

1 AN ACT relating to elections.

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

3 ➔Section 1. KRS 116.0452 is amended to read as follows:

- 4 (1) For the purpose of determining whether a voter registration application is received
5 during the period in which registration books are open under KRS 116.045(2), an
6 application shall be deemed timely received:
- 7 (a) In the case of registration with a motor vehicle driver's license application, if
8 the valid voter registration form of the applicant is accepted by the circuit
9 clerk before the registration books are closed;
- 10 (b) In the case of registration by mail, if the valid voter registration form of the
11 applicant is legibly postmarked before the registration books are closed;
- 12 (c) In the case of registration with a voter registration agency, if the valid voter
13 registration form of the applicant is accepted at the voter registration agency
14 before the registration books are closed;~~and~~
- 15 (d) ***In the case of registration made in accordance with KRS 117A.050 or any***
16 ***other eligible electronic transmission of registration, if the electronic***
17 ***registration form is received online by the county clerk's office by 11:59***
18 ***p.m. local time; and***
- 19 (e) In any other case, if the valid voter registration form of the applicant is
20 received by the appropriate county clerk, no later than 4 p.m. local time,
21 before the registration books are closed.
- 22 (2) The county clerk shall send notice to each applicant of the disposition of the
23 application.
- 24 (3) The name of a registered voter shall not be removed from the registration books
25 except:
- 26 (a) Upon request of the voter;
- 27 (b) As provided by KRS 116.113, upon notice of death, declaration of

1 incompetency, or conviction of a felony; or

2 (c) Upon failure to respond to a confirmation mailing sent pursuant to KRS
3 116.112(3) and failure to vote or appear to vote and, if necessary, correct the
4 registration record of the voter's address in an election during the period
5 beginning on the date of the notice and ending on the day after the date of the
6 second ~~regular~~^{general} election for Federal office that occurs after the date of
7 the notice.

8 (4) The identity of the voter registration agency or circuit clerk's office through which
9 any particular voter is registered shall not be disclosed to the public.

10 ➔Section 2. KRS 117.035 is amended to read as follows:

11 (1) There shall be a county board of elections, which shall, at the direction and under
12 the supervision of the State Board of Elections, administer the election laws and the
13 registration and purgation of voters within the county.

14 (2) (a) The county board of elections shall consist of the county clerk, the sheriff,
15 and two (2) members appointed by the State Board of Elections not later than
16 July 1 following the election of persons to statewide office, for a term of four
17 (4) years and until their successors are appointed.

18 (b) The sheriff shall not serve on the county board of elections during any year~~in~~
19 ~~which~~ he or she is a candidate, but he or she may~~shall~~ recommend that a
20 deputy sheriff be~~to the board~~ a temporary replacement to serve in his or her
21 place. If the sheriff cannot serve because he or she is sick, injured,
22 incapacitated, or otherwise unavailable~~incapacitated~~, he or she may
23 recommend a deputy sheriff or other temporary replacement to serve in his or
24 her place until the sheriff may resume his or her duties or a vacancy in office
25 is declared.

26 (c) The county clerk may, at his or her option, continue to serve on the county
27 board of elections during a year in which he or she is a candidate. If the

1 county clerk elects not to serve, he or she shall recommend a temporary
2 replacement to serve in his or her place. If the county clerk cannot serve
3 because he or she is sick, injured, or otherwise incapacitated, he or she may
4 recommend a temporary replacement to serve in his or her place until the
5 county clerk may resume his or her duties or a vacancy in office is declared.

- 6 (d) 1. Notwithstanding the provisions of KRS 61.080, service on the county
7 board of elections shall be compatible with the holding of any other
8 county, urban-county government, charter county, consolidated local
9 government, unified local government, or city office.
- 10 2. The members shall be at least twenty-one (21) years of age, qualified
11 voters in the county from which they are appointed, and shall not have
12 been convicted of any election law offense.
- 13 3. One (1) member shall be appointed from a list of five (5) names
14 submitted by the county executive committee of each political party as
15 defined in KRS 118.015. If there are two (2) or more contending
16 executive committees of the same political party in any county, the one
17 recognized by the written certificate of the chair~~chairman~~ of the state
18 central committee of the political party shall be the one authorized to
19 submit the lists.
- 20 4. If the State Board of Elections does not receive the list as required by
21 subparagraph 3. of this paragraph for each political party for each county
22 by the deadline established in paragraph (a) of this subsection or within
23 one (1) month of a vacancy, then the chair of the state central
24 committees for the political parties may submit lists of five (5) names of
25 qualified residents from the remaining counties by August 1 following
26 the election of persons to statewide office or within two (2) months of a
27 vacancy.

- 1 5. If the State Board of Elections does not receive a list from either the
2 county executive committee under subparagraph 3. of this paragraph or
3 the chair of the state executive committee under subparagraph 4. of this
4 paragraph, then the State Board of Elections shall appoint a qualified
5 resident from the county at its next regularly scheduled meeting in
6 September following the election of persons to statewide office or
7 within three (3) months of a vacancy.
- 8 6. A member appointed by the State Board of Elections may be removed
9 by the State Board of Elections for cause.
- 10 7. A member appointed by the State Board of Elections may be removed
11 by the State Board of Elections upon a request approved by a two-thirds
12 (2/3) vote of the full membership of the county executive committee that
13 submitted the member's name. The county executive shall provide
14 conclusive evidence of the committee's membership and evidence of the
15 committee's two-thirds (2/3) vote before the State Board of Elections
16 removes any member appointed by the State Board of Elections.
- 17 8. If an appointee is temporarily unable to act, a temporary appointee shall
18 be named by the State Board of Elections. A temporary appointee shall
19 serve until the original appointee notifies the State Board of Elections
20 that he or she is able to resume his or her term.
- 21 9. A member appointed by the State Board of Elections shall not serve on
22 the board if he or she is a candidate for public office, and the member
23 shall resign upon filing papers to become a candidate for public office or
24 shall be removed from office by the State Board of Elections. A member
25 who resigns or is removed because of his or her candidacy shall not
26 resume his or her term following the completion of the candidacy.
- 27 10. Vacancies and temporary vacancies shall be filled in the same manner as

1 provided for original appointments, and the person appointed to fill the
 2 vacancy or temporary vacancy shall be of the same political party as his
 3 or her predecessor.

4 (e) Compensation and payment of actual expenses of members shall be set by the
 5 fiscal court either as an amount payable on an annual basis, or as an amount
 6 payable on a per diem basis of not less than fifteen dollars (\$15) nor more than
 7 one hundred dollars (\$100) for each day the board meets.

8 (3) A majority of the county board of elections shall constitute a quorum. The county
 9 clerk shall serve as chair~~chairman~~ of the meetings and may vote. In case of a tie,
 10 the chair~~chairman~~ may cast an additional vote. Records shall be kept of all
 11 proceedings, and the records shall be public and kept at the office of the county
 12 clerk.

13 (4) The county board of elections shall meet at least once a month and may meet more
 14 frequently if necessary. The county board of elections shall stay in session on
 15 election days to correct clerical errors and rule on questions regarding voter
 16 registration and may make to the election officers such certifications as may be
 17 necessary. On election days, appeals may be made to a Circuit Judge, but a ruling of
 18 the county board of elections shall be reversed only upon a finding that it was
 19 arbitrary and capricious.

20 (5) The county board of elections may employ, on a bipartisan basis, a staff sufficient
 21 to carry out the duties assigned to the county board of elections.

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

23 (1) All requests for an application for an absentee ballot and applications for an
 24 absentee ballot may be transmitted to and returned by the voter by ~~telephone,~~
 25 facsimile machine, by mail, by electronic mail, or in person, at the option of the
 26 voter. ~~Except as provided in paragraph (b) of this subsection, all applications for an~~
 27 ~~absentee ballot shall be transmitted only by mail to the voter or in person at the~~

1 ~~option of the voter, except that the county clerk shall hand an application for an~~
2 ~~absentee ballot to a voter permitted to vote by absentee ballot who appears in person~~
3 ~~to request the application, or shall mail the application to a voter permitted to vote~~
4 ~~by absentee ballot who requests the application by telephone, facsimile machine, or~~
5 ~~mail.]~~ The absentee ballot application may be requested by the voter or the spouse,
6 parents, or children of the voter, but shall be restricted to the use of the voter.
7 Except for qualified voters who apply pursuant to the requirements of KRS 117.075
8 and 117.077, those who are incarcerated in jail but have yet to be convicted, those
9 who are uniformed-service voters as defined in KRS 117A.010 that are confined to
10 a military base on election day, and persons who qualify under paragraph (a)7. of
11 this subsection, absentee ballots shall not be mailed to a voter's residential address
12 located in the county in which the voter is registered. In the case of ballots returned
13 by mail, the county clerk shall provide an absentee ballot, two (2) official envelopes
14 for returning the ballot, and instructions for voting to a voter who presents a
15 completed application for an absentee ballot as provided in this section and who is
16 properly registered as stated in his or her application.

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

- 20 1. Voters permitted to vote by absentee ballot pursuant to KRS 117.075;
- 21 2. Voters who are residents of Kentucky who are covered voters as defined
22 in KRS 117A.010;
- 23 3. Voters who are students who temporarily reside outside the county of
24 their residence;
- 25 4. Voters who are incarcerated in jail who have been charged with a crime
26 but have not been convicted of the crime;
- 27 5. Voters who change their place of residence to a different state while the

- 1 registration books are closed in the new state of residence before an
2 election of electors for President and Vice President of the United
3 States, who shall be permitted to cast an absentee ballot for electors for
4 President and Vice President of the United States only;
- 5 6. Voters who temporarily reside outside the state but who are still eligible
6 to vote in this state;
- 7 7. Voters who are prevented from voting in person at the polls on election
8 day and from casting an absentee ballot in person in the county clerk's
9 office on all days absentee voting is conducted prior to election day
10 because their employment location requires them to be absent from the
11 county all hours and all days absentee voting is conducted in the county
12 clerk's office; and
- 13 8. Voters who are program participants in the Secretary of State's crime
14 victim address confidentiality protection program as authorized by KRS
15 14.312.
- 16 (b) Residents of Kentucky who are covered voters as defined in KRS 117A.010
17 may apply for an absentee ballot by means of the federal post-card application,
18 which may be transmitted to the county clerk's office by mail, by facsimile
19 machine, or by means of the electronic transmission system established under
20 KRS 117A.030(4). The application may be used to register, reregister, and to
21 apply for an absentee ballot. If the federal post-card application is received at
22 any time not less than seven (7) days before the election, the county clerk shall
23 affix his or her seal to the application form upon receipt.
- 24 (c) Absentee voting shall be conducted in the county clerk's office or other place
25 designated by the county board of elections and approved by the State Board
26 of Elections during normal business hours for at least the twelve (12) working
27 days before the election. A county board of elections may permit absentee

1 voting to be conducted on a voting machine for a period longer than the
2 twelve (12) working days before the election.

3 (d) Any qualified voter in the county who is not permitted to vote by absentee
4 ballot under paragraph (a) of this subsection who will be absent from the
5 county on any election day may, at any time during normal business hours on
6 those days absentee voting is conducted in the county clerk's office, make
7 application in person to the county clerk to vote on a voting machine in the
8 county clerk's office or other place designated by the county board of elections
9 and approved by the State Board of Elections.

10 (e) The following voters may, at any time during normal business hours on those
11 days absentee voting is conducted in the county clerk's office, make
12 application in person to the county clerk to vote on a voting machine in the
13 county clerk's office or other place designated by the county board of elections
14 and approved by the State Board of Elections:

- 15 1. Voters who are residents of Kentucky who are covered voters as defined
16 in KRS 117A.010, who will be absent from the county on any election
17 day;
- 18 2. Voters who are students who temporarily reside outside the county of
19 their residence;
- 20 3. Voters who have surgery scheduled that will require hospitalization on
21 election day, and the spouse of the voter;
- 22 4. Voters who temporarily reside outside the state but who are still eligible
23 to vote in this state and who will be absent from the county on any
24 election day;
- 25 5. Voters who are residents of Kentucky who are uniformed-service voters
26 as defined in KRS 117A.010 confined to a military base on election day
27 and who learn of that confinement within seven (7) days or less of an

1 election and are not eligible for a paper absentee ballot under this
2 subsection; and

3 6. A voter who is a pregnant woman in her last trimester of pregnancy at
4 the time she wishes to vote under this paragraph. The application form
5 for a voter under this subparagraph shall be prescribed by the State
6 Board of Elections, which shall contain the woman's sworn statement
7 that she is in fact in her last trimester of pregnancy at the time she
8 wishes to vote.

9 (f) Voters who change their place of residence to a different state while the
10 registration books are closed in the new state of residence before a presidential
11 election shall be permitted to cast an absentee ballot for President and Vice
12 President only, by making application in person to the county clerk to vote on
13 a voting machine in the county clerk's office or other place designated by the
14 county board of elections and approved by the State Board of Elections.

15 (g) Any member of the county board of elections, any precinct election officer
16 appointed to serve in a precinct other than that in which he or she is registered,
17 any alternate precinct election officer, any deputy county clerk, any staff for
18 the State Board of Elections, and any staff for the county board of elections
19 may vote on a voting machine in the county clerk's office or other place
20 designated by the county board of elections, and approved by the State Board
21 of Elections, up to the close of normal business hours on the day before the
22 election. The application form for those persons shall be prescribed by the
23 State Board of Elections and, in the case of application by precinct election
24 officers, shall contain a verification of appointment signed by a member of the
25 county board of elections. If an alternate precinct election officer or a precinct
26 election officer appointed to serve in a precinct other than that in which he or
27 she is registered receives his or her appointment while absentee voting is

1 being conducted in the county, such officer may vote on a voting machine in
2 the county clerk's office or other place designated by the county board of
3 elections, and approved by the State Board of Elections, up to the close of
4 normal business hours on the day before the election. In case of such voters,
5 the verification of appointment shall also contain the date of appointment. The
6 applications shall be restricted to the use of the voter only.

7 (h) The members of the county board of elections or their designees who provide
8 equal representation of both political parties may serve as precinct election
9 officers, without compensation, for all in-person absentee voting performed
10 on a voting machine in the county clerk's office or other place designated by
11 the county board of elections and approved by the State Board of Elections. If
12 the members of the county board of elections or their designees serve as
13 precinct election officers for the in-person absentee voting, they shall perform
14 the same duties and exercise the same authority as precinct election officers
15 who serve on the day of an election. If the members of the county board of
16 elections or their designees do not serve as precinct election officers for the
17 in-person absentee voting, the county clerk or deputy county clerks shall
18 supervise the absentee voting.

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

25 (2) The county clerk shall type the name of the voter permitted to vote by absentee
26 ballot on the application form for that person's use and no other. The absentee ballot
27 application form shall be in the form prescribed by the State Board of Elections,

1 shall bear the seal of the county clerk, and shall contain the following information:
2 name, residential address, precinct, party affiliation, statement of the reason the
3 person cannot vote in person on election day, statement of where the voter shall be
4 on election day, statement of compliance with residency requirements for voting in
5 the precinct, and the voter's mailing address for a mail-in~~an~~ absentee ballot. The
6 form shall be verified and signed by the voter. A notice of the actual penalty
7 provisions in KRS 117.995(2) and (5) shall be printed on the application.

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

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

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

27 (6) The outer envelope shall bear the words "Absentee Ballot" and the address and

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

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

24 ~~(8)~~ (a) Any voter qualified for a mail-in absentee ballot who does not receive a
25 requested mail-in ballot within a reasonable amount of time shall contact the
26 county clerk, who shall reissue a second mail-in absentee ballot. The county
27 clerk shall keep a record of the mail-in absentee ballots issued and returned by

1 mail, and the in-person absentee voting that is performed on the voting
2 machine in the county clerk's office or other place designated by the county
3 board of elections and approved by the State Board of Elections, to verify that
4 only the first voted ballot to be returned by the voter is counted. Upon the
5 return of any ballot after the first ballot is returned, the county clerk shall
6 mark on the outer envelope of the sealed ballot the words "Canceled because
7 ballot reissued."

8 (b) Any voter qualified for a mail-in absentee ballot who has applied for, but
9 not received a requested mail-in absentee ballot, may appear in person on
10 election day, and he or she shall sign a written oath as to his or her
11 qualifications on the form prescribed by the State Board of Elections. The
12 county clerk shall remove the voter's name from the list of persons who
13 were sent mail-in absentee ballots and provide the voter with written
14 authorization to vote at the precinct, and the voter may vote in the precinct
15 in which he or she is properly registered. The oaths signed in accordance
16 with this paragraph shall be attended and processed as provided in KRS
17 117.245.

18 (c) Any voter qualified for a mail-in absentee ballot who has applied for, but
19 not received a requested mail-in absentee ballot, may appear in person
20 during the days that in-person absentee votes are cast on the voting
21 machine in the county clerk's office or other place designated by the county
22 board of elections and approved by the State Board of Elections. The voter
23 shall sign a written oath as to his or her qualifications on the form
24 prescribed by the State Board of Elections. The voter shall sign a written
25 oath as to his or her qualifications on the form prescribed by the State
26 Board of Elections. The county clerk shall remove the voter's name from
27 the list of persons who were sent mail-in absentee ballots, and the voter

1 *shall be allowed to vote on an in-person absentee ballot. The oaths signed in*
2 *accordance with this paragraph shall be attended and processed as provided*
3 *in KRS 117.245.*

4 ~~(8)~~~~(9)~~ Any covered voter as defined in KRS 117A.010 who has received *a mail-*
5 *in*~~[an]~~ absentee ballot~~[but who knows that he or she will be in the county on~~
6 ~~election day and]~~ who has not voted pursuant to the provisions of KRS 117.086
7 shall cancel his or her *mail-in* absentee ballot and vote in person. The voter shall
8 return the *mail-in* absentee ballot to the county clerk's office on or before election
9 day. Upon the return of the *mail-in* absentee ballot, the *county* clerk shall mark on
10 the outer envelope of the sealed ballot or the unmarked ballot the words "Canceled
11 because voter appeared to vote in person." Sealed envelopes so marked shall not be
12 opened. If the covered voter is unable to return the *mail-in* absentee ballot to the
13 county clerk's office on or before election day, at the time he or she votes in person,
14 he or she shall sign a written oath as to his or her qualifications on the form
15 prescribed by the State Board of Elections pursuant to KRS 117.245. The *county*
16 clerk shall remove the voter's name from the list of persons who were sent *mail-in*
17 absentee ballots, provide the voter with written authorization to vote~~[at the~~
18 ~~precinct, and the voter may vote in the precinct in which he or she is properly~~
19 ~~registered].~~

20 (10) Notwithstanding the provisions of the Kentucky Open Records Act, KRS 61.870 to
21 61.884, the information contained in an application for an absentee ballot shall not
22 be made public until after the close of business hours on the election day for which
23 the application applies. This subsection shall not prohibit at any time the disclosure,
24 upon request, of the total number of applications for absentee ballots that have been
25 filed, or the disclosure to the Secretary of State or the State Board of Elections, if
26 requested or if otherwise required by law, of any information in an application for
27 an absentee ballot.