

CHAPTER 87

(HB 564)

AN ACT relating to elections and declaring an emergency.

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

➔Section 1. KRS 116.025 is amended to read as follows:

- (1) Every person who is a *citizen of the United States*, a resident of this state, and a *resident of* the precinct in which he or she offers to vote on or before the day preceding the closing of the registration books for any primary, general, or special election, who possesses on the day of any election the qualifications set forth in Section 145 of the Constitution, exclusive of the durational residency requirements, who is not disqualified under that section or under any other statute, and who is registered as provided in this chapter, may vote for all officers to be elected by the people and on all public questions submitted for determination at that election, in the precinct in which he or she is qualified to vote. Any person who shall have been convicted of any election law offense which is a felony shall not be permitted to vote until his or her civil rights have been restored by executive pardon.
- (2) Any person charged with or indicted for a crime, whether or not in custody for same, who has not yet been convicted of the offense and who is not otherwise ineligible to vote, may vote for all offices to be elected by the people and on all public questions submitted for determination at that election, in the precinct in which he or she is qualified to vote.
- (3) A registered voter who changes his or her place of residence from one (1) precinct to another within the same county while the registration books are closed shall be permitted to update the voting records and to vote in the present election at the appropriate precinct for the current address as set forth in KRS 116.085(3).
- (4) Notwithstanding any provision of law to the contrary, any registered voter who changes his or her place of residence from one (1) precinct to another within the same county prior to the closing of the registration books and who fails to transfer his or her registration with the county clerk prior to the date the registration books are closed shall be permitted to vote in the present election at the appropriate precinct for the current address as set forth in KRS 116.085(2).
- (5) Any registered voter who changes his or her place of residence to a different county while the registration books are closed shall be permitted to vote at the appropriate precinct for his or her former residence in the present election and shall thereafter transfer his or her voter registration.
- (6) Any registered voter who changes his or her place of residence to a different county and fails to register to vote in the county of current residence prior to the date the registration books are closed shall not be eligible to vote in the present election in the county of current residence or the county of former residence.
- (7) Any registered voter who changes his or her place of registration to a different state while the registration books are closed in the new state of residence before a presidential election shall be permitted to cast an absentee ballot for President and Vice President only, notwithstanding subsection (1) of this section, by mail or at the county clerk's office of the former residence or other place designated by the county board of elections and approved by the State Board of Elections.

➔Section 2. KRS 116.065 is amended to read as follows:

Each application for registration, change of affiliation, transfer of registration, federal provisional ballot, ~~or~~ absentee ballot, or federal provisional absentee ballot, as absentee ballots and federal provisional absentee ballots are provided for by **Section 3 of this Act**, KRS 117.077, KRS 117.085, and KRS 117.229 shall be verified by a written declaration by the applicant that it is made under the penalties of perjury.

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

- (1) *Any voter who is qualified to vote on election day in the county of his or her residence may choose to cast a no-excuse in-person absentee ballot on the Thursday, Friday, or Saturday immediately preceding the day of an election. The available hours from which a voter may cast his or her vote during these three (3) days shall be no less than eight (8) hours between 6 a.m. and 8 p.m. prevailing time, as determined by the county board of elections of each county.*

- (2) *Any voter who is qualified to vote on election day in the county of his or her residence may make application to cast an excused in-person absentee ballot during normal business hours during the six (6) business days immediately preceding the Thursday of no-excuse in-person absentee voting under subsection (1) of this section. The voter who makes application under this subsection shall meet one (1) of the following requirements in order to cast his or her excused in-person absentee ballot:*
 - (a) *Is a resident of Kentucky who is a covered voter as defined in KRS 117A.010, who will be absent from the county of his or her residence on the day of an election and during the days of no-excuse in-person absentee voting;*
 - (b) *Has surgery, or whose spouse has surgery, scheduled that will require hospitalization on the day of an election and during the days of no-excuse in-person absentee voting;*
 - (c) *Temporarily resides outside the state, but is still eligible to vote in this state and will be absent from the county of his or her residence on the day of an election and during the days of no-excuse in-person absentee voting;*
 - (d) *Is a resident of Kentucky who is a uniformed-service voter as defined in KRS 117A.010 confined to a military base on election day and during the days of no-excuse in-person absentee voting;*
 - (e) *Is in her last trimester of pregnancy and the voter completes the form that is prescribed by the State Board of Elections, which contains a sworn statement that the voter is in her last trimester of pregnancy at the time she wishes to vote;*
 - (f) *Has not been declared mentally disabled by a court of competent jurisdiction and, due to age, disability, or illness, is not able to appear at the polls on election day and during the days of no-excuse in-person absentee voting;*
 - (g) *Is a student who temporarily resides outside the county of his or her residence and will be absent from the county of his or her residence on the day of an election and during the days of no-excuse in-person absentee voting;*
 - (h) *Any person employed in an occupation that is scheduled to work during all days and all hours, which shall include commute time, the polls are open on election day and during the days of no-excuse in-person absentee voting; or*
 - (i) *Any election officer tasked with election administration for the current election cycle.*
- (3) *Any voter who votes an in-person absentee or federal provisional in-person absentee ballot shall provide proof of identification as defined in Section 22 of this Act or meet the requirements of KRS 117.228 or 117.229.*
- (4) *In-person absentee voting shall be conducted in a location within the county clerk's office where ballots shall be cast secretly. In-person absentee voting may occur in another location within the county if the location is designated by the county board of elections and approved by the State Board of Elections. The county clerk may provide for voting by the voting equipment in general use in the county or any other voting equipment approved by the State Board of Elections for use in Kentucky. Public notice of the locations shall be given pursuant to KRS Chapter 424, and similar notice by mail shall be given to the county chairs of the two (2) political parties whose candidates polled the largest number of votes in the county at the last regular election.*
- (5) *Any voter qualifying to vote who receives assistance to vote in-person absentee shall complete the voter assistance form required by KRS 117.255.*
- (6) *Any voter qualifying to vote whose qualifications are challenged on grounds other than inability to provide proof of identification by any clerk or deputy shall complete an oath of voter affidavit.*
- (7) *Each voter casting his or her vote in-person absentee shall sign an in-person absentee ballot signature roster.*
- (8) *The members of the county board of elections, or their designees who provide equal representation of both political parties, may serve as precinct election officers, without compensation, for all in-person absentee voting conducted. If the members of the county board of elections or their designees serve as precinct election officers for in-person absentee voting, they shall perform the same duties and exercise the same authority as precinct election officers who serve on the day of an election. If the members of the county*

board of elections or their designees do not serve as precinct election officers for in-person absentee voting, the county clerk or deputy county clerks shall supervise the in-person absentee voting.

- (9) *Any individual qualified to appoint challengers for the day of an election may also appoint challengers to observe all in-person absentee voting, and those challengers may exercise the same privileges as challengers appointed for observing voting on the day of an election at a regular polling place.*
- (10) *During the days of in-person absentee voting, all voting equipment on which in-person absentee ballots are cast shall remain locked and the keys shall be retained by at least two (2) members of the central ballot counting board who are not of the same political affiliation or by two (2) members of the county board of elections who are not of the same political affiliation, and the voting equipment shall remain locked with a tamper-resistant seal until the ballots are counted.*
- (11) *No person shall transmit or publicize any tallies or counts of in-person absentee ballots, or any partial results, to any person except those persons, election officials, or entities authorized by law to receive it, until 6 p.m. prevailing time on the day of a primary or an election.*
- (12) (a) *Before and after each day of in-person absentee voting, on all voting equipment to be used, the tamper-resistant seal shall be checked to ensure it is unaltered and the number on the public counter shall be read and recorded. The status of the tamper-resistant seal shall be indicated and the number on the public counter of each voting equipment shall be recorded by the county clerk or his or her designated election official, member of the county board of elections, or member of the central ballot counting board. The status of the tamper-resistant seal and the number recorded from the public counter shall be witnessed by an election official who is of a different political affiliation than the person recording.*
- (b) *The status of the tamper-resistant seal and the number on the public counter shall be recorded on a form prescribed and furnished by the State Board of Elections pursuant to administrative regulations promulgated under KRS Chapter 13A.*
- (c) *The witness who is present shall verify, through validity of his or her signature on the form provided, the accuracy of the number recorded from the public counter, the number recorded on the prescribed form, and the status of the tamper-resistant seal.*
- (d) *Any irregularities observed by the election official who is recording and the election official who is a witness shall be immediately reported to the county attorney or the Office of Attorney General.*
- (13) *The State Board of Elections shall promulgate administrative regulations under KRS Chapter 13A to provide for the casting of ballots in accordance with this section.*

➔Section 4. KRS 117.025 is amended to read as follows:

- (1) The State Board of Elections shall appoint an executive director, who shall be the chief administrative officer for the board. The board shall also appoint an assistant director, who shall be of a different political party than the director. The salaries of the director and the assistant director shall be set by the board.
- (2) The State Board of Elections shall employ, on a bipartisan basis, a staff sufficient to carry out the duties assigned to the board, including legal counsel and a training officer to provide assistance to the county clerks and the county boards of elections in their training of precinct election officers.
- (3) The board shall:
 - (a) Maintain a complete roster of all qualified registered voters within the state by county and precinct, and institute appropriate safeguards to ensure that there is no inappropriate use of the voter registration roster. State and local election officials, including the Secretary of State, employees of the Secretary, and members of the State Board of Elections and their staff, shall only use the voter registration roster for purposes relevant to their prescribed duties of election administration. The Secretary of State, and two (2) employees of the Secretary, who may be designated by the Secretary with explicit written authority and notification to the board, shall have electronic access to the information contained within the voter registration roster, but shall not correct, alter, or delete information from the voter registration roster, unless having obtained prior approval by a majority of the voting members of the board;
 - (b) For each primary, furnish each county clerk with a master list of all registered voters in the county, together with three (3) signature rosters of all registered voters in each precinct of the county according

- to party affiliation, and two (2) lists of all registered voters in each precinct of the county at least ~~six (6)~~~~five (5)~~ days prior to each primary;
- (c) For each regular election, furnish each county clerk with a master list of all registered voters in the county, together with one (1) signature roster of all registered voters in each precinct of the county on which each voter's party affiliation is identified, and two (2) lists of all registered voters in each precinct of the county at least ~~six (6)~~~~five (5)~~ days prior to each regular election;
 - (d) Maintain all information furnished to the board relating to the inclusion or deletion of names from the rosters for four (4) years;
 - (e) Furnish, at a reasonable price, the state central executive committee of each political party qualifying under KRS 118.015 monthly data of all additions, deletions and changes of registration in each precinct of each county and the state central executive committee shall furnish a county listing to each of the county executive committees of each political party;
 - (f) Purchase, lease or contract for the use of equipment necessary to properly carry out its duties under the provisions of this chapter and KRS Chapters 116 and 118;
 - (g) Secure information from any source which may assist the board in carrying out the purposes of this section;
 - (h) Furnish at a reasonable price any and all precinct lists to duly qualified candidates, political party committees or officials thereof, or any committee that advocates or opposes an amendment or public question. The State Board of Elections may also furnish the precinct lists to other persons at the board's discretion, at a reasonable price to be determined by the board. The board shall not furnish precinct lists to persons who intend to use the lists for commercial use; and
 - (i) Be responsible for oversight of board personnel, including hiring, investigations, disciplinary actions, promotions, and other like actions subject to KRS Chapter 18A.

➔Section 5. KRS 117.066 is amended to read as follows:

- (1) The county board of elections may, pursuant to KRS 117.055 and subsection (3) of this section, designate a single voting location for more than one (1) precinct if the voting location is equipped with voting equipment capable of providing or accepting separate ballots without endangering the integrity of the ballots or without violating any other election law.
- (2) If a single voting location for more than one (1) precinct is approved under subsection (3) of this section, the primary or election shall be conducted as follows:
 - (a) One (1) voting equipment may be used for more than one (1) precinct if ballots are tabulated for each separate precinct, and if separate ballots may be placed upon any voting equipment to be used without endangering the integrity of the ballots or without violating any other election law. Otherwise, separate voting equipment shall be used for each precinct. In the instance of a precinct which has a small number of voters such that the use of separate voting equipment would be cost-prohibitive, the county clerk may make application to the State Board of Elections to use supplemental paper ballots under KRS 118.215 to conduct the voting for the small precinct on any primary or election day. If the use of supplemental paper ballots is approved by the State Board of Elections, at the close of voting on any primary or election day, the locked supplemental paper ballot box shall be transported to the county board of elections along with the federal provisional ballot receptacle, and ballots shall be counted by the county board of elections as provided by KRS 117.275(10) to ~~(16)~~~~(14)~~;
 - (b) Separate precinct voter rosters shall be maintained for each precinct, and steps shall be taken to ensure that voters cast their ballot in their duly authorized precinct; and
 - (c) A separate set of election forms and reports required by this chapter and the State Board of Elections shall be maintained for each precinct.
- (3) The county board of elections may petition the State Board of Elections to allow the consolidation of precincts and the consolidation of precinct election officers at any voting location where voters of more than one (1) precinct vote. The petition shall be on a form prescribed by the State Board of Elections in administrative regulations promulgated under KRS Chapter 13A and shall include:
 - (a) A list of all precincts designated to vote at the voting location;
 - (b) The address and type of facility of the voting location;

- (c) The number and type of voting systems or voting equipment to be used at the voting location;
 - (d) The number of registered voters in each precinct designated to vote at the voting location;
 - (e) An explanation of the reasons why the consolidation is desirable;
 - (f) The plan for additional precinct officers at the voting location, the manner in which they will be assigned, and whether the voting location will be fully staffed with election officials;
 - (g) The plan for how the county clerk will publicize the location for where the voting shall occur, in addition to how each location shall be noted conspicuously to residents of the county as a "Vote Center"; and
 - (h) The plan for how the voting location will serve as a focal point to meet the needs of a diverse community.
- (4) If the petition submitted under subsection (3) of this section is approved by the State Board of Elections, the precinct election officers designated to serve as election officers for more than one (1) precinct shall meet the eligibility requirements of KRS 117.045.

➔Section 6. KRS 117.079 is amended to read as follows:

The provisions of *Section 3 of this Act*, KRS 117.085, 117.086, and Chapter 117A notwithstanding, the State Board of Elections shall, as circumstances warrant and with the concurrence of the Attorney General, promulgate necessary administrative regulations to preserve the absentee voting rights of residents of Kentucky who are covered voters as defined in KRS 117A.010.

➔Section 7. KRS 117.085 is amended to read as follows:

- (1) (a) All requests for a mail-in absentee ballot shall be requested through a secure online portal established by the State Board of Elections, except for:
1. Voters identified in KRS 117.077;
 2. Disabled voters; and
 3. Covered voters in paragraph (i) of this subsection;
- who have the additional option of requesting a mail-in absentee ballot application through the county clerk.
- (b) Acquiring a mail-in absentee ballot by means of the online portal shall require the voter to input personally identifiable information for verification.
 - (c) For those voters who do not have the means of accessing the online portal, the county clerk shall fulfill a request for a mail-in absentee ballot by taking the voter's information over the telephone or in person and directly inputting that information into the secure online portal.
 - (d) The online portal shall have the capacity to ensure the identity of the voter through proof of identification as required under KRS 117.227 or by means of KRS 117.228.
 - (e) If a voter qualifies to receive a mail-in absentee ballot, the online portal shall transmit the mail-in absentee ballot request to the county clerk of the county in which the voter is registered to vote.
 - (f) The online portal shall not be open or permit any mail-in ballot requests to occur more than forty-five (45) days immediately preceding the day of a primary or an election. The online portal shall close at 11:59 p.m. local time, fourteen (14) days immediately preceding the day of a primary or an election.
 - (g) Except as otherwise provided in KRS 117.077, the mail-in absentee ballot may be requested by the voter or the spouse, parents, or children of the voter, but shall be restricted to the use of the voter.
 - (h) Except as otherwise provided in KRS 117.077 and covered voters in paragraph (i) of this subsection, a qualified voter may apply to cast his or her vote by mail-in absentee ballot if the completed application is received fourteen (14) days before the election, and if the voter is:
 1. A resident of Kentucky who is a covered voter as defined in KRS 117A.010;
 2. A student who temporarily resides outside the county of his or her residence;
 3. Incarcerated in jail and charged with a crime, but has not been convicted of the crime;

4. Changing or has changed his or her place of residence to a different state while the registration books are closed in the new state of residence before an election of electors for President and Vice President of the United States, in which case the voter shall be permitted to cast a mail-in absentee ballot for electors for President and Vice President of the United States only;
 5. Temporarily residing outside the state but still eligible to vote in this state;
 6. Prevented from voting in person at the polls on election day and from casting an *excused or no-excuse* in-person absentee ballot on all days in-person absentee voting is conducted because *he or she will* ~~his or her employment location requires him or her to~~ be absent from the county of his or her residence all hours and all days *excused or no-excuse* in-person absentee voting is conducted;
 7. A participant in the Secretary of State's crime victim address confidentiality protection program as authorized by KRS 14.312; or
 8. Not able to appear at the polls on election day or the days *excused or no-excuse* in-person absentee voting is conducted on the account of age, disability, or illness, and who has not been declared mentally disabled by a court of competent jurisdiction.
- (i) Residents of Kentucky who are covered voters as defined in KRS 117A.010 may apply for a mail-in absentee ballot by means of the federal post-card application, which may be transmitted to the county clerk's office by mail, by facsimile machine, or by means of the electronic transmission system established under KRS 117A.030(4). The federal post-card application may be used to register, reregister, and to apply for a mail-in absentee ballot. If the federal post-card application is received at any time not less than seven (7) days before the election, the county clerk shall affix his or her seal to the application form upon receipt.
 - (j) Any *qualified* voter who is disabled may use an accessible mail-in absentee ballot portal to request *and receive* a mail-in absentee ballot *by means of an electronic transmission system as established under KRS 117A.030(4).* ~~]~~ The standards *necessary to implement this paragraph* ~~of which~~ shall be set by the State Board of Elections pursuant to administrative regulations promulgated under KRS Chapter 13A.
- ~~(2)]In-person absentee voting shall be conducted in the county clerk's office or other place designated by the county board of elections and approved by the State Board of Elections during normal business hours on the Thursday, Friday, and Saturday immediately preceding the day of a primary or an election. Any voter who is qualified to vote on election day in the county of his or her residence may choose to cast an in person absentee ballot while in person absentee voting is being conducted during the days listed in this subsection. The voter who elects to vote in person absentee shall provide proof of identification as defined in KRS 117.001 or meet the requirements of KRS 117.228 and 117.229.~~
 - ~~(3) The members of the county board of elections or their designees who provide equal representation of both political parties may serve as precinct election officers, without compensation, for all in person absentee voting conducted. If the members of the county board of elections or their designees serve as precinct election officers for in person absentee voting, they shall perform the same duties and exercise the same authority as precinct election officers who serve on the day of an election. If the members of the county board of elections or their designees do not serve as precinct election officers for in person absentee voting, the county clerk or deputy county clerks shall supervise the in person absentee voting.~~
 - ~~(4) Any individual qualified to appoint challengers for the day of an election may also appoint challengers to observe all in person absentee voting, and those challengers may exercise the same privileges as challengers appointed for observing voting on the day of an election at a regular polling place.~~
 - ~~(5)]For those voters who are eligible to receive a mail-in absentee ballot by means other than the secure online portal pursuant to subsection (1) of this section, the county clerk shall type the name of the voter permitted to vote by mail-in absentee ballot on the mail-in absentee ballot application for that person's use and no other. The mail-in absentee ballot application shall be in the form prescribed by the State Board of Elections, which shall include the voter affirmation form as prescribed in KRS 117.228(1)(c) and shall contain the following information: name, residential address, precinct, party affiliation, statement of the reason the person cannot vote in person on *the day of an election or during the dates and time of no-excuse in-person absentee voting is being conducted* ~~day], statement of where the voter shall be on election day or during the dates and times no-excuse in-person absentee voting is being conducted~~, statement of compliance with residency requirements for voting in the precinct, an instructional statement prescribing the requirements for providing a~~

copy of the voter's proof of identification or voter affirmation when applicable, and the voter's mailing address for a mail-in absentee ballot. The mail-in absentee ballot application form shall be verified and signed by the voter, and the voter shall provide a copy of his or her proof of identification, as defined in KRS 117.001, or the executed voter affirmation as described in KRS 117.228(1)(c). A notice of the actual penalty provisions in KRS 117.995(2) and (5) shall be printed on the mail-in absentee ballot application form.

- ~~(3)~~~~(6)~~ For those voters eligible to receive a mail-in absentee ballot, if the county clerk finds that the voter has completed and submitted an application for a mail-in absentee ballot as provided in this section, is properly registered as stated in his or her mail-in absentee ballot application, and qualifies to receive a mail-in absentee ballot by mail, the county clerk shall mail to the voter a mail-in absentee ballot, two (2) official envelopes for returning the mail-in absentee ballot, and instructions for voting.
- ~~(4)~~~~(7)~~ Mail-in absentee ballots shall be mailed to a voter's residential address located in the county in which the voter is registered, except for:
- (a) Qualified voters who apply pursuant to the requirements of subsection (1)(h)1. to ~~5~~~~(6)~~ of this section; or
 - (b) Qualified voters covered under KRS 117.077.
- ~~(5)~~~~(8)~~ The county clerk shall:
- (a) Transmit a mail-in absentee ballot to the voter who is eligible to receive a mail-in absentee ballot within four (4) days of receipt or within four (4) days of the ballots being available;
 - (b) Cause mail-in absentee ballots to be printed fifty (50) days prior to each primary or regular election, and forty-five (45) days prior to a special election; and
 - (c) Complete a postal form for a certificate of mailing for mail-in absentee ballots mailed within the fifty (50) states, and it shall be stamped by the postal service when the mail-in absentee ballots are mailed. Unless a postal form for a certificate of mailing is required, the county clerk may use methods of tracking the mail-in absentee ballots by means of a printed barcode or other label that is unique to the individual voter issued by the State Board of Elections pursuant to administrative regulations promulgated under KRS Chapter 13A.
- ~~(6)~~~~(9)~~ A mail-in absentee ballot may be transmitted by facsimile machine or by the electronic transmission system established under KRS 117A.030(4) to a covered voter as defined in KRS 117A.010. The covered voter shall be notified of the options for transmittal of the mail-in absentee ballot, and the mail-in absentee ballot shall be transmitted by the method chosen for receipt by the resident of Kentucky who is a covered voter.
- ~~(7)~~~~(10)~~ The outer envelope of the mail-in absentee ballot shall bear the words "Absentee Ballot", the address and official title of the county clerk, a printed barcode or other label that is unique to the individual voter issued by the State Board of Elections, and adequate space for the voter's signature, voting address, precinct number, and signatures of two (2) witnesses if the voter signs the form with the use of a mark instead of the voter's signature. A detachable flap on the secrecy envelope shall provide space for the voter's signature, voting address, precinct number, signatures of two (2) witnesses if the voter signs the form with the use of a mark instead of the voter's signature and notice of penalty provided in KRS 117.995(5). The county clerk shall type the voter's address and precinct number in the upper left hand corner of the outer envelope and of the detachable flap on the secrecy envelope immediately below the blank space for the voter's signature. The secrecy envelope shall be blank. If applicable, the county clerk shall retain the voter's mail-in ballot application, which shall include the photographed copy of the voter's proof of identification or the voter affirmation as prescribed by KRS 117.228(1)(c), and the postal form required by subsection ~~(5)~~~~(8)~~ of this section for twenty-two (22) months after the primary or election.
- ~~(8)~~~~(11)~~ Except as otherwise provided in subsection ~~(10)~~~~(13)~~ of this section, any person who has received a mail-in absentee ballot but who knows at least seven (7) days before the date of the election that he or she will be in his or her county of residence on election day *or during the days or no-excuse in-person absentee voting* and who has not voted *by means of his or her mail-in absentee ballot*, ~~pursuant to the provisions of KRS 117.086~~ shall cancel his or her mail-in absentee ballot and vote in person. The voter shall return the mail-in absentee ballot to the county clerk's office by mail or hand delivery no later than seven (7) days prior to the date of the election. Upon the return of the mail-in absentee ballot, the county clerk shall mark on the outer envelope of the sealed ballot or the unmarked ballot the words "Canceled because voter appeared to vote

in person." Sealed envelopes so marked shall not be opened. The county clerk shall remove the voter's name from the list of persons who were sent mail-in absentee ballots, and the voter may vote in the precinct in which he or she is properly registered.

~~(9)~~~~(12)~~ Any voter qualified for a mail-in absentee ballot who does not receive a requested mail-in absentee ballot within a reasonable amount of time shall contact the county clerk, who shall reissue a second mail-in absentee ballot. The county clerk shall keep a record of the mail-in absentee ballots issued and returned by mail, hand-delivered, or placed in a secure drop-box or receptacle, and the in-person absentee voting and federal in-person provisional absentee voting that is conducted, to verify that only the first voted ballot is counted. Upon the return of any mail-in absentee ballot after the first mail-in absentee ballot is returned, the county clerk shall mark on the outer envelope of the sealed ballot the words "Canceled because ballot reissued."

~~(10)~~~~(13)~~ Any covered voter as defined in KRS 117A.010 who has received a mail-in absentee ballot but who knows that he or she will be in the county on election day **or during the days of no-excuse in-person absentee voting**, ~~and who has not voted pursuant to the provisions of KRS 117.086~~ shall cancel his or her mail-in absentee ballot and vote in person **during the days of no-excuse in-person absentee voting or on the day of the election**. The voter shall return the mail-in absentee ballot to the county clerk's office on or before election day. Upon the return of the mail-in absentee ballot, the county clerk shall mark on the outer envelope of the sealed mail-in absentee ballot or the unmarked mail-in absentee ballot the words "Canceled because voter appeared to vote in person." Sealed envelopes so marked shall not be opened. ~~If the covered voter is unable to return the mail-in absentee ballot to the county clerk's office on or before election day, at the time he or she votes in person, he or she shall sign a written oath as to his or her qualifications on the form prescribed by the State Board of Elections pursuant to KRS 117.245.~~ The county clerk shall remove the voter's name from the list of persons who were sent mail-in absentee ballots, **allow the voter to vote by means of no-excuse in-person absentee ballot, or** provide the voter with written authorization to vote at the precinct **on election day**, ~~and the voter may vote in the precinct in which he or she is properly registered~~. **If the voter is unable to return the mail-in absentee ballot to the county clerk's office on or before election day, at the time he or she votes in person, he or she shall sign a written oath as to his or her qualifications on a form prescribed by the State Board of Elections pursuant to KRS 117.245.**

~~(11)~~~~(14)~~ The State Board of Elections shall promulgate administrative regulations to:

- (a) Ensure election officials have real-time knowledge of which voters have requested mail-in absentee ballots; and
- (b) Provide procedures to be followed if a voter attempts to vote more than once at a primary or an election.

~~(12)~~~~(15)~~ Notwithstanding the provisions of the Kentucky Open Records Act, KRS 61.870 to 61.884, and except for when the identification of the voter is provided to the county board of elections under KRS 117.087, the information contained in an application for a mail-in absentee ballot shall not be made public until after the close of business hours on the election day for which the application applies. Except for necessary election officials and for election-related duties as prescribed by law, the name of the person who votes by means of a mail-in absentee ballot shall not be disclosed. This subsection shall not prohibit at any time the disclosure, upon request, of the total number of applications for mail-in absentee ballots that have been filed, or the disclosure to the Secretary of State or the State Board of Elections, if requested or if otherwise required by law, of any information in an application for a mail-in absentee ballot.

➔Section 8. KRS 117.0851 is amended to read as follows:

Absentee ballots and federal provisional absentee ballots cast, as absentee ballots and federal provisional absentee ballots are provided by **Section 3 of this Act**, KRS 117.077, 117.085, and 117.229 shall all be tabulated in the same manner, as shall be provided by this chapter.

➔Section 9. KRS 117.086 is amended to read as follows:

- (1) (a) The voter returning his or her absentee ballot to the county clerk by mail, hand delivery, or to a secure drop-box or receptacle, shall mark his or her ballot, seal it in the secrecy envelope, and then seal the outer envelope.
- (b) The voter shall sign the detachable flap and the outer envelope in order to validate the ballot. A person having power of attorney for the voter and who signs the detachable flap and outer envelope for the voter shall complete the voter assistance form as required by KRS 117.255. The signatures of two (2) witnesses are required if the voter signs the form with the use of a mark instead of the voter's signature.

A resident of Kentucky who is a covered voter as defined in KRS 117A.010 who has received an absentee ballot transmitted by facsimile machine or by means of the electronic transmission system established under KRS 117A.030(4) shall transmit the voted ballot to the county clerk by mail only, conforming with ballot security requirements that may be promulgated by the State Board of Elections by administrative regulation under KRS Chapter 13A. In order to be counted, all mail-in absentee ballots shall be received by the county clerk no later than the time established by the election laws generally for the closing of the polls, which time shall not include the extra hour during which those voters may vote who were waiting in line to vote at the scheduled poll closing time.

- (2) (a) The county clerk shall provide a minimum of one (1) secure ballot drop-box to receive voted mail-in absentee ballots for each primary, regular election, or special election. Public notice of all secure ballot drop-box locations shall be given in the same manner as provided under subsection **(4) of Section 3 of this Act**~~[(5) of this section]~~, and posted to the Web site of the county clerk.
- (b) The county board of elections may seek the State Board of Elections' approval of a ballot receptacle to receive voted mail-in absentee ballots for each primary, regular election, or special election. Public notice of all secure ballot receptacle locations shall be given in the same manner as provided under subsection **(4) of Section 3 of this Act**~~[(5) of this section]~~, and posted to the Web site of the county clerk. Before any mail-in absentee ballot shall be allowed to be deposited inside a receptacle, the county board of elections shall inform the State Board of Elections of:
1. The number of receptacles to be used;
 2. The type of each receptacle to be used; and
 3. The receptacle location.
- (c) Any drop-box or receptacle located outside of the county clerk's office shall be:
1. Placed in a well-lit and easily accessible location;
 2. Secured to ensure immobility while in use;
 3. Under video surveillance at all times;
 4. Tamper-resistant; and
 5. Conspicuously noted as a mail-in absentee ballot drop-off location.
- (d) A drop-box or receptacle located inside the county clerk's office shall be under direct supervision of the staff of the county clerk at all times and be accessible to the public.
- (e) Each receptacle or drop-box shall be emptied by the county clerk and at least one (1) member of the county board of elections **or one (1) member of the central ballot counting board if one is appointed**, who is not of the same political affiliation as the county clerk at least once each business day or more frequently, as needed, to reasonably secure and accommodate the volume of the voter-delivered mail-in absentee ballots. The ballots deposited in the drop-box or receptacle shall be removed with a record of the date and time ballots were removed, and the names of the persons removing them. If the drop-box or receptacle is located outside the county clerk's office, the ballots shall be returned to the county clerk in locked transport containers, and the county clerk shall transfer the ballots upon receipt in accordance with subsection **(3)**~~[(7)]~~ of this section.
- (f) Except for those times ballots are being removed and transported from a secure ballot drop box to the county clerk as provided in this subsection, the county clerk and at least one (1) member of the county board of elections **who is not of the same political affiliation or one (1) member of the central ballot counting board** who is not of the same political affiliation as the county clerk, shall retain the keys to all secure ballot drop-boxes, receptacles, and transport containers in use in the county.
- (g) The State Board of Elections may establish additional security measures and procedures for the use of the ballot drop-box or receptacle through administrative regulations promulgated under KRS Chapter 13A.
- (3) ~~Any voter who shall be absent from the county on election day, but who does not qualify to receive a mail-in absentee ballot under the provisions of KRS 117.085, and all voters qualified to vote prior to the election under the provisions of KRS 117.085, shall vote at the main office of the county clerk or other place designated by the county board of elections, and approved by the State Board of Elections, prior to the day of election in~~

~~accordance with KRS 117.085. The county clerk may provide for voting by the voting equipment in general use in the county or any other voting equipment approved by the State Board of Elections for use in Kentucky, except as follows:~~

- ~~(a) Any voter qualifying to vote who receives assistance to vote shall complete the voter assistance form required by KRS 117.255;~~
- ~~(b) Any voter qualifying to vote whose qualifications are challenged on grounds other than inability to provide proof of identification by any clerk or deputy shall complete an "Oath of Voter" affidavit; and~~
- ~~(c) Any voter qualifying to vote who is unable to provide proof of identification as defined in KRS 117.001 may cast an in person absentee ballot or federal provisional in person absentee ballot in accordance with KRS 117.228 or 117.229.~~
- ~~(4) When the county clerk uses general voting equipment as provided for in subsection (3) of this section, each voter casting his or her vote in person absentee shall sign an "In Person Absentee Ballot Signature Roster."~~
- ~~(5) The county clerk shall designate a location within the clerk's office where the ballots shall be cast secretly. The county clerk, with the approval of the State Board of Elections, may establish locations other than the clerk's main office in which the voters may execute their ballots. Public notice of the locations shall be given pursuant to KRS Chapter 424, and similar notice by mail shall be given to the county chairs of the two (2) political parties whose candidates polled the largest number of votes in the county at the last regular election.~~
- ~~(6) The State Board of Elections shall promulgate administrative regulations under KRS Chapter 13A to provide for casting ballots in accordance with subsection (3) of this section.~~
- ~~(7) Upon receipt of a mail-in *absentee* ballot, the county clerk shall scan the barcode or label that is unique to the individual voter to note the receipt of the mail-in absentee ballot, and deposit all of the mail-in absentee ballots in a locked ballot box immediately upon receipt without opening the outer envelope. The ballot box shall be locked with *two (2)*~~three (3)~~ locks. The keys to the *ballot* box shall be retained by at least *two (2)*~~three (3)~~ members of the *county board of elections who are not of the same political affiliation or two (2) members of the central*~~~~absentee~~ ballot counting board~~, if one (1) is appointed, who are not of the same political affiliation~~~~or by the members of the board of elections~~, and the box shall remain locked until the ballots are processed, reviewed, or counted under KRS 117.087. ~~All voting equipment on which ballots are cast as permitted in subsection (3) of this section shall also remain locked and the keys shall be retained by at least three (3) members of the central absentee ballot counting board, if one is appointed, or by the members of the board of elections, and the equipment shall remain locked until the ballots are counted.~~
- ~~(4)~~~~(8)~~ The county clerk shall keep separate lists for each election of all persons who:
 - (a) Return their mail-in absentee ballots;
 - (b) Cast their *excused and no-excuse* in-person absentee ballots; and
 - (c) Cast their federal provisional in-person absentee ballots ~~under subsection (3)(c) of this section~~.

The county clerk shall send a copy of each list to the State Board of Elections after any primary or election day. Notwithstanding the provisions of the Kentucky Open Records Act, KRS 61.870 to 61.884, each list of all persons who return their mail-in absentee ballots or who cast their ballots *by means of an excused in-person absentee or no-excuse in-person absentee*~~in the clerk's office or other designated and approved place~~ shall not be made public until after the close of business hours on the primary or election day for which the list applies, except when provided to the county board of elections under KRS 117.087. The county clerk and the Secretary of State shall keep a record of the number of votes cast by each method listed in paragraphs (a) to (c) of this subsection, which are cast in any primary or election as a part of the official returns of the primary or election.

- ~~(5)~~~~(9)~~ The county board of elections shall report to the State Board of Elections within ten (10) days after any primary or regular election as to the number of rejected absentee ballots, including rejected mail-in absentee ballots and ballots cast under subsection (3) of this section, and the reasons for rejecting the ballots on a form prescribed and furnished by the State Board of Elections in administrative regulations promulgated under KRS Chapter 13A.

➔ Section 10. KRS 117.087 is amended to read as follows:

- (1) The challenge of a mail-in absentee ballot shall be in writing and in the hands of the county clerk before 8 a.m. on the day preceding any primary, regular election, or special election day.

- (2) The county board of elections may appoint a central ballot counting board of not less than three (3) members, who shall be qualified voters and no more than two-thirds (2/3) of whom shall be members of the same political party, to process, review, and count the ballots at the direction of the county board of elections.
- (3) (a) Beginning at 8 a.m. on any primary, regular election, or special election day, the county board of elections or central *ballot* counting board shall meet at the county clerk's office *or other place designated by the county board of elections* to process and review the mail-in absentee ballots returned. Candidates or their representatives shall be permitted to be present. The county board of elections or central *ballot* counting board may meet up to fourteen (14) days prior to the day of a primary or election to review and process the mail-in absentee ballots cast in the county. ~~No person shall publicize any tallies or counts of these ballots, or any partial election results, until 6 p.m. local time, on the day of a primary or an election.~~ The county board of elections or central *ballot* counting board shall meet as often as necessary during these fourteen (14) days to process and review returned mail-in absentee ballots, including expediting any signature cures.
- (b) The county board of elections or counting board chair or the chair's designee shall provide each board member with a list of all voters who have returned a mail-in absentee ballot by mail. If a list of all voters who have returned a mail-in absentee ballot by mail is not provided to the board, the name of each voter who cast an absentee ballot by mail shall be read aloud. The county board of elections shall authorize representatives of the news media to observe the processing and review of the ballots to determine their acceptance or rejection.
- (c) Acceptance or rejection of the mail-in absentee ballots shall be determined as follows:
1. The county board of elections or the central *ballot* counting board shall open the boxes containing absentee ballots returned by mail, hand delivered, or deposited in a drop-box or receptacle, and remove the envelopes one (1) at a time. All mail-in absentee ballots returned shall have their barcode or unique label scanned to note official receipt;
 2. As each envelope is removed, it shall be examined to ascertain whether the outer envelope and the detachable flap are in proper order and have been signed by the voter, except if:
 - a. The detachable flap and outer envelope for the voter have been signed by a person having power of attorney for the voter, and that person has completed the voter assistance form required by KRS 117.255; or
 - b. The voter has signed the detachable flap and outer envelope with the use of a mark instead of the voter's signature, the county board of elections or the central *ballot* counting board shall verify that the mark was made in the presence of two (2) witnesses;
 3. Ballots with unsigned detachable flaps or outer envelopes shall be rejected automatically;
 4. Ballots that have not been sent by the county clerk to a qualified voter, but are received by the county board of elections or the central *ballot* counting board shall be rejected automatically;
 5. The members of the county board of elections, or the members of the central *ballot* counting board, shall compare the signatures on the outer envelope and the detachable flap with the signature of the voter that appears on the voter's signature of record, which record shall include the signature on the voter's identity document as defined in KRS 186.010, the voter's mail-in absentee ballot application, or the voter's registration card. If a signature match cannot be made, the county board of elections, central *ballot* counting board, or the county clerk shall make a reasonable effort to contact the voter and provide notice to the voter with a timeframe and manner in which the voter may cure his or her signature relative to the mail-in absentee ballot signature. All signature cures shall be completed before the closing of the polls on the day of a primary or an election;
 6. If the outer envelope and the detachable flap are found to be in order, the members of the county board of elections or the members of the central *ballot* counting board shall verify the voter's name from the list of persons who were sent mail-in absentee ballots, but if a list has not been provided to the board, the name of the voter shall be read aloud;
 7. If the vote of the voter is not rejected on a challenge as provided in subparagraph 8. of this paragraph or as otherwise provided in this subsection, the members of the county board of elections or the members of the central *ballot* counting board shall remove the detachable flap

and place the secrecy envelope unopened in a ballot box which has been provided for the purpose;

8. When the name of a voter who cast a mail-in absentee ballot is processed and reviewed by the members of the county board of elections or the members of the central **ballot** counting board, the vote of the voter may be challenged by any board member or by the written challenge provided in subsection (1) of this section and the challenge may be determined and the vote accepted or rejected by the board as if the voter was present and voting in person; but if the outer envelope and the detachable flap are regular, and each substantially comply with the provisions of this chapter, they shall be considered as showing that the voter is prima facie entitled to vote. If the vote of a voter is rejected pursuant to the challenge, the secrecy envelope shall not be opened, but returned to the outer envelope upon which the chair or member shall write on the envelope the word "rejected";
 9. If irregularities are discovered in the review and processing of the mail-in absentee ballot, the county board of elections or the central **ballot** counting board shall immediately report to the county attorney or the Office of the Attorney General; and
 10. The ballot box into which all accepted mail-in absentee ballots are placed shall be locked with **at least two (2)**~~three (3)~~ locks and the keys to the box shall be retained by at least **two (2)** **members of the county board of elections who are not of the same political affiliation or two (2)**~~three (3)~~ members of the central **ballot** counting board, **who are not of the same political affiliation**~~[if one (1) has been appointed, or by the members of the county board of elections]~~. The box shall remain locked until the ballots are counted.
 - (d) The State Board of Elections shall promulgate administrative regulations under KRS Chapter 13A establishing the form of the notice required under this subsection for the curing of signatures.
- (4) (a) Beginning at 8 a.m. local time on any primary, regular election, or special election day, the county board of elections or a central **ballot** counting board shall meet in the county clerk's office **or other place designated by the county board of elections** to:
1. Review and process any mail-in absentee ballots returned using the procedures in subsection (3) of this section; and
 2. Count, or the county board of elections may oversee the count by the central **ballot** counting board, the accepted mail-in absentee ballots and total and record the in-person absentee votes cast.
- (b) During the review, processing, and counting of the absentee ballots and votes, candidates or their representatives shall be permitted to be present, and the county board of elections shall authorize representatives of the news media to observe.
- ~~[(c) No person shall publicize any tallies or counts of these ballots, or any partial election results, until 6 p.m. local time, on the day of a primary or an election.]~~
- (5) After the challenges have been made and all the blank secrecy envelopes have been placed in a ballot box, the box shall be thoroughly shaken or shuffled to redistribute the absentee ballots in the box to ensure secrecy of the vote. The board shall open the ballot box, remove the absentee ballots from the secrecy envelopes, and count the ballots.
 - (6) The board shall unlock **and break the tamper-resistant seal to** any voting equipment used to cast in-person absentee ballots, as provided for in **Section 3 of this Act**~~[KRS 117.086]~~, and a total of all in-person absentee ballots shall be made and recorded on the form provided by the State Board of Elections.
 - (7) **No person shall**~~[The county board of elections, the county clerk, and all individuals permitted to be present for the counting of absentee ballots pursuant to subsection (4) of this section shall not make public]~~ **transmit or publicize any tallies or counts of** the absentee ballot results **or any partial results**~~[determined]~~ as provided in this section **to any person except those persons, election officials, or entities authorized by law to receive it**, until 6 p.m. prevailing time on the day of a primary or an election.

➔Section 11. KRS 117.088 is amended to read as follows:

 - (1) For purposes of this section, "blind or visually impaired individual" means an individual who:

- (a) Has a visual acuity of 20/200 or less in the better eye with correcting lenses or has a limited field of vision so that the widest diameter of the visual field subtends an angle no greater than twenty (20) degrees;
 - (b) Has a medically indicated expectation of visual deterioration;
 - (c) Has a medically diagnosed limitation in visual functioning that restricts the individual's ability to read and write standard print at levels expected of individuals of comparable ability;
 - (d) Has been certified as requiring permanent assistance to vote under KRS 117.255(5) for reason of blindness; or
 - (e) Qualifies to receive assistance to vote under KRS 117.255(2) for reason of blindness.
- (2) For purposes of this section, "pilot program" means a program in a county containing a consolidated local government or containing a city of the first class for unassisted voting by blind or visually impaired individuals.
 - (3) A county board of elections in a county containing a consolidated local government or containing a city of the first class may establish a pilot program. As part of this pilot program, the State Board of Elections shall approve the use of voting equipment under KRS 117.379 that is designed to permit blind and visually impaired individuals to vote without assistance, for use beginning in the 2002 general election. No county board of elections in a county containing a consolidated local government or containing a city of the first class shall be required to operate a pilot program.
 - (4) The State Board of Elections, if it approves the voting equipment under KRS 117.379, may approve the use of voting equipment designed to permit blind and visually impaired individuals to vote without assistance in as many locations within a county containing a consolidated local government or containing a city of the first class as are designated by the county board of elections.
 - (5) A county board of elections in a county containing a consolidated local government or containing a city of the first class shall provide a report to the State Board of Elections after every primary or regular election regarding the number of blind or visually impaired individuals that have utilized the voting equipment during the pilot program.
 - (6) Notwithstanding the provisions of KRS 116.025, or any other statute to the contrary, a blind or visually impaired voter residing in a county containing a consolidated local government or containing a city of the first class that is operating a pilot program shall be permitted to vote at a location outside the precinct of his or her registration by voting at a location within the county of his or her registration on voting equipment designed to permit blind or visually impaired individuals to vote without assistance, which may include voting at the county clerk's office, or other place designated by the county board of elections, and approved by the State Board of Elections.
 - (7) Notwithstanding the provisions of *Section 3 of this Act*, KRS 117.085, 117.086, or 117.0863 or any other statute to the contrary, a blind or visually impaired individual residing in a county containing a consolidated local government or containing a city of the first class that is operating a pilot program shall be permitted to vote in the location within the county of his or her registration as provided under subsection (6) of this section, on voting equipment designed to permit blind or visually impaired individuals to vote without assistance, at any time during which *in-person* absentee voting is conducted.
 - (8) The State Board of Elections may certify, as a part of the pilot project of a county containing a consolidated local government or containing a city of the first class, voting equipment which utilizes audio recordings, voice-activated technology, or vocal recognition technology to record a vote, and may require such accommodations as would permit a blind or visually impaired voter to cast a vote in secret, provided the voting equipment produces a voter-verified paper audit trail.
 - (9) Notwithstanding the provisions of KRS 117.255, a blind or visually impaired voter residing in a county containing a consolidated local government or containing a city of the first class that is operating a pilot project may cast his or her vote alone and without assistance on voting equipment approved for use by blind or visually impaired individuals. However, the blind or visually impaired voter shall be instructed by the officers of election, with the aid of the instruction cards and the model, in the use of the equipment, if the voter so requests.

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

➔Section 12. KRS 117.125 is amended to read as follows:

Except for voting equipment that has been certified and in use on or before June 29, 2021, no voting system shall be approved for use after June 29, 2021, by the State Board of Elections, either upon initial examination or reexamination, unless the system has been certified under KRS 117.379 and is so constructed that it shall:

- (1) Ensure secrecy to the voter in the act of voting so that no person can see or know for whom any other voter has voted or is voting, except for those voters requiring assistance under KRS 117.255;
- (2) Permit votes to be cast for any candidate entitled to have his or her name printed upon the ballots at any primary, regular election, or special election, and for or against any public question entitled to be placed upon the ballots;
- (3) Except at a primary, permit a voter to vote for all the candidates of one (1) party or for one (1) or more candidates of every party having candidates entitled to be voted for, or for one (1) or more independent, political organization, or political group candidates;
- (4) Permit a voter to vote for as many persons for an office as the voter is lawfully entitled to vote for, and no more;
- (5) Prevent a voter from voting for more persons for any office than the voter is entitled to vote for, and from voting for the same person, or for or against the same question, more than once;
- (6) Permit a voter to vote for or against any question the voter may have the right to vote on, but no other;
- (7) Provide for a nonpartisan ballot;
- (8) Be capable of being adjusted for use in a primary so that a voter may not vote for any person except those seeking nomination as candidates of the voter's party, as candidates for a nonpartisan office, or as candidates for an office of the Court of Justice;
- (9) Permit each voter to vote for all the candidates for presidential electors of any party by one (1) operation;
- (10) Permit each voter to vote, in any regular or special election, for any person for whom the voter desires to vote whose name does not appear upon the ballot by providing a method of write-in voting;
- (11) Be safe, efficient, and accurate in the conduct of elections, and correctly register and accurately count all votes cast for each person, and for or against each public question;
- (12)
 - (a) Provide each voter an opportunity to verify votes recorded on the permanent paper ballot, either visually or using assistive voting technology, by producing a voter-verified paper audit trail;
 - (b) Provide each voter an opportunity to change votes or correct any error before the voter's ballot is cast and counted; and
 - (c) Provide a voter who spoils his or her ballot another ballot as provided under this chapter;
- (13) Use an individual, discrete, permanent, paper ballot cast by the voter for tabulating purposes;
- (14) Preserve the paper ballot as an official record available for use in any audit or recount;
- (15) Be suitably designed for the purpose used, constructed of a durable material, and safely transportable;
- (16) Be capable of determining whether the voting equipment has been unlocked and operated or adjusted in any manner after once being locked;
- (17) Have a public counter with a register which is visible from the outside of the counter or device that will show at all times during an election how many persons have voted;
- (18) Have a protective cumulative counter indicating the number of votes cast for each person, and the votes cast for or against each public question which cannot be seen, reset, or tampered with without unlocking a covering device by a key or other security apparatus that cannot unlock any other part of the equipment, and which prevents changes to the cumulative counter once the system has been put into operation on the day of any election;
- (19) Provide for the tabulating of votes at the precinct as required under KRS 117.275;

- (20) Provide locks or other security apparatus by which the operation of the voting equipment may be locked before the time for opening the polls and after the time for closing the polls;
- (21) Permit a voter to readily learn the method of operating it, to expeditiously cast a vote for all candidates and on all questions of the voter's choice, and when operated properly, register and record correctly and accurately every vote cast;
- (22) Bear a number or other unique designation that will distinguish it from any other voting equipment or voting system;
- (23) Produce a real-time audit log record for the voting system, and produce a paper record with a manual audit capacity which shall be available as an official record for any recount conducted related to any primary or election in which the system is used;
- (24) Be accessible for individuals with impairments, including nonvisual accessibility for the blind or visually impaired, in a manner that provides the same opportunity for access and participation, including privacy and independence, as for other voters;
- (25) ***Prohibit voting equipment that tabulates or aggregates votes used in official results from connecting to any network, including the Internet, or communicating with any device external to the voting system;***
- (26) Meet or exceed the standards for a voting system established by the Election Assistance Commission, as amended from time to time, and those approved under KRS 117.379; and
- (27)~~(26)~~ Meet such other requirements as may be established by the State Board of Elections in administrative regulations promulgated under KRS Chapter 13A to reflect changes in technology to ensure the integrity and security of voting systems.

➔Section 13. KRS 117.135 is amended to read as follows:

When voting equipment is acquired by any county, the voting equipment shall:

- (1) Be immediately placed in the custody of the county clerk;
- (2) ~~[, and shall]~~ Remain in ***the county clerk's***~~[his or her]~~ custody at all times except when in use ***during in-person absentee voting, during***~~[at]~~ an election, or when in the custody of a court or court officer during contest proceedings;
- (3) ~~***Be***~~~~[. The clerk shall see that the voting equipment is]~~ properly protected and preserved from damage or unnecessary deterioration;
- (4) ***Be protected by the county clerk from***~~[, and shall not permit]~~ any unauthorized ***tampering***~~[person to tamper]~~ with the voting equipment; ***and***
- (5) ***Be secured and locked by the county clerk to ensure that access is restricted to only members of the county board of elections or other persons as authorized by law.***

➔Section 14. KRS 117.155 is amended to read as follows:

The county clerk shall place all ballots required to be placed upon voting equipment in such a manner as will most nearly conform to the plan of arrangement prescribed by the Secretary of State under KRS 118.215. The county clerk shall then see that the counters referred to in KRS 117.125(17) and (18) are set at zero, and shall lock the operating device and mechanism and the devices protecting the counters and ballots, ***which shall then be covered with a tamper-resistant seal.*** The county clerk shall then enter in an appropriate book, opposite the number of each precinct the distinguishing number of the voting equipment or the unique designation to be used in that precinct.

➔Section 15. KRS 117.165 is amended to read as follows:

- (1) Upon completing the preparation of the voting systems, including any voting equipment in operation, in accordance with KRS 117.155, and not later than the Thursday preceding the day of the election, the county clerk shall notify the members of the county board of elections that the voting equipment is ready for use. The ***county board of elections*** shall thereupon convene at the office of the county clerk, not later than the Friday preceding the day of the election, and examine the voting equipment to determine whether the requirements of KRS 117.155 have been met. The county board of elections shall publish notice, in accordance with KRS 424.130(1)(d), at least twenty-four (24) hours in advance of the time when the voting equipment is to be examined by the board. If found in proper order, the members of the county board of elections shall endorse their approval in the book in which the county clerk has entered the numbers or the unique designation of the

voting equipment opposite the numbers of the precincts. The *county* clerk shall then deliver all of the keys to the voting equipment to the county board of elections who shall give a receipt for the keys ~~[which shall contain identification of the keys]~~. Not later than one (1) hour before the time set for the opening of the polls, the board shall deliver all election supplies including the precinct list, tabulation sheets, and the key to the device covering the registering counters and other keys necessary for the operation of the voting equipment in registering votes, to the election officers of the precinct in which the voting equipment is being used, who shall give the board a receipt ~~[containing identification]~~ of the keys. The ~~[master key and all other]~~ keys shall remain in the possession of the county board of elections.

- (2) Not later than four (4) business days preceding the date set to conduct *excused* in-person absentee voting in accordance with *Section 3 of this Act* ~~[KRS 117.085]~~, the county clerk shall notify the members of the county board of elections that the voting equipment designated for use during in-person absentee voting are ready for use. The board shall thereupon convene at the office of the county clerk, not later than three (3) business days preceding the date set to conduct *excused in-person* absentee voting, and examine the voting equipment to determine whether the requirements of KRS 117.155 have been met. The county board of elections shall publish notice, in accordance with KRS 424.130(1)(d), at least twenty-four (24) hours in advance of the time when the absentee voting equipment is to be examined by the board. If found in proper order, the members of the county board of elections shall endorse their approval in the book in which the county clerk has entered the unique designation or the identification number of the voting equipment designated for use during in-person absentee voting.
- (3) Any candidate, one (1) representative of each political party having candidates to be voted for at the election, and representatives of the news media may be present when the examination of the voting equipment is made by the county board of elections.

➔Section 16. KRS 117.275 is amended to read as follows:

- (1) At the count of the votes in any precinct, any candidate or slate of candidates and any representatives to witness and check the count of the votes therein, who are authorized to be appointed as is provided in subsection (9) of this section, shall be admitted and permitted to be present and witness the count.
- (2) As soon as the polls are closed, and the last voter has voted, the judges at that time shall immediately lock and seal the voting equipment so that the voting and counting mechanisms will be prevented from operating, and they shall sign a certificate stating:
 - (a) That the voting equipment has been locked against voting and sealed;
 - (b) The number of voters, as shown on the public counters;
 - (c) The number registered on the protective or cumulative counter or device; and
 - (d) The number or other designation of the voting equipment.

The certificate, with any additional certificate previously prepared under KRS 117.035, shall be returned by the judges of election to the officials authorized by law to receive it. The judges shall compare the number of voters, as shown by the counter of the voting equipment, with the number of those who have voted as shown by the protective or cumulative counter or device.

- (3) Where voting equipment is used which does not print the candidates' names along with the total votes received on a general return sheet or record for that equipment, the procedure to be followed shall be as follows:
 - (a) The judges, in the presence of the representatives mentioned in subsection (1) of this section, if any, and of all other persons who may be lawfully within the polling place, shall give full view of all the counter numbers;
 - (b) The judges shall enter, in ink, the total votes cast for each candidate, and slate of candidates, and for and against each question on the return sheets; and
 - (c) Each precinct election officer shall sign the return sheets, and a copy of the return sheets shall be posted on the precinct door.
- (4) Where voting equipment is used that prints the candidates' names along with the total votes received on a return sheet or record for that equipment, the precinct election officers shall sign the return sheets or record for the voting equipment, which shall be posted on the door of the precinct.
- (5) If any officer shall decline to sign the return sheets, he or she shall state the reason in writing, and a copy thereof, signed by the officer, shall be enclosed with the return sheets.

- (6) Each of the return sheets, if applicable, and the record of the voting equipment shall be enclosed in an envelope. One (1) copy of the return sheets, if applicable, one (1) copy of the record of the voting equipment, and the write-in roll, if any write-in votes were cast in the precinct, shall be directed to the county board of elections of the county in which the election is being held. One (1) copy of the return sheets or record of the voting equipment shall be given to the county clerk of the county in which the election is being held and to each of the local governing bodies of the two (2) dominant political parties, but a local governing body of a dominant political party may decline a copy of the precinct election return by filing a written declination with the county board of elections prior to the election, and upon this declination, a printed copy shall not be issued to the political party so declining. The declination on file shall be effective for that election and any subsequent elections until revoked by the local governing body of a dominant political party by filing a written revocation with the county board of elections. The envelope shall have endorsed thereon a certificate of the election officers, stating the number or unique designation of the voting equipment, the precinct where it has been used, the number on the seal, and the number on the protective or cumulative counter or device at the close of the polls.
- (7) ***During the period established by KRS 117.355(3), and*** following the tabulation of all votes cast in the election, including absentee votes and write-in votes:
- (a) ~~[-]~~The county board ***of elections*** shall mail, ***transmit via facsimile machine, hand deliver, or submit by electronic means*** a copy of the precinct-by-precinct summary of the tabulation sheets showing the results from each precinct to the State Board of Elections. ***The copy of the precinct-by-precinct summary of the tabulation sheets showing the results from each precinct shall include the votes cast on the day of an election and during in-person absentee voting; and***
- (b) The county clerk shall mail or deliver the precinct signature rosters from each precinct ***and the in-person absentee ballot signature roster*** to the State Board of Elections~~[- during the period established by KRS 117.355(3)].~~
- (8) ***For each voting location,*** as soon as possible after the completion of the count, the two (2) ***election officers who are not of the same political affiliation***~~[- (2) judges]~~ shall return to the county board of elections the keys to the voting equipment received and receipted for by them, and the county clerk, in ***each voting location,***~~[- which the precinct is located]~~ shall have the voting equipment properly boxed or securely covered and removed to a proper and secure place of storage.
- (9) In primaries, each candidate or group of candidates may designate to the county board of elections a representative to witness and check the vote count. In regular elections, the governing authority of each political party, each candidate for member of board of education, nonpartisan candidate, political group candidate, political organization candidate, independent candidate, or independent ticket may designate a representative to the county board of elections to witness and check the vote count. The county board of elections shall authorize representatives of the news media to witness the vote count.
- (10) For all federal provisional ballots, if applicable, and supplemental paper ballots if approved as provided in KRS 118.215, after the polls are closed, the two (2) judges shall return to the county clerk's office the locked federal provisional ballot receptacle and the supplemental paper ballot box, all ballot stubs, spoiled ballots, and unvoted ballots at the same time as the tabulation of votes from the voting equipment is delivered. The county clerk shall issue a receipt for the number of ballot stubs, unvoted ballots, spoiled ballots, and the ballot boxes or ballot receptacle.
- (11) The county board of elections, or its designee, shall count and tally the supplemental paper ballots that have not been tabulated by automatic tabulating equipment at the precinct, either manually or with the use of tabulating equipment that has been certified by the State Board of Elections for use for that purpose in the county clerk's office. The results of the vote tally shall be certified by the county board of elections to the county clerk and to the Secretary of State.
- (12) The county board of elections shall tabulate the valid federal provisional ballots. The results of the vote tally shall be certified by the county board of elections to the county clerk and to the Secretary of State. The county board ***of elections*** shall mail a copy of the precinct-by-precinct summary of the valid federal provisional ballot tabulation sheets showing the results from each precinct to the State Board of Elections.
- (13) The county board of elections shall authorize the candidates, slates of candidates, or their representatives, and representatives of the news media to be present during the counting of the supplemental and federal provisional paper ballots.

- (14) *No person shall transmit or publicize any tallies or counts of ballots, or any partial results, to any person except those persons, election officials, or entities authorized by law to receive it, until 6 p.m. prevailing time on the day of a primary or an election.*
- (15) (a) *Unofficial election results transmitted online to the county board of elections or the State Board of Elections shall occur by means of a secure online connection after results are tallied on the tally computer that has been certified in accordance with KRS 117.379 as part of a voting system as defined in Section 22 of this Act.*
- (b) *If an external device is used to upload election results for the subsequent transmission, the device shall be used for that primary or election only and be of a type approved by the State Board of Elections as part of a voting system under KRS 117.379. The upload of the election results shall occur in the presence of two (2) members of the county board of elections who are of a different political affiliation.*
- (16){(14)} Except as otherwise required in this chapter, all records and papers relating to specified elections shall be retained for twenty-two (22) months, and the county clerk shall retain the voted federal provisional ballots, voter affirmations, election official affirmations, and the supplemental paper ballots for twenty-two (22) months and the unvoted federal provisional ballots, the voter affirmations, election official affirmations, and the supplemental paper ballots for sixty (60) days after each election day, after which time they shall be destroyed in a manner to render them unreadable by the county board of elections if no contest or recount action has been filed.

➔Section 17. KRS 117.383 is amended to read as follows:

The State Board of Elections shall promulgate administrative regulations under KRS Chapter 13A which shall maintain the maximum degree of correctness, impartiality, and efficiency of the procedures of voting and shall provide methods to:

- (1) Count, tabulate, and record votes;
- (2) Place items on any ballot which shall, as closely as possible, follow the requirements pertaining to ballots;
- (3) Design the ballots to include a system to ensure an accurate record of all voting activities;
- (4) Instruct voters in the use of the voting system, including any ballot marking device;
- (5) Provide for checking the accuracy of the voting system;
- (6) Provide necessary supplies, including those necessary for a write-in vote, to ensure voter privacy;
- (7) As part of the official canvass, provide for a manual recount of randomly selected precincts representing three percent (3%) to five percent (5%) of the total ballots cast in each election;
- (8) Provide for the conducting and review of an audit of any component of a voting system or any voting equipment, and a review of any audit log;
- (9) (a) Provide for the conducting and review of an election audit, including a risk-limiting audit, and risk-limiting audit pilot program, *all of which shall establish the protocol by which ballots are checked, compared, and verified with the results produced by vote tallying equipment to ensure accuracy.*
- (b) *The pilot program shall, at a minimum, include individuals representing the State Board of Elections, the Office of the Secretary of State, and no fewer than five percent (5%) of Kentucky's counties.*
- (c) *The risk-limiting audit and risk-limiting audit pilot program shall make the results of its findings available to the public;*
- (10) Provide a method for maintaining sufficient documents, including ballots and records, so that votes can be recounted;
- (11) *Ensure the county board of elections produces accurate precinct-by-precinct summaries of tabulation sheets showing the results of each precinct during in-person absentee voting, election day voting, and when a county is approved to use a vote center;*
- (12) Except as otherwise required in this chapter, all records and papers relating to specified elections be retained for twenty-two (22) months, such documents and records shall be maintained for thirty (30) days following an election; and

~~(13)~~~~(12)~~ Unless contrary to the Help America Vote Act of 2002, ensure that all federal provisional voting shall be conducted in a manner as prescribed by KRS Chapters 116 to 120.

➔Section 18. KRS 118.115 is amended to read as follows:

- (1) Except as provided in subsection (2)(b) of KRS 83A.045 governing vacancies in candidacy, candidates for unexpired terms to be filled at a regular election shall be nominated at the primary next preceding the regular election, if the vacancy occurred not less than one hundred sixty (160) days before the primary.
- (2) If the vacancy occurred less than one hundred sixty (160) days before the primary, the nomination shall be made in a manner determined by the governing authority of the political party *concerned as defined in Section 23 of this Act. Certificates of nomination shall be filed as required with the Secretary of State or county clerk not later than the first Tuesday after the first Monday in June preceding the day fixed by law for the election*~~[concerned. In the preparation of ballots, candidates for full terms shall be grouped together, and candidates for unexpired terms shall be grouped together, under appropriate headings, so that the voter may easily distinguish the candidates for full terms from the candidates for unexpired terms].~~
- (3) *If the vacancy occurs after the first Tuesday after the first Monday in June preceding the day fixed by law for the election, but not less than three (3) months before the regular election, the nomination shall be made in a manner determined by the governing authority of the political party concerned as defined in Section 23 of this Act. Certificates of nomination shall be filed as required with the Secretary of State or county clerk not later than the second Tuesday in August preceding the regular election sought.*
- (4) *Independent, political organization, or political group candidates filing to fill a vacancy for an unexpired term shall be governed by KRS 118.375.*
- (5) *In the preparation of ballots, candidates for full terms shall be grouped together, and candidates for unexpired terms shall be grouped together, under appropriate headings, so that the voter may easily distinguish the candidates for full terms from the candidates for unexpired terms.*

~~(6)~~~~(2)~~ A judge who elected to retire as a Senior Status Special Judge in accordance with KRS 21.580 shall not become a candidate or a nominee for any elected office during the five (5) year term prescribed in KRS 21.580(1)(a)1., regardless of the number of days served by the judge acting as a Senior Status Special Judge.

➔Section 19. KRS 118.215 is amended to read as follows:

- (1) After the order of the names has been determined as provided in KRS 118.225, the Secretary of State shall certify, to the county clerks of the respective counties entitled to participate in the nomination or election of the respective candidates, the name, place of residence, and party of each candidate or slate of candidates for each office, as specified in the nomination papers or certificates and petitions of nomination filed with him or her, and shall designate the device with which the candidate groups, slates of candidates, or lists of candidates of each party shall be printed, in the order in which they are to appear on the ballot, with precedence to be given to the party that polled the highest number of votes at the preceding election for presidential electors, followed by the political party which received the second highest number of votes, with the order of any other political parties and independents to be determined by lot. Candidates for county offices and local state offices shall be listed in the following order: Commonwealth's attorney, circuit clerk, property valuation administrator, county judge/executive, county attorney, county clerk, sheriff, jailer, county commissioner, coroner, justice of the peace, and constable. The names of candidates for President and Vice President shall be certified in lieu of certifying the names of the candidates for presidential electors. The names shall be certified as follows:
 - (a) Not later than the second Monday after the filing deadline for the primary as established in KRS 83A.045, 118.165, and 118A.060;
 - (b) Not later than the *fourth Monday in August*~~[second Monday following the filing deadline for the regular election]~~, except as provided in paragraph (c) of this subsection; and
 - (c) Not later than the Monday after the Friday following the first Tuesday in September preceding a regular election, for those years in which there is an election for President and Vice President of the United States.
- (2) Except as otherwise provided in subsection (3) of this section, all independent candidates or slates of candidates whose nominating petitions are filed with the county clerk or the Secretary of State shall be listed under the title and device designated by them as provided in KRS 118.315, or if none is designated, under the

word "independent," and shall be placed on the ballot in a separate column or columns or in a separate line or lines according to the office which they seek. The order in which independent candidates or slates of candidates shall appear on the ballot shall be determined by lot by the county clerk. If the same device is selected by two (2) groups of petitioners, it shall be given to the first selecting it and the county clerk shall permit the other group to select a suitable device. This section shall not apply to candidates for municipal offices which come under subsection (3) of this section.

- (3) The ballots used at any election in which city officers are to be elected as provided in subsection (2) of this section shall contain the names of candidates for the city offices grouped according to the offices they seek, and the candidates shall be immediately arranged with and designated by the title of office they seek. The order in which the names of the candidates for each office are to be printed on the ballot shall be determined by lot. Each group of candidates for each separate office for which the candidates are to be elected shall be clearly separated from other groups on the ballot and spaced to avoid confusion on the part of the voter.
- (4) The Secretary of State shall not knowingly certify to the county clerk of any county the name of any candidate or slate of candidates who has not filed the required nomination papers, nor knowingly fail to certify the name of any candidate or slate of candidates who has filed the required nomination papers.
- (5) If the county clerk determines that the number of certified candidates or slates of candidates cannot be placed on a ballot which can be accommodated by the voting equipment currently in use by the county, he or she shall so notify the State Board of Elections not later than the last Tuesday in February preceding the primary or the last Tuesday in August preceding the regular election. The State Board of Elections shall meet within five (5) days of the notice, review the ballot conditions, and determine whether supplemental paper ballots are necessary for the election. Upon approval of the State Board of Elections, supplemental paper ballots may be used for nonpartisan candidates or slates of candidates for an office or offices and public questions submitted for a yes or no vote. All candidates or slates of candidates for any particular office shall be placed either on the ballot or on the supplemental paper ballot. Supplemental paper ballots may also be used to conduct the voting, in the instance of a small precinct as provided in KRS 117.066.
- (6) The ballot position of a candidate or slate of candidates shall not be changed after the ballot position has been designated by the county clerk.

➔Section 20. KRS 118.365 is amended to read as follows:

- (1) Certificates of nomination issued by the State Board of Elections shall be filed by that board with the Secretary of State immediately. The certificates issued by the county board of elections shall be filed by that board with the county clerk immediately.
- (2) Petitions of nomination for candidates for city offices except as provided in KRS 83A.047, for candidates for members of boards of education, and for candidates for supervisors of soil and water conservation districts shall be filed with the county clerk not earlier than the first Wednesday after the first Monday in November of the year preceding the year in which the office will appear on the ballot and not later than the first Tuesday after the first Monday in June preceding the day fixed by law for the holding of regular elections for the offices sought.
- (3) Candidates for an office, the nomination to which is to be made by a convention pursuant to KRS 118.325(1) and (2), except for the office of electors of President and Vice President of the United States, shall file the statements required by KRS 118.325(3), with the official designated in KRS 118.165 with whom notification and declaration are filed for the office, not earlier than the first Wednesday after the first Monday in November of the year preceding the year in which the office will appear on the ballot and not later than the first Tuesday after the first Monday in June preceding the regular election for the office sought.
- (4) Certificates of nomination made by the governing authority of a political party within the meaning of KRS 118.015 or a political organization not constituting a political party within the meaning of KRS 118.015 but whose candidate received two percent (2%) of the vote of the state at the last preceding election for presidential electors to fill vacancies in office, as provided in KRS 118.115 and 118.325, shall be filed as required with the Secretary of State or county clerk ~~[not earlier than the first Wednesday after the first Monday in November of the year preceding the year in which the offices will appear on the ballot and not later than the first Tuesday after the first Monday in June preceding the day fixed by law for the election of the person in nomination].~~
- (5) Except as otherwise provided in this section, petitions of nomination shall be filed as required with the Secretary of State or county clerk not earlier than the first Wednesday after the first Monday in November of the year preceding the year in which the offices will appear on the ballot and not later than the first Tuesday

after the first Monday in June preceding the day fixed by law for the holding of regular elections for the offices sought. ~~Certificates of nomination shall be filed with the Secretary of State or county clerk, as required by law, not earlier than the first Wednesday after the first Monday in November of the year preceding the year in which the offices will appear on the ballot and not later than the first Tuesday after the first Monday in June preceding the day fixed by law for the holding of regular elections for the offices sought.~~ The filing of petitions of nomination for independent, or political organization, or political group candidates shall not be accepted by the Secretary of State or the county clerk if the candidate has not filed a statement-of-candidacy form as required by KRS 118.367.

- (6) Petitions and certificates of nomination for electors of President and Vice President of the United States shall be filed with the Secretary of State not earlier than the first Wednesday after the first Monday in November of the year preceding the year in which there is an election for President and Vice President of the United States and not later than the Friday following the first Tuesday in September preceding the date fixed by law for the election of the electors.
- (7) Petitions for recall elections or elections on public questions shall be filed as required with the county clerk not later than the second Tuesday in August preceding the day fixed by law for holding a regular election.
- (8) Petitions of any kind named in this section, statements, and certificates of nomination shall be filed no later than 4 p.m. local time at the place of filing when filed on the last date on which papers are permitted to be filed.

➔Section 21. KRS 119.115 is amended to read as follows:

- (1) Any unauthorized person found in possession of any key to a voting machine, voting equipment, or voting system to be used or being used in any primary, regular election, or special election shall be guilty of a Class A misdemeanor.
- (2) Any person who, during or before any primary, regular election, or special election, willfully tampers with or attempts to tamper with, disarrange, deface, or impair in any manner whatsoever, injures, or destroys any ballot, or destroys any voting machine, voting equipment, or voting system while in use at an election or at any other time, or who shall, after such voting machine, voting equipment, or voting system is locked and sealed in order to preserve the record of the vote, tamper with or attempt to tamper with the record of the vote, or who aids or abets with intent to destroy or change the record of the vote shall be guilty of a Class D felony.
- (3) Any election official, or other person entrusted with the custody or control of any voting machine, voting equipment, or voting system **shall be guilty of a Class D felony if he or she knowingly and intentionally;** ~~who, With intent to cause or permit~~
 - (a) **Causes or permits** any voting machine, voting equipment, or voting system to fail to correctly register or count votes cast, tampers with or disarranges such voting machine, voting equipment, or voting system in any way;
 - (b) ~~;~~ **Unlawfully opens a** ~~such~~ voting machine, voting equipment, or voting system;
 - (c) ~~;~~ **Prevents or attempts to prevent the correct operation of a** ~~such~~ voting machine, voting equipment, or voting system;
 - (d) ~~;~~ **Causes a** ~~such~~ voting machine, voting equipment, or voting system to be used or consents to its being used for any election with knowledge of the fact that the voting machine, voting equipment, or voting system is not in order, or not perfectly set and adjusted to correctly register all votes cast; ~~;~~ ~~or~~
 - (e) Removes, changes, or mutilates any ballot; **or**
 - (f) **Directly connects or attempts to directly connect a voting machine, voting equipment, or voting system that tabulates or aggregates votes to a public network, including the Internet, at any time** ~~shall be guilty of a Class D felony~~.

➔Section 22. KRS 117.001 is amended to read as follows:

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

- (1) "Audit log" means a detailed record of all actions and events that have occurred on the voting system, including:
 - (a) Log-in attempts with username and time stamp;

- (b) Election definition and setup;
 - (c) Ballot preparation and results processing;
 - (d) Diagnostics of any type; and
 - (e) Error and warning messages and operator response;
- (2) "Automatic tabulating equipment" means apparatus necessary to automatically examine and count votes as designated on ballots and data processing machines which can be used for counting ballots and tabulating results;
- (3) "Ballot" or "official ballot" means the official presentation of offices and candidates to be voted for, including write-in candidates, and all public questions submitted for determination, and shall include a voting machine ballot, a paper ballot, an absentee ballot, a federal provisional ballot, a federal provisional absentee ballot, or a supplemental paper ballot which has been authorized for the use of voters in any primary, regular election, or special election by the Secretary of State or the county clerk;
- (4) "Ballot box" means any box, bag, or other container that can be locked, sealed, or otherwise rendered tamper-resistant, for receiving ballots;
- (5) "Ballot marking device" means any approved device for marking a ballot which will enable the ballot to be tabulated manually or by means of automatic tabulating equipment;
- (6) "Election" or "elections" means any primary, regular election, or special election;
- (7) ***"Election officer" has the same meaning as in Section 23 of this Act;***
- (8) "Federal provisional voter" means a person:
- (a) Who does not appear to be registered to vote;
 - (b) Whose name does not appear on the precinct roster;
 - (c) Who has not provided proof of identification to the precinct election officer before voting in a federal election; and
 - (d) Who elects to proceed with voting a federal provisional ballot under KRS 117.229;
- ~~(9)~~~~(8)~~ "Federal provisional ballot" or "federal provisional absentee ballot" means ballots which have been authorized by the Secretary of State or the county clerk to be used by federal provisional voters in any federal primary or election;
- ~~(10)~~~~(9)~~ "Inner envelope" or "secrecy envelope" means the envelope provided to the voter with a ballot into which the voter shall place his or her voted ballot;
- ~~(11)~~~~(10)~~ "Political group" has the same meaning as in KRS 118.015;
- ~~(12)~~~~(11)~~ "Political organization" has the same meaning as in KRS 118.015;
- ~~(13)~~~~(12)~~ "Precinct ballot counter" means an automatic tabulating device used at the precinct to tabulate and process ballots;
- ~~(14)~~~~(13)~~ "Proof of identification" means a document that was issued by:
- (a) The United States or the Commonwealth of Kentucky, and the document contains:
 1. The name of the individual to whom the document was issued; and
 2. A photograph of the individual to whom the document was issued;
 - (b) The United States Department of Defense, a branch of the uniformed services, the Merchant Marine, or the Kentucky National Guard, and the document contains:
 1. The name of the individual to whom the document was issued; and
 2. A photograph of the individual to whom the document was issued;
 - (c) A public or private college, university, or postgraduate technical or professional school located within the United States, and the document contains:
 1. The name of the individual to whom the document was issued; and

2. A photograph of the individual to whom the document was issued; or
- (d) Any city government, county government, urban-county government, charter county government, consolidated local government, or unified local government, which is located within this state, and the document contains:
 1. The name of the individual to whom the document was issued; and
 2. A photograph of the individual to whom the document was issued;
- ~~(15)~~~~(14)~~ "Risk-limiting audit" means an audit protocol that makes use of statistical principles and methods and is designed to limit to acceptable levels the risk of certifying a preliminary election outcome that constitutes an incorrect outcome;
- ~~(16)~~~~(15)~~ "Voting booth" or "ballot completion area" means an area in which a voter casts his or her vote or completes his or her ballot which is designed to ensure the secrecy of the vote;
- ~~(17)~~~~(16)~~ "Vote center" means a consolidated precinct of the county;
- ~~(18)~~~~(17)~~ "Voting equipment" means any physical component of a voting system and includes voting machines where voting machines are in operation;
- ~~(19)~~~~(18)~~ "Voting machine" or "machine" means a part of a voting system that consists of:
 - (a) A direct recording electronic voting machine that:
 1. Records votes by means of a ballot display provided with mechanical or electro-operated components that may be actuated by the voter;
 2. Processes the data by means of a computer program;
 3. Records voting data and ballot images in internal and external memory components; and
 4. Produces a tabulation of the voting data stored in a removable memory component and on a printed copy; or
 - (b) One (1) or more electronic devices that operate independently or as a combination of a ballot marking device and an electronic or automatic vote tabulation device;
- ~~(20)~~~~(19)~~ "Voting system" means:
 - (a) The total combination of physical, mechanical, electromechanical, or electronic equipment, including the software, hardware, firmware, and documentation required to program, control, and support that equipment, that is used to:
 1. Define ballots;
 2. Cast and count votes;
 3. Report or display election results; and
 4. Maintain and produce any audit trail information; and
 - (b) The practices and associated documentation used to:
 1. Identify system components and versions of those components;
 2. Test the system during its development and maintenance;
 3. Maintain records of system errors and defects;
 4. Determine specific system changes to be made to a system after the initial qualification of the system; and
 5. Make available any materials to the voter, such as notices, instructions, forms, or paper ballots; and
- ~~(21)~~~~(20)~~ "Voter-verified paper audit trail" means a contemporaneous paper record of a ballot printed for the voter to confirm his or her votes before the voter casts his or her ballot that:
 - (a) Allows the voter to verify the voter's ballot choices before the casting of the voter's ballot;

- (b) Is not retained by the voter;
- (c) Does not contain individual voter information;
- (d) Is produced on paper that is sturdy, clean, and resistant to degradation; and
- (e) Is readable in a manner that makes the voter's ballot choices obvious to the voter or any person without the use of computer or electronic code.

→Section 23. KRS 118.015 is amended to read as follows:

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

- (1) A "political party" is an affiliation or organization of electors representing a political policy and having a constituted authority for its government and regulation, and whose candidate received at least twenty percent (20%) of the total vote cast at the last preceding election at which presidential electors were voted for;
- (2) The word "election" used in reference to a state, district, county, or city election, includes the decisions of questions submitted to the qualified voters as well as the choice of officers by them;
- (3) A "ballot" or "official ballot" means the official presentation of offices and candidates to be voted for, including write-in candidates, and all public questions submitted for determination, and shall include a voting machine ballot, a paper ballot, an absentee ballot, a federal provisional ballot, a federal provisional absentee ballot, or a supplemental paper ballot which has been authorized for the use of the voters in any primary, regular election, or special election by the Secretary of State or the county clerk;
- (4) "Ballot box" means any box, bag, or other container that can be locked, sealed, or otherwise rendered tamper-resistant, for receiving ballots;
- (5) ***"Election officer" means any person tasked with election administration within this state, as context dictates the defined role, including, but not limited to, the Secretary of State and his or her employees, members of the State Board of Elections and staff, members of the county boards of election and staff, precinct election officers, election officials, and poll workers;***
- (6) "Voting equipment" means any physical component of a voting system and includes voting machines where voting machines are in operation;
- ~~(7)(6)~~ "Voting machine" or "machine" means a part of a voting system that consists of:
 - (a) A direct recording electronic voting machine that:
 - 1. Records votes by means of a ballot display provided with mechanical or electro-operated components that may be actuated by the voter;
 - 2. Processes the data by means of a computer program;
 - 3. Records voting data and ballot images in internal and external memory components; and
 - 4. Produces a tabulation of the voting data stored in a removable memory component and on a printed copy; or
 - (b) One (1) or more electronic devices that operate independently or as a combination of a ballot marking device and an electronic or automatic vote tabulating device;
- ~~(8)(7)~~ "Voting system" means:
 - (a) The total combination of physical, mechanical, electromechanical, or electronic equipment, including the software, hardware, firmware, and documentation required to program, control, and support that equipment, that is used to:
 - 1. Define ballots;
 - 2. Cast and count votes;
 - 3. Report or display election results; and
 - 4. Maintain and produce any audit trail information; and
 - (b) The practices and associated documentation used to:
 - 1. Identify system components and versions of those components;

2. Test the system during its development and maintenance;
3. Maintain records of system errors and defects;
4. Determine specific system changes to be made to a system after the initial qualification of the system; and
5. Make available any materials to the voter, such as notices, instructions, forms, or paper ballots;

~~(9)~~~~(8)~~ The word "resident" used in reference to a candidate in a state, district, county, or city election shall mean actual resident, without regard to the residence of the spouse of the candidate;

~~(10)~~~~(9)~~ "Political organization" means a political group not constituting a political party within the meaning of subsection (1) of this section but whose candidate received two percent (2%) or more of the vote of the state at the last preceding election for presidential electors; and

~~(11)~~~~(10)~~ "Political group" means a political group not constituting a political party or a political organization within the meaning of subsections (1) and ~~(10)~~~~(9)~~ of this section.

➔Section 24. KRS 119.005 is amended to read as follows:

As used in this chapter:

- (1) A "ballot" or "official ballot" means the official presentation of offices and candidates to be voted for, including write-in candidates, and all public questions submitted for determination, and shall include a voting machine ballot, a paper ballot, an absentee ballot, a special ballot, a federal provisional ballot, a federal provisional absentee ballot, or a supplemental paper ballot which has been authorized for the use of the voters in any primary or regular or special election by the Secretary of State or the county clerk;
- (2) "Ballot box" means any box, bag, or other container that can be locked, sealed, or otherwise rendered tamper-resistant, for receiving ballots;
- (3) ***"Election officer" has the same meaning as in Section 23 of this Act;***
- (4) "Voting equipment" means any physical component of a voting system and includes voting machines where voting machines are in operation;
- ~~(5)~~~~(4)~~ "Voting machine" or "machine" means a part of a voting system that consists of:
 - (a) A direct recording electronic voting machine that:
 1. Records votes by means of a ballot display provided with mechanical or electro-operated components that may be actuated by the voter;
 2. Processes the data by means of a computer program;
 3. Records voting data and ballot images in internal and external memory components; and
 4. Produces a tabulation of the voting data stored in a removable memory component and on a printed copy; or
 - (b) One (1) or more electronic devices that operate independently or as a combination of a ballot-marking device and an electronic or automatic vote-tabulating device; and
- ~~(6)~~~~(5)~~ "Voting system" means:
 - (a) The total combination of physical, mechanical, electromechanical, or electronic equipment, including the software, hardware, firmware, and documentation required to program, control, and support that equipment, that is used to:
 1. Define ballots;
 2. Cast and count votes;
 3. Report or display election results; and
 4. Maintain and produce any audit trail information; and
 - (b) The practices and associated documentation used to:
 1. Identify system components and versions of those components;

2. Test the system during its development and maintenance;
3. Maintain records of system errors and defects;
4. Determine specific system changes to be made to a system after the initial qualification of the system; and
5. Make available any materials to the voter, such as notices, instructions, forms, or paper ballots.

→Section 25. Whereas, it is critically important to protect the integrity and reliability of the electoral process in order to safeguard the fundamental right to vote, and it is a reasonable legislative task to seek improvement and modernization of election procedures without undue delay in notice to the people of the Commonwealth and its election officials tasked with administering the election laws within this state, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Signed by Governor April 7, 2022.