

1 AN ACT relating to polling places.

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

3 ➔Section 1. KRS 117.087 is amended to read as follows:

- 4 (1) The challenge of an absentee ballot returned by mail shall be in writing and in the  
5 hands of the county clerk before 8 a.m. on election day.
- 6 (2) The county board of elections shall count the absentee ballots returned by mail and  
7 the votes cast on the 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 of  
9 Elections. Federal provisional in-person absentee ballots shall be processed in  
10 accordance with KRS 117.229. The board may appoint a central ballot counting  
11 board of not less than three (3) members, who shall be qualified voters and no more  
12 than two-thirds (2/3) of whom shall be members of the same political party, to  
13 count the ballots at the direction of the county board of elections.
- 14 (3) Beginning at 8 a.m. on election day, the board shall meet at the county clerk's office  
15 to count the absentee ballots returned by mail and the ballots cast on the voting  
16 machine in the county clerk's office or other place designated by the county board of  
17 elections and approved by the State Board of Elections. Candidates or their  
18 representatives shall be permitted to be present. The county board of elections shall  
19 authorize representatives of the news media to observe the counting of the ballots.  
20 The board shall open the boxes containing absentee ballots returned by mail and  
21 remove the envelopes one (1) at a time. As each envelope is removed, it shall be  
22 examined to ascertain whether the outer envelope and the detachable flap are in  
23 proper order and have been signed by the voter. A person having power of attorney  
24 for the voter and who signs the detachable flap and outer envelope for the voter  
25 shall complete the voter assistance form required by KRS 117.255. The signatures  
26 of two (2) witnesses are required if the voter signs the form with the use of a mark  
27 instead of the voter's signature. All unsigned mail-in absentee ballots shall be

1 rejected automatically. The chair of the county board of elections shall compare the  
2 signatures on the outer envelope, the detachable flap with the signature of the voter  
3 that appears on the registration card. If the outer envelope and the detachable flap  
4 are found to be in order, the chair shall read aloud the name of the voter. If the vote  
5 of the voter is not rejected on a challenge then made as provided in subsection (4) of  
6 this section, the chair shall remove the detachable flap and place the secrecy  
7 envelope unopened in a ballot box which has been provided for the purpose.

8 (4) When the name of a voter who cast a mail-in absentee ballot is read aloud by the  
9 chair, the vote of the voter may be challenged by any board member or by the  
10 written challenge provided in subsection (1) of this section and the challenge may  
11 be determined and the vote accepted or rejected by the board as if the voter was  
12 present and voting in person; but if the outer envelope and the detachable flap are  
13 regular, and each substantially comply with the provisions of this chapter, they shall  
14 be considered as showing that the voter is prima facie entitled to vote. If the vote of  
15 a voter is rejected pursuant to the challenge, the secrecy envelope shall not be  
16 opened, but returned to the outer envelope upon which the chair shall write on the  
17 envelope the word "rejected."

18 (5) After the challenges have been made and all the blank secrecy envelopes have been  
19 placed in a ballot box, the box shall be thoroughly shaken to redistribute the  
20 absentee ballots in the box. The board shall open the ballot box, remove the  
21 absentee ballots from the secrecy envelopes, and count the ballots.

22 (6) The board shall unlock any voting equipment used to cast ballots in the county  
23 clerk's office or other place designated by the county board of elections, and  
24 approved by the State Board of Elections, as provided for in KRS 117.086, and a  
25 total of all ballots shall be made and recorded on the form provided by the State  
26 Board of Elections.

27 (7) The county board of elections, the county clerk, and all individuals permitted to be

1 present for the counting of absentee ballots pursuant to subsection (2) of this section  
2 shall not make public the absentee ballot results determined as provided in this  
3 section until after 7 p.m.~~[6 p.m.]~~ prevailing time.

4 ➔Section 2. KRS 118.035 is amended to read as follows:

5 (1) The polls shall be opened on the day of a primary, special election, or regular  
6 election at 6 a.m., prevailing time, and shall remain open until each voter who is  
7 waiting in line at the polls at 7 p.m.~~[6 p.m.]~~, prevailing time, has voted. At 7 p.m.~~[6~~  
8 ~~p.m.]~~, prevailing time, if voters are waiting at the polls to vote, the precinct election  
9 sheriff shall announce that a voter wishing to vote must immediately get in line.  
10 When all voters waiting at the polls at that time are in line, the precinct election  
11 sheriff shall then determine which voter is the last in line, and that voter shall be the  
12 last voter permitted to vote. The precinct election sheriff shall wait in line with the  
13 last voter who shall be permitted to vote until that voter has voted and shall inform  
14 a voter who subsequently arrives at the polls that no one shall be permitted to vote  
15 after the last voter in line at 7 p.m.~~[6 p.m.]~~, prevailing time. After the last voter  
16 waiting in line at 7 p.m.~~[6 p.m.]~~, prevailing time, has voted, the polls shall then be  
17 closed.

18 (2) As provided in Section 148 of the Constitution of Kentucky, any person entitled to a  
19 vote at any election in this state shall, if he has made application for leave prior to  
20 the day he appears before the county clerk to request an application for or to execute  
21 an absentee ballot, be entitled to absent himself from any services or employment in  
22 which he is then engaged or employed for a reasonable time, but not less than four  
23 (4) hours on the day he appears before the clerk to request an application for or to  
24 execute an absentee ballot, during normal business hours of the office of the clerk  
25 or to cast his ballot on the day of the election between the time of opening and  
26 closing the polls. The employer may specify the hours during which an employee  
27 may absent himself.

- 1 (3) No person shall be penalized for taking a reasonable time off to vote, unless, under  
2 circumstances which did not prohibit him from voting, he fails to vote. Any  
3 qualified voter who exercises his right to voting leave under this section but fails to  
4 cast his vote, under circumstances which did not prohibit him from voting, may be  
5 subject to disciplinary action.
- 6 (4) Any person selected to serve as an election officer shall be entitled to absent himself  
7 from any services or employment in which he is then engaged or employed for a  
8 period of an entire day to attend training or to serve as an election officer. The  
9 person shall not, because of so absenting himself, be liable to any penalty. The  
10 employer may specify the hours during which the employee may absent himself. No  
11 person shall refuse an employee the privilege hereby conferred, or discharge or  
12 threaten to discharge an employee or subject an employee to a penalty, because of  
13 the exercise of the privilege.