

1 AN ACT relating to early voting in-person absentee voting.

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

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

- 5 *(1) In-person absentee voting shall be conducted in the county clerk's office or other*  
6 *place designated by the county board of elections and approved by the State*  
7 *Board of Elections during normal business hours for at least twelve (12) working*  
8 *days, including two (2) Saturdays, before the Sunday prior to election day. A*  
9 *county board of elections may permit in-person absentee voting to be conducted*  
10 *on a voting machine for a period longer than the twelve (12) working days,*  
11 *including two (2) Saturdays, before the Sunday prior to election day.*
- 12 *(2) Any qualified voter in the county who chooses to vote in-person may, at any time*  
13 *during normal business hours on those days in-person absentee voting is*  
14 *conducted in the county clerk's office or other place designated by the county*  
15 *board of elections, appear in person to the county clerk or other election official*  
16 *to vote on a voting machine in the county clerk's office or other place designated*  
17 *by the county board of elections and approved by the State Board of Elections.*
- 18 *(3) Any individual qualified to appoint challengers for the day of an election may*  
19 *also appoint challengers to observe all in-person absentee voting performed at 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, and those challengers may exercise*  
22 *the same privileges as challengers appointed for observing voting on the day of*  
23 *an election.*
- 24 *(4) The members of the county board of elections or their designees who provide*  
25 *equal representation of both political parties may serve as precinct election*  
26 *officers, without compensation, for all in-person absentee voting performed on a*  
27 *voting machine in the county clerk's office or other place designated by the*

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

9 ➔Section 2. KRS 117.085 is amended to read as follows:

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

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

- 1 if the application is received not later than the close of business hours seven  
2 (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 **or during the dates and times in-person absentee voting is being**  
20       **conducted in accordance with Section 1 of this Act**, statement of where the voter  
21       shall be on election day **or during the dates and times in-person absentee voting is**  
22       **being conducted in accordance with Section 1 of this Act**, statement of compliance  
23       with residency requirements for voting in the precinct, and the voter's mailing  
24       address for a mail-in absentee ballot. The mail-in absentee ballot application form  
25       shall be verified and signed by the voter. A notice of the actual penalty provisions in  
26       KRS 117.995(2) and (5) shall be printed on the mail-in absentee ballot application  
27       form.

- 1 (3) If the county clerk finds that the voter is properly registered as stated in his or her  
2 mail-in absentee ballot application form and qualifies to receive a mail-in absentee  
3 ballot by mail, he or she shall mail to the voter a mail-in absentee ballot, two (2)  
4 official envelopes for returning the mail-in absentee ballot, and instructions for  
5 voting. The county clerk shall complete a postal form for a certificate of mailing for  
6 mail-in absentee ballots mailed within the fifty (50) states, and it shall be stamped  
7 by the postal service when the mail-in absentee ballots are mailed. A mail-in  
8 absentee ballot may be transmitted by facsimile machine or by the electronic  
9 transmission system established under KRS 117A.030(4) to a covered voter as  
10 defined in KRS 117A.010. The covered voter shall be notified of the options for  
11 transmittal of the mail-in absentee ballot, and the mail-in absentee ballot shall be  
12 transmitted by the method chosen for receipt by the resident of Kentucky who is a  
13 covered voter.
- 14 (4) Mail-in absentee ballots which are requested prior to the printing of the mail-in  
15 absentee ballots shall be mailed or otherwise transmitted as provided in subsection  
16 (3) of this section by the county clerk to the voter within three (3) days of the receipt  
17 of the printed ballots. Mail-in absentee ballots requested after the receipt of the  
18 ballots by the county clerk shall be mailed or otherwise transmitted as provided in  
19 subsection (3) of this section to the voter within three (3) days of the receipt of the  
20 request.
- 21 (5) The county clerk shall cause mail-in absentee ballots to be printed fifty (50) days  
22 prior to each primary or regular election, and forty-five (45) days prior to a special  
23 election.
- 24 (6) The outer envelope shall bear the words "*Mail-in* Absentee Ballot" and the address  
25 and official title of the county clerk and shall provide space for the voter's signature,  
26 voting address, precinct number, and signatures of two (2) witnesses if the voter  
27 signs the form with the use of a mark instead of the voter's signature. A detachable



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

10 (7) Any person who has received a mail-in absentee ballot~~[by mail]~~ but who knows at  
11 least seven (7) days before the date of the election **or during the dates and times in-**  
12 **person absentee voting is being conducted in accordance with Section 1 of this**  
13 **Act** that he or she will be in his or her county of residence on election day **or during**  
14 **the dates and times in-person absentee voting is being conducted in accordance**  
15 **with Section 1 of this Act** and who has not voted pursuant to the provisions of KRS  
16 117.086 shall cancel his or her mail-in absentee ballot and vote in person. The voter  
17 shall return the mail-in absentee ballot to the county clerk's office no later than  
18 seven (7) days prior to the date of the election **or during the dates and times in-**  
19 **person absentee voting is being conducted in accordance with Section 1 of this**  
20 **Act**. Upon the return of the mail-in absentee ballot, the county clerk shall mark on  
21 the outer envelope of the sealed ballot or the unmarked ballot the words "Canceled  
22 because voter appeared to vote in person." Sealed envelopes so marked shall not be  
23 opened. The county clerk shall remove the voter's name from the list of persons who  
24 were sent mail-in absentee ballots, and the voter may vote in the precinct in which  
25 he or she is properly registered **on the date of the election or during the dates and**  
26 **times in-person absentee voting is being conducted in accordance with Section 1**  
27 **of this Act**.

- 1 (8) Any voter qualified for a mail-in absentee ballot who does not receive a requested  
2 mail-in absentee ballot within a reasonable amount of time shall contact the county  
3 clerk, who shall reissue a second mail-in absentee ballot. The county clerk shall  
4 keep a record of the mail-in absentee ballots issued and returned by mail, and the in-  
5 person absentee voting that is performed on the voting machine in the county clerk's  
6 office or other place designated by the county board of elections and approved by  
7 the State Board of Elections, to verify that only the first voted ballot to be returned  
8 by the voter is counted. Upon the return of any ballot after the first ballot is  
9 returned, the county clerk shall mark on the outer envelope of the sealed ballot the  
10 words "Canceled because ballot reissued."
- 11 (9) Any covered voter as defined in KRS 117A.010 who has received a mail-in  
12 absentee ballot but who knows that he or she will be in the county on election day  
13 or during the dates and times in-person absentee voting is being conducted in  
14 accordance with Section 1 of this Act and who has not voted pursuant to the  
15 provisions of KRS 117.086 shall cancel his or her mail-in absentee ballot and vote  
16 in person. The voter shall return the mail-in absentee ballot to the county clerk's  
17 office on or before the day the voter votes in person~~[election day]~~. Upon the return  
18 of the mail-in absentee ballot, the county clerk shall mark on the outer envelope of  
19 the sealed mail-in absentee ballot or the unmarked mail-in absentee ballot the words  
20 "Canceled because voter appeared to vote in person." Sealed envelopes so marked  
21 shall not be opened. If the covered voter is unable to return the mail-in absentee  
22 ballot to the county clerk's office on or before the voter~~[election day, at the time he~~  
23 ~~or she]~~ votes in person, he or she shall sign a written oath as to his or her  
24 qualifications on the form prescribed by the State Board of Elections pursuant to  
25 KRS 117.245. The county clerk shall remove the voter's name from the list of  
26 persons who were sent mail-in absentee ballots, and provide the voter with written  
27 authorization to vote~~[ at the precinct, and the voter may vote in the precinct in~~

1 ~~which he or she is properly registered~~.

2 (10) Notwithstanding the provisions of the Kentucky Open Records Act, KRS 61.870 to  
3 61.884, the information contained in an application for a mail-in absentee ballot  
4 shall not be made public until after the close of business hours on the election day  
5 for which the application applies. This subsection shall not prohibit at any time the  
6 disclosure, upon request, of the total number of applications for mail-in absentee  
7 ballots that have been filed, or the disclosure to the Secretary of State or the State  
8 Board of Elections, if requested or if otherwise required by law, of any information  
9 in an application for a mail-in absentee ballot.

10 ➔Section 3. KRS 117.0851 is amended to read as follows:

11 Absentee ballots cast, as provided by KRS 117.075, 117.077, ~~and~~ 117.085, **and Section**  
12 **1 of this Act**, shall all be tabulated in the same manner, as shall be provided by this  
13 chapter.

14 ➔Section 4. KRS 117.086 is amended to read as follows:

15 (1) The voter returning his **or her** absentee ballot by mail shall mark his **or her** ballot,  
16 seal it in the inner envelope and then in the outer envelope, and mail it to the county  
17 clerk as ~~shall be~~ provided by this chapter. The voter shall sign the detachable flap  
18 and the outer envelope in order to validate the ballot. A person having power of  
19 attorney for the voter and who signs the detachable flap and outer envelope for the  
20 voter shall complete the voter assistance form as required by KRS 117.255. The  
21 signatures of two (2) witnesses are required if the voter signs the form with the use  
22 of a mark instead of the voter's signature. A resident of Kentucky who is a covered  
23 voter as defined in KRS 117A.010 who has received **a mail-in**~~an~~ absentee ballot  
24 transmitted by facsimile machine or by means of the electronic transmission system  
25 established under KRS 117A.030(4) shall transmit the voted ballot to the county  
26 clerk by mail only, conforming with ballot security requirements that may be  
27 promulgated by the State Board **of Elections** by administrative regulation. In order

1 to be counted, the ballots shall be received by the county clerk by at least the time  
2 established by the election laws generally for the closing of the polls, which time  
3 shall not include the extra hour during which those voters may vote who were  
4 waiting in line to vote at the scheduled poll closing time.

5 (2) ~~{Any voter who shall be absent from the county on election day, but who does not~~  
6 ~~qualify to receive an absentee ballot by mail under the provisions of KRS 117.085,~~  
7 ~~and }~~All voters qualified to vote prior to the election under the provisions of Section  
8 I of this Act~~{KRS 117.085}~~, shall vote at the main office of the county clerk or  
9 other place designated by the county board of elections, and approved by the State  
10 Board of Elections~~{, prior to the day of election}~~. The county clerk may provide for~~{~~  
11 ~~such}~~ voting by the voting equipment in general use in the county either at the  
12 precinct~~{, the equipment as may be used to tabulate absentee ballots,}~~ or any other  
13 voting equipment approved by the State Board of Elections for use in Kentucky,  
14 except as follows:

15 (a) Any voter~~{ qualifying to vote in the clerk's office or other place designated by~~  
16 ~~the county board of elections, and approved by the State Board of Elections,}~~  
17 who receives assistance to vote shall complete the voter assistance form  
18 required by KRS 117.255.

19 (b) Any voter~~{ qualifying to vote in the clerk's office or other place designated by~~  
20 ~~the county board of elections, and approved by the State Board of Elections,}~~  
21 whose qualifications are challenged by any clerk or deputy shall complete an  
22 "Oath of Voter" affidavit.

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

27 (4) The county clerk shall designate a location within his or her office where the

1 ballots shall be cast secretly. The county clerk, with the approval of the State Board  
2 of Elections, may establish locations other than his or her main office in which the  
3 voters may execute their in-person absentee ballots. Public notice of the locations  
4 shall be given pursuant to KRS Chapter 424 and similar notice by mail shall be  
5 given to the county chair~~[chairmen]~~ of the two (2) political parties whose  
6 candidates polled the largest number of votes in the county at the last  
7 regular~~[general]~~ election.

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

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

20 (7) The county clerk shall keep a list for each election of all persons who return their  
21 absentee ballots by mail and who voted in-person in accordance with Section 1 of  
22 this Act~~[or who cast their ballots in the clerk's office or other place designated by~~  
23 ~~the county board of elections and approved by the State Board of Elections]~~, and  
24 shall send a copy of each list to the State Board of Elections after the election day  
25 for which the list applies. Notwithstanding the provisions of the Kentucky Open  
26 Records Act, KRS 61.870 to 61.884, each list of all persons who return their  
27 absentee ballots by mail or who voted in-person in accordance with Section 1 of

1 ~~*this Act*~~ ~~[cast their ballots in the clerk's office or other designated and approved~~  
 2 ~~place]~~ shall not be made public until after the close of business hours on the election  
 3 day for which the list applies. The county clerk and the Secretary of State shall keep  
 4 a record of the number of votes cast by absentee ballots returned by mail and cast *in*  
 5 ~~*accordance with Section 1 of this Act*~~ ~~[on the voting machine in the county clerk's~~  
 6 ~~office or other place designated by the county board of elections and approved by~~  
 7 ~~the State Board of Elections, which are cast in any election]~~ as a part of the official  
 8 returns of the election.

- 9 (8) The county board of elections shall report to the State Board of Elections within ten  
 10 (10) days after any primary or *regular* ~~[general]~~ election as to the number of rejected  
 11 *mail-in* absentee ballots and the reasons for rejected *mail-in* absentee ballots on a  
 12 form prescribed by the State Board of Elections in administrative regulations  
 13 promulgated under KRS Chapter 13A.

14 ➔Section 5. KRS 117.087 is amended to read as follows:

- 15 (1) The challenge of an absentee ballot returned by mail shall be in writing and in the  
 16 hands of the county clerk before 8 a.m. on election day.
- 17 (2) The county board of elections shall count the absentee ballots returned by mail and  
 18 the *in-person absentee* votes cast *in accordance with Section 1 of this Act* on the  
 19 voting machine in the county clerk's office or other place designated by the county  
 20 board of elections and approved by the State Board of Elections. The *county* board  
 21 *of elections* may appoint a central ballot counting board of not less than three (3)  
 22 members, who shall be qualified voters and no more than two-thirds (2/3) of whom  
 23 shall be members of the same political party, to count the ballots at the direction of  
 24 the county board of elections.
- 25 (3) Beginning at 8 a.m. on election day, the *county* board *of elections* shall meet at the  
 26 clerk's office to count the absentee ballots returned by mail and the *in-person*  
 27 ballots cast *in accordance with Section 1 of this Act* on the voting machine in the

1 county clerk's office or other place designated by the county board of elections and  
2 approved by the State Board of Elections. Candidates or their representatives shall  
3 be permitted to be present. The county board of elections shall authorize  
4 representatives of the news media to observe the counting of the ballots. The county  
5 board of elections shall open the boxes containing absentee ballots returned by mail  
6 and remove the envelopes one (1) at a time. As each envelope is removed, it shall  
7 be examined to ascertain whether the outer envelope and the detachable flap are in  
8 proper order and have been signed by the voter. A person having power of attorney  
9 for the voter and who signs the detachable flap and outer envelope for the voter  
10 shall complete the voter assistance form required by KRS 117.255. The signatures  
11 of two (2) witnesses are required if the voter signs the form with the use of a mark  
12 instead of the voter's signature. All unsigned mail-in absentee ballots shall be  
13 rejected automatically. The chair~~[chairman]~~ of the county board of elections shall  
14 compare the signatures on the outer envelope and the detachable flap with the  
15 signature of the voter that appears on the registration card. If the outer envelope and  
16 the detachable flap are found to be in order, the chair~~[chairman]~~ shall read aloud  
17 the name of the voter. If the vote of the voter is not rejected on a challenge then  
18 made as provided in subsection (4) of this section, the chair~~[chairman]~~ shall remove  
19 the detachable flap and place the inner envelope unopened in a ballot box which has  
20 been provided for the purpose.

21 (4) When the name of a voter who cast an absentee ballot by mail is read aloud by the  
22 chair~~[chairman]~~, the vote of the voter may be challenged by any county board of  
23 elections member or by the written challenge provided in subsection (1) of this  
24 section and the challenge may be determined and the vote accepted or rejected by  
25 the board as if the voter was present and voting in person; but if the outer envelope  
26 and the detachable flap are regular, and substantially comply with the provisions of  
27 this chapter, they shall be considered as showing that the voter is prima facie

1 entitled to vote. If the vote of a voter is rejected pursuant to the challenge, the inner  
 2 envelope shall not be opened, but returned to the outer envelope upon which the  
 3 **chair**~~[chairman]~~ shall write on the envelope the word "rejected."

4 (5) After the challenges have been made and all the blank inner envelopes have been  
 5 placed in a ballot box, the box shall be thoroughly shaken to redistribute the **mail-in**  
 6 absentee ballots in the box. The **county** board **of elections** shall open the ballot box,  
 7 remove the **mail-in** absentee ballots from the inner envelopes, and count the ballots.

8 (6) The **county** board **of elections** shall unlock any voting equipment used to cast **in-**  
 9 **person absentee** ballots in the **county** clerk's office or other place designated by the  
 10 county board of elections, and approved by the State Board of Elections, as  
 11 provided~~[ for]~~ in **Sections 1 and 4 of this Act**~~[KRS 117.086]~~, and a total of all  
 12 **absentee** ballots shall be made and recorded on the form provided by the State  
 13 Board of Elections.

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

18 ➔Section 6. KRS 117.145 is amended to read as follows:

19 (1) At least **forty-five (45)**~~[fifteen (15)]~~ days before **the day of** any special election, and  
 20 at least fifty (50) days before **the day of** any primary or regular election, the county  
 21 clerk of each county shall cause to be printed and ready for use ballot labels for each  
 22 candidate who, and each question which, is entitled to be voted upon in such  
 23 election. The ballot labels shall be printed on clear white paper or other material  
 24 which shall be furnished by the printer. They shall be printed in black ink, in plain,  
 25 clear type clearly legible to a person with normal vision, and shall be of a size to fit  
 26 the ballot frames. The labels shall include the necessary party designations.

27 (2) Each county clerk shall have printed a sufficient number of~~[paper absentee]~~



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

8       (3) No later than the Friday preceding ~~the~~<sup>[a]</sup> special or regular election ***day***, the county  
 9       clerk shall equip the voting machines with the necessary supplies for the purpose of  
 10      write-in votes. The county clerk shall also attach a pencil or pen to the voting  
 11      machine for write-in purposes. ***The county clerk shall equip the in-person***  
 12      ***absentee voting machine with the necessary supplies, including attaching a pencil***  
 13      ***or pen to the voting machine for the purpose of write-in votes, at least five (5)***  
 14      ***days before the in-person absentee voting period begins.***

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

21      ➔Section 7. KRS 117.165 is amended to read as follows:

22      (1) Upon completing the preparation of the machines in accordance with the provisions  
 23      of KRS 117.155, and not later than the Thursday preceding the day of the election,  
 24      the county clerk shall notify the members of the county board of elections that the  
 25      machines are ready for use. The ***county*** board ***of elections*** shall~~[thereupon]~~  
 26      convene at the office of the county clerk, not later than the Friday preceding the day  
 27      of the election, and examine the machines to determine whether the requirements of

1 KRS 117.155 have been met. The county board of elections shall publish notice, in  
2 accordance with KRS 424.130(1)(d), at least twenty-four (24) hours in advance of  
3 the time when the machines are to be examined by the county board of elections. If  
4 found in proper order, the members of the county board of elections shall endorse  
5 their approval in the book in which the county clerk has entered the numbers of the  
6 machines opposite the numbers of the precincts. The county clerk shall then deliver  
7 all of the keys to the machines to the county board of elections who shall give a  
8 receipt for the keys which shall contain identification of the keys. Not later than one  
9 (1) hour before the time set for the opening of the polls, the county board of  
10 elections shall deliver all election supplies including the precinct list, tabulation  
11 sheets, and the key to the device covering the registering counters and other keys  
12 necessary for the operation of the machine in registering votes, to the election  
13 officers of the precinct in which the machine is being used. The elections officers  
14 of the precinct, ~~who~~ shall give the county board of elections a receipt containing  
15 identification of the keys. The master key and all other keys shall remain in the  
16 possession of the county board of elections.

17 (2) Not later than four (4) business days preceding the date set by the county board of  
18 elections to conduct in-person absentee voting in accordance with Section 1 of this  
19 Act ~~[KRS 117.085(1)(c)]~~, the county clerk shall notify the members of the county  
20 board of elections that the voting machines designated for use during in-person  
21 absentee voting are ready for use. The county board of elections shall ~~thereupon~~  
22 convene at the office of the county clerk, not later than three (3) business days  
23 preceding the date set by the county board of elections to conduct in-person  
24 absentee voting, and examine the machines to determine whether the requirements  
25 of KRS 117.155 have been met. The county board of elections shall publish notice,  
26 in accordance with KRS 424.130(1)(d), at least twenty-four (24) hours in advance  
27 of the time when the in-person absentee voting machines are to be examined by the

1 board. If found in proper order, the members of the county board of elections shall  
2 endorse their approval in the book in which the county clerk has entered the  
3 identification number of the machines designated for use during in-person absentee  
4 voting.

5 (3) Any candidate, one (1) representative of each political party having candidates to be  
6 voted for at the election, and representatives of the news media may be present  
7 when the examination of the machines is made by the county board of elections.

8 ➔Section 8. KRS 117.235 is amended to read as follows:

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

13 (a) For the purpose of voting;

14 (b) By authority of the election officers to keep order and enforce the law;

15 (c) With the express approval of the county board of elections to repair or replace  
16 voting equipment that is malfunctioning and to provide additional voting  
17 equipment; or

18 (d) At the voter's discretion, a minor child in the company of a voter may  
19 accompany the voter into a voting booth or other private area provided for  
20 casting a vote.

21 (2) No election officer~~[of election]~~ shall do any electioneering on election day.

22 (3) (a) No person shall electioneer at the polling place on the day of any election, as  
23 established in KRS 118.025, within a distance of one hundred (100) feet of  
24 any entrance to a building in which a voting machine is located if that  
25 entrance is unlocked and is used by voters on election day.

26 (b) No person shall electioneer within the interior of a building or affix any  
27 electioneering materials to the exterior or interior of a building where the

1 county clerk's office is located, or any building designated by the county board  
2 of elections and approved by the State Board of Elections for ***in-person***  
3 absentee voting, during the hours ***in-person*** absentee voting is being  
4 conducted in the building by the county clerk ***in accordance with Section 1 of***  
5 ***this Act***~~[pursuant to KRS 117.085(1)(e)].~~

6 (c) Electioneering shall include the displaying of signs, the distribution of  
7 campaign literature, cards, or handbills, the soliciting of signatures to any  
8 petition, or the solicitation of votes for or against any bona fide candidate or  
9 ballot question in a manner which expressly advocates the election or defeat  
10 of the candidate or expressly advocates the passage or defeat of the ballot  
11 question.

12 ***(d) Electioneering***~~[, but]~~ shall not include exit polling, bumper stickers affixed to  
13 a person's vehicle while parked within or passing through a distance of one  
14 hundred (100) feet of any entrance to a building in which a voting machine is  
15 located, private property as provided in subsection (7) of this section, or other  
16 exceptions established by the State Board of Elections through the  
17 promulgation of administrative regulations.

18 (4) No voter shall be permitted to converse with others while in any room in which  
19 voting, including ***in-person*** absentee voting, is conducted concerning their support  
20 or nonsupport of any candidate, party, or issue to be voted on, except as provided in  
21 KRS 117.255.

22 (5) Any precinct election officer, county clerk, deputy county clerk, or any law  
23 enforcement official may enforce the election laws and maintain law and order at  
24 the polls and within one hundred (100) feet of any entrance to the building in which  
25 the voting machine is located if that entrance is unlocked and is used by voters.  
26 Assistance may be requested of any law enforcement officer.

27 (6) Notwithstanding the provisions of subsection (1) of this section, the State Board of

1 Elections may establish a program designed to instill in school children a respect for  
2 the democratic principles of voting by conducting in any county a mock election for  
3 school children in conjunction with any primary, or regular or special election. The  
4 State Board of Elections shall promulgate administrative regulations regarding the  
5 mock elections to insure that the regular voting process will not be impaired.

6 (7) Notwithstanding the provisions of subsection (3) of this section, nothing in this  
7 section shall prohibit the displaying of political campaign signs on private property  
8 or private establishments by a person having a leased or ownership interest in that  
9 private property or private establishment within the campaign-free zone, regardless  
10 of the distance from the polling place. In the case of a polling location being on  
11 private property that is leased or otherwise under contract for the purpose of serving  
12 as a polling location, the provisions of subsection (3) of this section shall be  
13 applicable to that leased or contracted-for private property.

14 ➔Section 9. KRS 118.035 is amended to read as follows:

15 (1) The polls shall be opened on the day of a primary, special election, or regular  
16 election at 6 a.m., prevailing time, and shall remain open until each voter who is  
17 waiting in line at the polls at 6 p.m., prevailing time, has voted. At 6 p.m.,  
18 prevailing time, if voters are waiting at the polls to vote, the precinct election sheriff  
19 shall announce that a voter wishing to vote must immediately get in line. When all  
20 voters waiting at the polls at that time are in line, the precinct election sheriff shall  
21 then determine which voter is the last in line, and that voter shall be the last voter  
22 permitted to vote. The precinct election sheriff shall wait in line with the **voter**  
23 **determined to be the** last voter~~[ who shall be permitted to vote]~~ until that voter has  
24 voted. **The precinct sheriff**~~[ and]~~ shall inform a voter who subsequently arrives at  
25 the polls that no one shall be permitted to vote after the last voter in line at 6 p.m.,  
26 prevailing time. After the last voter waiting in line at 6 p.m., prevailing time, has  
27 voted, the polls shall then be closed.

- 1 (2) As provided in Section 148 of the Constitution of Kentucky, any **qualified voter**  
2 **who**~~[person entitled to a vote at any election in this state shall, if he]~~ has **applied**~~[~~  
3 ~~made application]~~ for leave **with their employer** prior to the day he **or she goes to**  
4 **the office of**~~[ appears before]~~ the county clerk to request an application for **an**  
5 **absentee ballot** or to execute an absentee ballot, **shall** be entitled to **not less than**  
6 **four (4) hours to be** absent~~[ himself]~~ from any services or employment in which he  
7 **or she** is then engaged or employed~~[ for a reasonable time, but not less than four (4)~~  
8 ~~hours]~~ on the day he **or she** appears before the **county** clerk to request an  
9 application for or to execute an absentee ballot, during normal business hours of the  
10 office of the **county** clerk or to cast his **or her** ballot **during the in-person voting**  
11 **period or** on the day of the election between the time of opening and closing the  
12 polls. The employer may specify the hours during which an employee may absent  
13 himself **or herself**.
- 14 (3) No person shall be penalized for taking a reasonable time off to vote, unless, under  
15 circumstances which did not prohibit **the voter**~~[him]~~ from voting, he **or she** fails to  
16 vote. Any qualified voter who exercises his **or her** right to voting leave under this  
17 section but fails to cast his **or her** vote, under circumstances which did not prohibit  
18 him **or her** from voting, may be subject to disciplinary action.
- 19 (4) Any person selected to serve as an election officer shall be entitled to absent himself  
20 **or herself** from any services or employment in which he **or she** is then engaged or  
21 employed for a period of an entire day to attend training or to serve as an election  
22 officer. The person shall not, because of so absenting himself **or herself**, be liable to  
23 any penalty. The employer may specify the hours during which the employee may  
24 **be** absent~~[ himself]~~. No person shall refuse an employee the privilege hereby  
25 conferred, or discharge or threaten to discharge an employee or subject an employee  
26 to a penalty, because of the exercise of the privilege.
- 27 ➔Section 10. KRS 118.405 is amended to read as follows:

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

6       ➔Section 11. The following KRS section is repealed:

7 117.088 Pilot program for unassisted voting by blind and visually impaired persons.