating to elections.

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

3 ➔Section 1. KRS 117.035 is amended to read as follows:

- 4 (1) There shall be a county board of elections, which shall, at the direction and under  
5 the supervision of the State Board of Elections, administer the election laws and the  
6 registration and purgation of voters within the county.
- 7 (2) (a) The county board of elections shall consist of the county clerk, the sheriff,  
8 and two (2) members appointed by the State Board of Elections not later than  
9 July 1 following the election of persons to statewide office, for a term of four  
10 (4) years and until their successors are appointed.
- 11 (b) The sheriff shall not serve on the county board of elections during any year ~~in~~  
12 ~~which~~ he or she is a candidate, but he or she may~~shall~~ recommend that a  
13 deputy sheriff be~~to the board~~ a temporary replacement to serve in his or her  
14 place. If the sheriff cannot serve because he or she is sick, injured,  
15 incapacitated, or otherwise unavailable~~incapacitated~~, he or she may  
16 recommend a deputy sheriff or other temporary replacement to serve in his or  
17 her place until the sheriff may resume his or her duties or a vacancy in office  
18 is declared.
- 19 (c) The county clerk may, at his or her option, continue to serve on the county  
20 board of elections during a year in which he or she is a candidate. If the  
21 county clerk elects not to serve, he or she shall recommend a temporary  
22 replacement to serve in his or her place. If the county clerk cannot serve  
23 because he or she is sick, injured, or otherwise incapacitated, he or she may  
24 recommend a temporary replacement to serve in his or her place until the  
25 county clerk may resume his or her duties or a vacancy in office is declared.
- 26 (d) 1. Notwithstanding the provisions of KRS 61.080, service on the county  
27 board of elections shall be compatible with the holding of any other

1 county, urban-county government, charter county, consolidated local  
2 government, unified local government, or city office.

3 2. The members shall be at least twenty-one (21) years of age, qualified  
4 voters in the county from which they are appointed, and shall not have  
5 been convicted of any election law offense.

6 3. One (1) member shall be appointed from a list of five (5) names  
7 submitted by the county executive committee of each political party as  
8 defined in KRS 118.015. If there are two (2) or more contending  
9 executive committees of the same political party in any county, the one  
10 recognized by the written certificate of the chair~~chairman~~ of the state  
11 central committee of the political party shall be the one authorized to  
12 submit the lists.

13 4. If the State Board of Elections does not receive the list as required by  
14 subparagraph 3. of this paragraph for each political party for each county  
15 by the deadline established in paragraph (a) of this subsection or within  
16 one (1) month of a vacancy, then the chair of the state central  
17 committees for the political parties may submit lists of five (5) names of  
18 qualified residents from the remaining counties by August 1 following  
19 the election of persons to statewide office or within two (2) months of a  
20 vacancy.

21 5. If the State Board of Elections does not receive a list from either the  
22 county executive committee under subparagraph 3. of this paragraph or  
23 the chair of the state executive committee under subparagraph 4. of this  
24 paragraph, then the State Board of Elections shall appoint a qualified  
25 resident from the county at its next regularly scheduled meeting in  
26 September following the election of persons to statewide office or  
27 within three (3) months of a vacancy.

- 1           6. A member appointed by the State Board of Elections may be removed  
2           by the State Board of Elections for cause.
- 3           7. A member appointed by the State Board of Elections may be removed  
4           by the State Board of Elections upon a request approved by a two-thirds  
5           (2/3) vote of the full membership of the county executive committee that  
6           submitted the member's name. The county executive shall provide  
7           conclusive evidence of the committee's membership and evidence of the  
8           committee's two-thirds (2/3) vote before the State Board of Elections  
9           removes any member appointed by the State Board of Elections.
- 10          8. If an appointee is temporarily unable to act, a temporary appointee shall  
11          be named by the State Board of Elections. A temporary appointee shall  
12          serve until the original appointee notifies the State Board of Elections  
13          that he or she is able to resume his or her term.
- 14          9. A member appointed by the State Board of Elections shall not serve on  
15          the board if he or she is a candidate for public office, and the member  
16          shall resign upon filing papers to become a candidate for public office or  
17          shall be removed from office by the State Board of Elections. A member  
18          who resigns or is removed because of his or her candidacy shall not  
19          resume his or her term following the completion of the candidacy.
- 20          10. Vacancies and temporary vacancies shall be filled in the same manner as  
21          provided for original appointments, and the person appointed to fill the  
22          vacancy or temporary vacancy shall be of the same political party as his  
23          or her predecessor.
- 24          (e) Compensation and payment of actual expenses of members shall be set by the  
25          fiscal court either as an amount payable on an annual basis, or as an amount  
26          payable on a per diem basis of not less than fifteen dollars (\$15) nor more than  
27          one hundred dollars (\$100) for each day the board meets.

- 1 (3) A majority of the county board of elections shall constitute a quorum. The county  
2 clerk shall serve as chair~~[chairman]~~ of the meetings and may vote. In case of a tie,  
3 the chair~~[chairman]~~ may cast an additional vote. Records shall be kept of all  
4 proceedings, and the records shall be public and kept at the office of the county  
5 clerk.
- 6 (4) The county board of elections shall meet at least once a month and may meet more  
7 frequently if necessary. The county board of elections shall stay in session on  
8 election days to correct clerical errors and rule on questions regarding voter  
9 registration and may make to the election officers such certifications as may be  
10 necessary. On election days, appeals may be made to a Circuit Judge, but a ruling of  
11 the county board of elections shall be reversed only upon a finding that it was  
12 arbitrary and capricious.
- 13 (5) The county board of elections may employ, on a bipartisan basis, a staff sufficient  
14 to carry out the duties assigned to the county board of elections.
- 15 ➔Section 2. KRS 117.075 is amended to read as follows:
- 16 (1) Any qualified voter who has not been declared mentally disabled by a court of  
17 competent jurisdiction, and who, on account of age, disability or illness, is not able  
18 to appear at the polls on election day may vote by a mail-in absentee ballot pursuant  
19 to subsection (2) of this section or in person pursuant to KRS 117.085.
- 20 (2) At least fourteen (14)~~[seven (7)]~~ days prior to the date of the election and prior to  
21 the close of normal business hours, a qualified voter may present to the county clerk  
22 by mail, facsimile machine, electronic mail, or in person, at the option of the  
23 voter, his or her completed application for a mail-in absentee ballot containing a  
24 verified statement that his or her inability to appear is due to age, disability, or  
25 illness. The request for the mail-in absentee ballot application may be made by  
26 telephone, facsimile machine, mail, electronic mail, or in person, at the option of  
27 the voter. Within three (3) days of receipt of the request, the county clerk shall mail

1 to the voter a mail-in absentee ballot and envelopes, and the voter shall cast his or  
2 her vote in accordance with KRS 117.086. The mail-in absentee ballot shall be  
3 returned by the voter to the county clerk by mail.

4 (3) Ballots furnished pursuant to the provisions of this section shall include the slates of  
5 candidates and all candidates for which the voter is entitled to vote.

6 ➔Section 3. KRS 117.085 is amended to read as follows:

7 (1) All requests for an application for a mail-in absentee ballot may be transmitted by  
8 telephone, facsimile machine, by mail, by electronic mail, or in person, at the  
9 option of the voter. The county clerk shall transmit all applications for a mail-in  
10 absentee ballot to the voter by mail, facsimile machine, electronic mail, ~~to the~~  
11 ~~voter~~ or in person, at the option of the voter, except as provided in paragraph (b) of  
12 this subsection. The mail-in absentee ballot application may be requested by the  
13 voter or the spouse, parents, or children of the voter, but shall be restricted to the  
14 use of the voter. A completed mail-in absentee ballot application may be returned  
15 to the county clerk by mail, electronic mail, facsimile machine, or in person, at  
16 the option of the voter. Except for qualified voters who apply pursuant to the  
17 requirements of KRS 117.075 and 117.077, those who are incarcerated in jail but  
18 have yet to be convicted, those who are uniformed-service voters as defined in KRS  
19 117A.010 that are confined to a military base on election day, and persons who  
20 qualify under paragraph (a)7. of this subsection, mail-in absentee ballots shall not  
21 be mailed to a voter's residential address located in the county in which the voter is  
22 registered. The county clerk shall provide a mail-in absentee ballot, two (2) official  
23 envelopes for returning the mail-in absentee ballot, and instructions for voting to a  
24 voter who presents a completed application for mail-in absentee ballot as provided  
25 in this section and who is properly registered as stated in his or her mail-in absentee  
26 ballot application.

27 (a) A qualified voter may apply to cast his or her vote by mail-in absentee ballot

- 1 if the completed application is received not later than the close of business  
2 hours fourteen (14)~~seven (7)~~ days before the election, and if the voter is:
- 3 1. Permitted to vote by a mail-in absentee ballot pursuant to KRS 117.075;
  - 4 2. A resident of Kentucky who is a covered voter as defined in KRS  
5 117A.010;
  - 6 3. A student who temporarily resides outside the county of his or her  
7 residence;
  - 8 4. Incarcerated in jail and charged with a crime, but has not been convicted  
9 of the crime;
  - 10 5. Changing or has changed his or her place of residence to a different state  
11 while the registration books are closed in the new state of residence  
12 before an election of electors for President and Vice President of the  
13 United States, in which case the voter shall be permitted to cast a mail-in  
14 absentee ballot for electors for President and Vice President of the  
15 United States only;
  - 16 6. Temporarily residing outside the state but still eligible to vote in this  
17 state;
  - 18 7. Prevented from voting in person at the polls on election day and from  
19 casting an in-person absentee ballot in the county clerk's office on all  
20 days in-person absentee voting is conducted because his or her  
21 employment location requires him or her to be absent from the county of  
22 his or her residence all hours and all days in-person absentee voting is  
23 conducted in the county clerk's office; or
  - 24 8. A participant in the Secretary of State's crime victim address  
25 confidentiality protection program as authorized by KRS 14.312.
- 26 (b) Residents of Kentucky who are covered voters as defined in KRS 117A.010  
27 may apply for a mail-in absentee ballot by means of the federal post-card

1 application, which may be transmitted to the county clerk's office by mail, by  
2 facsimile machine, or by means of the electronic transmission system  
3 established under KRS 117A.030(4). The federal post-card application may be  
4 used to register, reregister, and to apply for a mail-in absentee ballot. If the  
5 federal post-card application is received at any time not less than seven (7)  
6 days before the election, the county clerk shall affix his or her seal to the  
7 application form upon receipt.

8 (c) In-person absentee voting shall be conducted in the county clerk's office or  
9 other place designated by the county board of elections and approved by the  
10 State Board of Elections during normal business hours for at least the twelve  
11 (12) working days before the election. A county board of elections may permit  
12 in-person absentee voting to be conducted on a voting machine for a period  
13 longer than the twelve (12) working days before the election.

14 (d) Any qualified voter in the county of his or her residence who is not permitted  
15 to vote by a mail-in absentee ballot under paragraph (a) of this subsection who  
16 will be absent from the county of his or her residence on any election day may,  
17 at any time during normal business hours on those days in-person absentee  
18 voting is conducted in the county clerk's office, make application in person to  
19 the county clerk to cast an in-person absentee vote on a voting machine in the  
20 county clerk's office or other place designated by the county board of elections  
21 and approved by the State Board of Elections.

22 (e) A qualified voter may, at any time during normal business hours on those days  
23 in-person absentee voting is conducted in the county clerk's office, make  
24 application in person to the county clerk to vote on a voting machine in the  
25 county clerk's office or other place designated by the county board of elections  
26 and approved by the State Board of Elections, if the voter:

27 1. Is a resident of Kentucky who is a covered voter as defined in KRS

- 1                   117A.010, who will be absent from the county of his or her residence on  
2                   any election day;
- 3                   2. Is a student who temporarily resides outside the county of his or her  
4                   residence;
- 5                   3. Has surgery, or whose spouse has surgery, scheduled that will require  
6                   hospitalization on election day;
- 7                   4. Temporarily resides outside the state, but is still eligible to vote in this  
8                   state and will be absent from the county of his or her residence on any  
9                   election day;
- 10                  5. Is a resident of Kentucky who is a uniformed-service voter as defined in  
11                  KRS 117A.010 confined to a military base on election day, learns of that  
12                  confinement within seven (7) days or less of an election, and is not  
13                  eligible for a mail-in absentee ballot under this subsection;
- 14                  6. Is in her last trimester of pregnancy at the time she wishes to vote under  
15                  this paragraph. The application form for a voter under this subparagraph  
16                  shall be prescribed by the State Board of Elections, which shall contain  
17                  the woman's sworn statement that she is in fact in her last trimester of  
18                  pregnancy at the time she wishes to vote; or
- 19                  7. Has not been declared mentally disabled by a court of competent  
20                  jurisdiction and, on account of age, disability, or illness, is not able to  
21                  appear at the polls on election day.
- 22                  (f) Voters who change their place of residence to a different state while the  
23                  registration books are closed in the new state of residence before a presidential  
24                  election shall be permitted to cast an in-person absentee ballot for President  
25                  and Vice President only, by making application in person to the county clerk  
26                  to vote on a voting machine in the county clerk's office or other place  
27                  designated by the county board of elections and approved by the State Board

1 of Elections, up to the close of normal business hours on the day before the  
2 election.

3 (g) Any member of the county board of elections, any precinct election officer  
4 appointed to serve in a precinct other than that in which he or she is registered,  
5 any alternate precinct election officer, any deputy county clerk, any staff for  
6 the State Board of Elections, and any staff for the county board of elections  
7 may vote on a voting machine in the county clerk's office or other place  
8 designated by the county board of elections, and approved by the State Board  
9 of Elections, up to the close of normal business hours on the day before the  
10 election. The application form for those persons shall be prescribed by the  
11 State Board of Elections and, in the case of application by precinct election  
12 officers, shall contain a verification of appointment signed by a member of the  
13 county board of elections. If an alternate precinct election officer or a precinct  
14 election officer appointed to serve in a precinct other than that in which he or  
15 she is registered receives his or her appointment while in-person absentee  
16 voting is being conducted in the county, the officer may vote on a voting  
17 machine in the county clerk's office or other place designated by the county  
18 board of elections, and approved by the State Board of Elections, up to the  
19 close of normal business hours on the day before the election. Precinct  
20 election officers' verification of appointment shall also contain the date of  
21 appointment. The applications shall be restricted to the use of the voter only.

22 (h) The members of the county board of elections or their designees who provide  
23 equal representation of both political parties may serve as precinct election  
24 officers, without compensation, for all in-person absentee voting performed  
25 on a voting machine in the county clerk's office or other place designated by  
26 the county board of elections and approved by the State Board of Elections. If  
27 the members of the county board of elections or their designees serve as

1 precinct election officers for the in-person absentee voting, they shall perform  
2 the same duties and exercise the same authority as precinct election officers  
3 who serve on the day of an election. If the members of the county board of  
4 elections or their designees do not serve as precinct election officers for in-  
5 person absentee voting, the county clerk or deputy county clerks shall  
6 supervise the in-person absentee voting.

7 (i) Any individual qualified to appoint challengers for the day of an election may  
8 also appoint challengers to observe all in-person absentee voting performed at  
9 the county clerk's office or other place designated by the county board of  
10 elections, and approved by the State Board of Elections, and those challengers  
11 may exercise the same privileges as challengers appointed for observing  
12 voting on the day of an election at a regular polling place.

13 (2) The county clerk shall type the name of the voter permitted to vote by mail-in  
14 absentee ballot on the mail-in absentee ballot application form for that person's use  
15 and no other. The mail-in absentee ballot application form shall be in the form  
16 prescribed by the State Board of Elections, shall bear the seal of the county clerk,  
17 and shall contain the following information: name, residential address, precinct,  
18 party affiliation, statement of the reason the person cannot vote in person on  
19 election day, statement of where the voter shall be on election day, statement of  
20 compliance with residency requirements for voting in the precinct, and the voter's  
21 mailing address for a mail-in absentee ballot. The mail-in absentee ballot  
22 application form shall be verified and signed by the voter. A notice of the actual  
23 penalty provisions in KRS 117.995(2) and (5) shall be printed on the mail-in  
24 absentee ballot application form.

25 (3) If the county clerk finds that the voter is properly registered as stated in his or her  
26 mail-in absentee ballot application form and qualifies to receive a mail-in absentee  
27 ballot by mail, he or she shall mail to the voter a mail-in absentee ballot, two (2)

1 official envelopes for returning the mail-in absentee ballot, and instructions for  
2 voting. The county clerk shall complete a postal form for a certificate of mailing for  
3 mail-in absentee ballots mailed within the fifty (50) states, and it shall be stamped  
4 by the postal service when the mail-in absentee ballots are mailed. A mail-in  
5 absentee ballot may be transmitted by facsimile machine or by the electronic  
6 transmission system established under KRS 117A.030(4) to a covered voter as  
7 defined in KRS 117A.010. The covered voter shall be notified of the options for  
8 transmittal of the mail-in absentee ballot, and the mail-in absentee ballot shall be  
9 transmitted by the method chosen for receipt by the resident of Kentucky who is a  
10 covered voter.

11 (4) Mail-in absentee ballots which are requested prior to the printing of the mail-in  
12 absentee ballots shall be mailed or otherwise transmitted as provided in subsection  
13 (3) of this section by the county clerk to the voter within three (3) days of the receipt  
14 of the printed ballots. Mail-in absentee ballots requested after the receipt of the  
15 ballots by the county clerk shall be mailed or otherwise transmitted as provided in  
16 subsection (3) of this section to the voter within three (3) days of the receipt of the  
17 request.

18 (5) The county clerk shall cause mail-in absentee ballots to be printed fifty (50) days  
19 prior to each primary or regular election, and forty-five (45) days prior to a special  
20 election.

21 (6) The outer envelope shall bear the words "Absentee Ballot" and the address and  
22 official title of the county clerk and shall provide space for the voter's signature,  
23 voting address, precinct number, and signatures of two (2) witnesses if the voter  
24 signs the form with the use of a mark instead of the voter's signature. A detachable  
25 flap on the inner envelope shall provide space for the voter's signature, voting  
26 address, precinct number, signatures of two (2) witnesses if the voter signs the form  
27 with the use of a mark instead of the voter's signature and notice of penalty provided

1 in KRS 117.995(5). The county clerk shall type the voter's address and precinct  
2 number in the upper left hand corner of the outer envelope and of the detachable  
3 flap on the inner envelope immediately below the blank space for the voter's  
4 signature. The inner envelope shall be blank. The county clerk shall retain the mail-  
5 in ballot application form and the postal form required by subsection (3) of this  
6 section for twenty-two (22) months after the election.

7 ~~(7) Any person who has received a mail in absentee ballot by mail but who knows at  
8 least seven (7) days before the date of the election that he or she will be in his or her  
9 county of residence on election day and who has not voted pursuant to the  
10 provisions of KRS 117.086 shall cancel his or her mail in absentee ballot and vote  
11 in person. The voter shall return the mail in absentee ballot to the county clerk's  
12 office no later than seven (7) days prior to the date of the election. Upon the return  
13 of the mail in absentee ballot, the county clerk shall mark on the outer envelope of  
14 the sealed ballot or the unmarked ballot the words "Canceled because voter  
15 appeared to vote in person." Sealed envelopes so marked shall not be opened. The  
16 county clerk shall remove the voter's name from the list of persons who were sent  
17 mail in absentee ballots, and the voter may vote in the precinct in which he or she is  
18 properly registered.~~

19 ~~(8)~~ (a) Any voter qualified for a mail-in absentee ballot who does not receive a  
20 requested mail-in absentee ballot within a reasonable amount of time shall  
21 contact the county clerk, who shall reissue a second mail-in absentee ballot.  
22 The county clerk shall keep a record of the mail-in absentee ballots issued and  
23 returned by mail, and the in-person absentee voting that is performed on the  
24 voting machine in the county clerk's office or other place designated by the  
25 county board of elections and approved by the State Board of Elections, to  
26 verify that only the first voted ballot to be returned by the voter is counted.  
27 Upon the return of any ballot after the first ballot is returned, the county clerk

1 shall mark on the outer envelope of the sealed ballot the words "Canceled  
2 because ballot reissued."

3 (b) Any voter qualified for a mail-in absentee ballot who has applied for, but  
4 not received, a requested mail-in absentee ballot may appear in person on  
5 election day, and he or she shall sign a written oath as to his or her  
6 qualifications on the form prescribed by the State Board of Elections. The  
7 county clerk shall remove the voter's name from the list of persons who  
8 were sent mail-in absentee ballots and provide the voter with written  
9 authorization to vote at the precinct, and the voter may vote in the precinct  
10 in which he or she is properly registered. The oaths signed in accordance  
11 with this paragraph shall be attended and processed as provided in KRS  
12 117.245.

13 (c) Any voter qualified for a mail-in absentee ballot who has applied for, but  
14 not received, a requested mail-in absentee ballot may appear in person  
15 during the days that in-person absentee votes are cast on the voting  
16 machine in the county clerk's office or other place designated by the county  
17 board of elections and approved by the State Board of Elections. The voter  
18 shall sign a written oath as to his or her qualifications on the form  
19 prescribed by the State Board of Elections. The county clerk shall remove  
20 the voter's name from the list of persons who were sent mail-in absentee  
21 ballots, and the voter shall be allowed to vote on an in-person absentee  
22 ballot. The oaths signed in accordance with this paragraph shall be  
23 attended and processed as provided in KRS 117.245.

24 ~~(8)(9)~~ Any covered voter as defined in KRS 117A.010 who has received a mail-in  
25 absentee ballot~~[but who knows that he or she will be in the county on election day]~~  
26 and who has not voted pursuant to the provisions of KRS 117.086 shall cancel his  
27 or her mail-in absentee ballot and vote in person. The voter shall return the mail-in

1 absentee ballot to the county clerk's office on or before election day. Upon the  
2 return of the mail-in absentee ballot, the county clerk shall mark on the outer  
3 envelope of the sealed mail-in absentee ballot or the unmarked mail-in absentee  
4 ballot the words "Canceled because voter appeared to vote in person." Sealed  
5 envelopes so marked shall not be opened. If the covered voter is unable to return the  
6 mail-in absentee ballot to the county clerk's office on or before election day, at the  
7 time he or she votes in person, he or she shall sign a written oath as to his or her  
8 qualifications on the form prescribed by the State Board of Elections pursuant to  
9 KRS 117.245. The county clerk shall remove the voter's name from the list of  
10 persons who were sent mail-in absentee ballots and, ~~and~~ provide the voter with written  
11 authorization to vote at the precinct~~, and the voter may vote in the precinct in~~  
12 ~~which he or she is properly registered~~.

13 ~~(9)~~~~(10)~~ Notwithstanding the provisions of the Kentucky Open Records Act, KRS  
14 61.870 to 61.884, the information contained in an application for a mail-in absentee  
15 ballot shall not be made public until after the close of business hours on the election  
16 day for which the application applies. This subsection shall not prohibit at any time  
17 the disclosure, upon request, of the total number of applications for mail-in absentee  
18 ballots that have been filed, or the disclosure to the Secretary of State or the State  
19 Board of Elections, if requested or if otherwise required by law, of any information  
20 in an application for a mail-in absentee ballot.

21 ➔Section 4. KRS 117.145 is amended to read as follows:

22 (1) At least forty-five (45)~~fifteen (15)~~ days before any special election, and at least  
23 fifty (50) days before any primary or regular election, the county clerk of each  
24 county shall cause to be printed and ready for use ballot labels for each candidate  
25 who, and each question which, is entitled to be voted upon in such election. The  
26 ballot labels shall be printed on clear white paper or other material which shall be  
27 furnished by the printer. They shall be printed in black ink, in plain, clear type

1 clearly legible to a person with normal vision, and shall be of a size to fit the ballot  
2 frames. The labels shall include the necessary party designations.

3 (2) Each county clerk shall have printed a sufficient number of paper absentee ballots.  
4 The absentee ballot shall be used for voting by absent voters; by precinct officers  
5 who have been assigned to a precinct other than their own; by members of a county  
6 board of elections; by voters so disabled by age, infirmity or illness as to be unable  
7 to appear at the polls; and for voting in an emergency situation. The ballot stubs  
8 shall be consecutively numbered and the county board shall keep a record, by  
9 number, of all absentee ballots used for any of the purposes listed herein.

10 (3) No later than the Friday preceding a special or regular election, the county clerk  
11 shall equip the voting machines with the necessary supplies for the purpose of  
12 write-in votes. The county clerk shall also attach a pencil or pen to the voting  
13 machine for write-in purposes.

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

20 ➔Section 5. KRS 117.265 is amended to read as follows:

21 (1) A voter may, at any regular or special election, cast a write-in vote for any person  
22 qualified as provided in subsection (2) or (3) of this section, whose name does not  
23 appear upon the ballot label for any office, by writing the name of his or her choice  
24 upon the appropriate device for the office being voted on provided on the voting  
25 machine as required by KRS 117.125. Any candidate for city, county, urban-county,  
26 consolidated local government, charter county government, or unified local  
27 government office who is defeated in a partisan or nonpartisan primary shall be

1 ineligible as a candidate for the same office in the regular election. Any voter  
2 utilizing an absentee ballot for a regular or special election may write in a vote for  
3 any eligible person whose name does not appear upon the ballot, by writing the  
4 name of his or her choice under the office.

5 (2) Write-in votes shall be counted only for candidates for election to office who have  
6 filed a declaration of intent to be a write-in candidate with the Secretary of State or  
7 county clerk, depending on the office being sought, on or before the fourth Friday in  
8 October preceding the date of the regular election and not later than the second  
9 Friday before the date of a special election. In the case of a special election  
10 administered under KRS 118.730, a declaration of intent to be a write-in candidate  
11 shall be filed at least forty-nine (49)~~[twenty-eight (28)]~~ days before the day of the  
12 election. The declaration of intent shall be filed no earlier than the first Wednesday  
13 after the first Monday in November of the year preceding the year the office will  
14 appear on the ballot, and no later than 4 p.m. local time at the place of filing when  
15 filed on the last date on which papers may be filed. The declaration of intent shall  
16 be on a form prescribed by the Secretary of State.

17 (3) A person shall not be eligible as a write-in candidate:

18 (a) For more than one (1) office in a regular or special election; or

19 (b) If his or her name appears upon the ballot label for any office, except that the  
20 candidate may file a notice of withdrawal prior to filing an intent to be a write-  
21 in candidate for office when a vacancy in a different office occurs because of:

22 1. Death;

23 2. Disqualification to hold the office sought;

24 3. Severe disabling condition which arose after the nomination; or

25 4. The nomination of an unopposed candidate.

26 (4) Persons who wish to run for President and Vice-President shall file a declaration of  
27 intent to be a write-in candidate, along with a list of presidential electors pledged to

1 those candidates, with the Secretary of State on or before the fourth Friday in  
2 October preceding the date of the regular election for those offices. The declaration  
3 of intent shall be filed no earlier than the first Wednesday after the first Monday in  
4 November of the year preceding the year the office will appear on the ballot, and no  
5 later than 4 p.m. local time at the place of filing when filed on the last date on which  
6 papers may be filed. Write-in votes cast for the candidates whose names appear on  
7 the ballot shall apply to the slate of pledged presidential electors, whose names shall  
8 not appear on the ballot.

9 (5) The county clerk shall provide to the precinct election officers certified lists of those  
10 persons who have filed declarations of intent as provided in subsections (2) and (3)  
11 of this section. Only write-in votes cast for qualified candidates shall be counted.

12 (6) Two (2) election officers of opposing parties shall upon the request of any voter  
13 instruct the voter on how to cast a write-in vote.