

1 AN ACT relating to elections, making an appropriation therefor, and declaring an  
2 emergency.

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

4 ➔Section 1. KRS 116.112 is amended to read as follows:

5 (1) The State Board of Elections shall establish a voter registration purge program  
6 using the change-of-address information supplied by the United States Postal  
7 Service through its licensees or other sources to identify voters whose addresses  
8 may have changed. ***The Secretary of State is authorized to enter into agreements***  
9 ***on behalf of the State Board of Elections to further voter list maintenance***  
10 ***practices.***

11 (2) (a) If it appears from information provided by the postal service or other sources  
12 that a voter has moved to a different address in the same county in which the  
13 voter is currently registered, the State Board of Elections shall provide to the  
14 county board of elections the information necessary to change the registration  
15 records to show the new address and the State Board of Elections shall send to  
16 the new address a notice of the change by forwardable mail on a form  
17 prescribed by the State Board of Elections and a postage prepaid, pre-  
18 addressed return form by which the voter may verify or correct the address  
19 information.

20 (b) If the county board of elections requests authorization from the State Board of  
21 Elections to send address confirmation notices as provided in this subsection,  
22 the State Board of Elections shall grant the request.

23 (3) (a) If it appears from information provided by the postal service or other sources  
24 that a voter has moved to a different address not in the same county, the State  
25 Board of Elections shall send to the address from which the voter was last  
26 registered, by forwardable mail, a notice on a form prescribed by the State  
27 Board of Elections, with a postage prepaid and pre-addressed return card on

1           which the voter may state his or her current address.

2           (b) If a county board of elections requests authorization from the state board to  
3           send address confirmation notices as provided in this subsection, the state  
4           board shall grant the request.

5           (4) The state or county boards of elections shall not remove the name of a voter from  
6           the registration records on the ground that the voter has changed his or her  
7           residence unless the voter:

8           (a) Confirms in writing, either by a letter submitted to the State Board of  
9           Elections or on a form provided by the State Board of Elections on its  
10           official website, that the voter has changed residence to a place outside the  
11           county; or

12           (b) 1. Has failed to respond to the notice described in subsection (3) of this  
13           section; and

14           2. Has not voted or appeared to vote and, if necessary, correct the  
15           registration records of the voter's address in an election during the  
16           period beginning on the date of the notice and ending on the day after  
17           the date of the second general election for federal office that occurs after  
18           the date of the notice.

19           If a county board of elections requests authorization from the state board to conduct  
20           purges of voters in its county in accordance with the provisions of this subsection,  
21           the state board shall grant the request.

22           (5) The State Board of Elections shall establish an inactive list of all voters who fail to  
23           respond to the notice described in subsection (3) of this section and do not vote or  
24           appear to vote in an election during the period beginning on the date of the notice  
25           and ending on the day after the date of the second general election for federal office  
26           that occurs after the date of the notice. If a county board of elections requests  
27           authorization from the state board to establish an inactive list of voters for its

1 county, the state board shall grant the request.

2 (6) The State Board of Elections shall complete, not later than ninety (90) days prior to  
3 the date of a primary or regular election, any program the purpose of which is to  
4 systematically remove the names of ineligible voters from the registration records.

5 (7) Voters placed on an inactive list are to be counted only for purposes of voting and  
6 not for purposes of establishing or modifying precincts, calculating the amount of  
7 reimbursement of county clerks by the State Board of Elections for certain election-  
8 related expenses, or reporting official statistics, except as provided by the Election  
9 Assistance Commission's regulations promulgated pursuant to the National Voter  
10 Registration Act of 1993.

11 (8) (a) The State Board of Elections and county boards of elections shall maintain for  
12 at least two (2) years and shall make available for public inspection and,  
13 where available, photocopying at a reasonable cost, all records concerning the  
14 implementation of programs and activities conducted for the purpose of  
15 ensuring the accuracy and currency of the registration records, except to the  
16 extent that the records relate to the declination to register to vote or the  
17 identity of a voter registration agency through which any particular voter is  
18 registered.

19 (b) The records maintained pursuant to paragraph (a) of this subsection shall  
20 include lists of the names and addresses of all persons to whom notices  
21 described in subsection (3) are sent, and information concerning whether each  
22 person has responded to the notice as of the date that inspection of the records  
23 is made.

24 ➔Section 2. KRS 116.145 is amended to read as follows:

25 The fee for registration of all voters shall be paid to the county clerk by the state in the  
26 amount of one dollar (\$1)~~twenty five cents (\$0.25)}~~ for each person registered.

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

- 1 (1) There shall be a county board of elections, which shall, at the direction and under  
2 the supervision of the State Board of Elections, administer the election laws and the  
3 registration and purgation of voters within the county.
- 4 (2) (a) The board shall consist of the county clerk, the sheriff, and two (2) members  
5 appointed by the State Board of Elections under paragraph (d) of this  
6 subsection. **Appointed board members shall serve**~~[Appointments shall occur~~  
7 ~~not later than July 2021, and every four (4) years thereafter]~~ for a term of four  
8 (4) years **that expires on June 30 of the year following a presidential**  
9 **election** and until their successors are appointed.~~[All appointments under this~~  
10 ~~paragraph shall be made no later than July 1 of the year in which the term~~  
11 ~~expires.]~~
- 12 (b) The sheriff shall not serve on the board during any year in which he or she is a  
13 candidate, but shall recommend to the board a temporary replacement to serve  
14 in his or her place. If the sheriff cannot serve because he or she is sick,  
15 injured, or otherwise incapacitated, he or she may recommend a temporary  
16 replacement to serve in his or her place until the sheriff may resume his or her  
17 duties or a vacancy in office is declared.
- 18 (c) The county clerk may, at his or her option, continue to serve on the board  
19 during a year in which he or she is a candidate. If the clerk elects not to serve,  
20 he or she shall recommend a temporary replacement to serve in his or her  
21 place. If the county clerk cannot serve because he or she is sick, injured, or  
22 otherwise incapacitated, he or she may recommend a temporary replacement  
23 to serve in his or her place until the county clerk may resume his or her duties  
24 or a vacancy in office is declared.
- 25 (d) 1. Notwithstanding the provisions of KRS 61.080, service on the board of  
26 elections shall be compatible with the holding of any other county or  
27 city office.

- 1           2.    The members shall be at least twenty-one (21) years of age, qualified  
2                   voters in the county from which they are appointed, and shall not have  
3                   been convicted of any election law offense.
- 4           3.    One (1) member shall be appointed from a list of five (5) names  
5                   submitted by the county executive committee of each political party as  
6                   defined in KRS 118.015. If there are two (2) or more contending  
7                   executive committees of the same political party in any county, the one  
8                   recognized by the written certificate of the chair of the state central  
9                   committee of the political party shall be the one authorized to submit the  
10                  lists.
- 11          4.    If the State Board of Elections does not receive the list as required by  
12                  subparagraph 3. of this paragraph for each political party for each  
13                  county by the deadline established in paragraph (a) of this subsection or  
14                  within one (1) month of a vacancy, then the chair of the state central  
15                  committees for the political parties may submit lists of five (5) names of  
16                  qualified residents from the remaining counties by August 1 of the year  
17                  in which the term expires or within two (2) months of a vacancy.
- 18          5.    If the State Board of Elections does not receive a list from either the  
19                  county executive committee under subparagraph 3. of this paragraph or  
20                  the chair of the state executive committee under subparagraph 4. of this  
21                  paragraph, then the State Board of Elections shall appoint a qualified  
22                  resident from the county at its next regularly scheduled meeting in  
23                  September of the year in which the term expires or within three (3)  
24                  months of a vacancy.
- 25          6.    A member appointed by the State Board of Elections may be removed  
26                  by the State Board of Elections for *just* cause.
- 27          7.    A member appointed by the State Board of Elections may be removed

1 by the State Board of Elections upon a request approved by a two-thirds  
2 (2/3) vote of the full membership of the county executive committee that  
3 submitted the member's name. The county executive committee shall  
4 provide conclusive evidence of the committee's membership and  
5 evidence of the committee's two-thirds (2/3) vote before the State Board  
6 of Elections removes any member appointed by the State Board of  
7 Elections.

8 8. If an appointee is temporarily unable to act, a temporary appointee shall  
9 be named by the State Board of Elections. A temporary appointee shall  
10 serve until the original appointee notifies the State Board of Elections  
11 that he or she is able to resume his or her term.

12 9. A member appointed by the State Board of Elections shall not serve on  
13 the board if he or she is a candidate for public office, and the member  
14 shall resign upon filing papers to become a candidate for public office or  
15 shall be removed from office by the State Board of Elections. A member  
16 who resigns or is removed because of his or her candidacy shall not  
17 resume his or her term following the completion of the candidacy.

18 10. Vacancies and temporary vacancies shall be filled in the same manner as  
19 provided for original appointments, and the person appointed to fill the  
20 vacancy or temporary vacancy shall be of the same political party as his  
21 or her predecessor.

22 (e) Compensation and payment of actual expenses of members shall be set by the  
23 fiscal court either as an amount payable on an annual basis, or as an amount  
24 payable on a per diem basis of not less than fifty dollars (\$50)~~fifteen dollars~~  
25 ~~(\$15) nor more than one hundred dollars (\$100)]~~ for each day the board  
26 meets.

27 (3) A majority of the board shall constitute a quorum. The county clerk shall serve as

1 chair of the meetings and may vote. In case of a tie, the chair may cast an additional  
2 vote. Records shall be kept of all proceedings, and the records shall be public and  
3 kept at the office of the county clerk.

4 (4) The board shall meet as follows:

5 (a) During years in which a primary or regular election is scheduled, the board  
6 shall meet at least once every other month and may meet more frequently if  
7 necessary upon the call of the chair or upon written agreement of two (2) or  
8 more members of the board. The call shall provide notice as prescribed by  
9 KRS 61.823; ~~[-]~~

10 (b) During years in which no primary or regular election is scheduled, the board  
11 shall meet at the call of the chair or upon written agreement of two (2) or  
12 more members of the board. The call shall provide notice as prescribed by  
13 KRS 61.823; and ~~[-]~~

14 (c) The board shall meet and stay in session on primary, regular election, and  
15 special election days to correct clerical errors, to rule on questions regarding  
16 voter registration, proof of identification, and the curing of signatures relative  
17 to mail-in absentee ballots, and may make to the election officers such  
18 certifications as may be necessary. On primary, regular election, and special  
19 election days, appeals may be made to a Circuit Judge, but a ruling of the  
20 board shall be reversed only upon a finding that it was arbitrary and  
21 capricious.

22 (5) The board may employ, on a bipartisan basis, a staff sufficient to carry out the  
23 duties assigned to the board.

24 ➔Section 4. KRS 117.065 is amended to read as follows:

25 (1) The county board of elections shall, not later than January 15 ~~September 20~~ of  
26 each year, establish the voting place for each precinct. If a change becomes  
27 necessary after that date, notice of change shall be published pursuant to KRS

1 Chapter 424. If a change becomes necessary on election day, notice shall be posted  
2 at the former voting place. The expense of renting voting places, for which rent of  
3 not less than twenty dollars (\$20) shall be paid, shall be paid in the same manner as  
4 other election expenses.

5 (2) The county board of elections shall have the authority to designate as voting places,  
6 on election day and all days of early voting, without cost to the board, buildings  
7 constructed in whole or in part with tax revenues.

8 (3) The county board of elections shall designate as voting places only those places  
9 which are accessible to all eligible voters, including those with physical limitations  
10 and the elderly.

11 (4) The county board of elections shall ensure that each precinct polling place in the  
12 county has immediate access to a telephone within the polling place on the day of  
13 any election.

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

15 (1) The county board of elections may, pursuant to KRS 117.055 and subsection (3) of  
16 this section, designate a single voting location for more than one (1) precinct if the  
17 voting location is equipped with voting equipment capable of providing or  
18 accepting separate ballots without endangering the integrity of the ballots or  
19 without violating any other election law.

20 (2) If a single voting location for more than one (1) precinct is approved under  
21 subsection (3) of this section, the primary or election shall be conducted as follows:

22 (a) One (1) voting equipment may be used for more than one (1) precinct if  
23 ballots are tabulated for each separate precinct, and if separate ballots may be  
24 placed upon any voting equipment to be used without endangering the  
25 integrity of the ballots or without violating any other election law. Otherwise,  
26 separate voting equipment shall be used for each precinct. In the instance of a  
27 precinct which has a small number of voters such that the use of separate



- 1 voting equipment would be cost-prohibitive, the county clerk may make  
2 application to the State Board of Elections to use supplemental paper ballots  
3 under KRS 118.215 to conduct the voting for the small precinct on any  
4 primary or election day. If the use of supplemental paper ballots is approved  
5 by the State Board of Elections, at the close of voting on any primary or  
6 election day, the locked supplemental paper ballot box shall be transported to  
7 the county board of elections along with the federal provisional ballot  
8 receptacle, and ballots shall be counted by the county board of elections as  
9 provided by KRS 117.275(10) to (16);
- 10 (b) Separate precinct voter rosters shall be maintained for each precinct, and steps  
11 shall be taken to ensure that voters cast their ballot in their duly authorized  
12 precinct; and
- 13 (c) A separate set of election forms and reports required by this chapter and the  
14 State Board of Elections shall be maintained for each precinct.
- 15 (3) The county board of elections may petition the State Board of Elections to allow the  
16 consolidation of precincts and the consolidation of precinct election officers at any  
17 voting location where voters of more than one (1) precinct vote. The petition shall  
18 be submitted at least one hundred twenty (120) days before a primary election on  
19 a form prescribed by the State Board of Elections in administrative regulations  
20 promulgated under KRS Chapter 13A and shall include:
- 21 (a) A list of all precincts designated to vote at the voting location;  
22 (b) The address and type of facility of the voting location;  
23 (c) The number and type of voting systems or voting equipment to be used at the  
24 voting location;  
25 (d) The number of registered voters in each precinct designated to vote at the  
26 voting location;  
27 (e) An explanation of the reasons why the consolidation is desirable;

- 1 (f) The plan for additional precinct officers at the voting location, the manner in  
2 which they will be assigned, and whether the voting location will be fully  
3 staffed with election officials;
- 4 (g) The plan for how the county clerk will publicize the location for where the  
5 voting shall occur, in addition to how each location shall be noted  
6 conspicuously to residents of the county as a "Vote Center";
- 7 (h) The plan for how the voting location will serve as a focal point to meet the  
8 needs of a diverse community; and
- 9 (i) The number of parking spaces available at the location and a determination as  
10 to whether the location has sufficient parking spaces.
- 11 (4) If the petition submitted under subsection (3) of this section is approved by the  
12 State Board of Elections, ***it shall apply for the entire year and*** the precinct election  
13 officers designated to serve as election officers for more than one (1) precinct shall  
14 meet the eligibility requirements of KRS 117.045.
- 15 (5) The Secretary of State shall retain veto authority over any petition that is approved  
16 by the State Board of Elections. The State Board of Elections, upon reconsideration  
17 of the petition, shall have the power to override a veto of the Secretary of State by a  
18 three-fourths (3/4) affirmative vote of the membership of the board.
- 19 ➔Section 6. KRS 117.076 is amended to read as follows:
- 20 (1) Any voter who is qualified to vote on election day in the county of his or her  
21 residence may choose to cast a no-excuse in-person absentee ballot on the  
22 Thursday, Friday, or Saturday immediately preceding the day of an election. The  
23 available hours from which a voter may cast his or her vote during these three (3)  
24 days shall be no less than eight (8) hours between 6 a.m. and 8 p.m. prevailing time,  
25 as determined by the county board of elections of each county.
- 26 (2) Any voter who is qualified to vote on election day in the county of his or her  
27 residence may make application to cast an excused in-person absentee ballot during

1 normal business hours during the six (6) business days immediately preceding the  
2 Thursday of no-excuse in-person absentee voting under subsection (1) of this  
3 section. The voter who makes application under this subsection shall meet one (1)  
4 of the following requirements in order to cast his or her excused in-person absentee  
5 ballot:

- 6 (a) Is a resident of Kentucky who is a covered voter as defined in KRS 117A.010,  
7 who will be absent from the county of his or her residence on the day of an  
8 election and during the days of no-excuse in-person absentee voting;
- 9 (b) Has surgery, or whose spouse has surgery, scheduled that will require  
10 hospitalization on the day of an election and during the days of no-excuse in-  
11 person absentee voting;
- 12 (c) Temporarily resides outside the state, but is still eligible to vote in this state  
13 and will be absent from the county of his or her residence on the day of an  
14 election and during the days of no-excuse in-person absentee voting;
- 15 (d) Is a resident of Kentucky who is a uniformed-service voter as defined in KRS  
16 117A.010 confined to a military base on election day and during the days of  
17 no-excuse in-person absentee voting;
- 18 (e) Is in her last trimester of pregnancy and the voter completes the form that is  
19 prescribed by the State Board of Elections, which contains a sworn statement  
20 that the voter is in her last trimester of pregnancy at the time she wishes to  
21 vote;
- 22 (f) Has not been declared mentally disabled by a court of competent jurisdiction  
23 and, due to age, disability, or illness, is not able to appear at the polls on  
24 election day and during the days of no-excuse in-person absentee voting;
- 25 (g) Is a student who temporarily resides outside the county of his or her residence  
26 and will be absent from the county of his or her residence on the day of an  
27 election and during the days of no-excuse in-person absentee voting;

- 1 (h) Any person employed in an occupation that is scheduled to work during all  
2 days and all hours, which shall include commute time, the polls are open on  
3 election day and during the days of no-excuse in-person absentee voting;~~[-or]~~
- 4 (i) Any election officer tasked with election administration for the current  
5 election cycle; or
- 6 **(j) Any person prevented from voting in person at the polls on election day and**  
7 **from casting a no-excuse in-person absentee ballot on all days no-excuse**  
8 **in-person absentee voting is conducted because he or she will be absent**  
9 **from the county of his or her residence during all days and all hours no-**  
10 **excuse in-person absentee voting is conducted.**
- 11 (3) Any voter who votes an in-person absentee or federal provisional in-person  
12 absentee ballot shall provide proof of identification as defined in KRS 117.001 or  
13 meet the requirements of KRS 117.228 or 117.229.
- 14 (4) In-person absentee voting shall be conducted in a location within the county clerk's  
15 office where ballots shall be cast secretly. In-person absentee voting may occur in  
16 another location within the county if the location is designated by the county board  
17 of elections and approved by the State Board of Elections. The county clerk may  
18 provide for voting by the voting equipment in general use in the county or any other  
19 voting equipment approved by the State Board of Elections for use in Kentucky.  
20 Public notice of the locations shall be given pursuant to KRS Chapter 424, and  
21 similar notice by mail shall be given to the county chairs of the two (2) political  
22 parties whose candidates polled the largest number of votes in the county at the last  
23 regular election.
- 24 (5) Any voter qualifying to vote who receives assistance to vote in-person absentee  
25 shall complete the voter assistance form required by KRS 117.255.
- 26 (6) Any voter qualifying to vote whose qualifications are challenged on grounds other  
27 than inability to provide proof of identification by any clerk or deputy shall

- 1 complete an oath of voter affidavit.
- 2 (7) Each voter casting his or her vote in-person absentee shall sign an in-person  
3 absentee ballot signature roster.
- 4 (8) The members of the county board of elections, or their designees who provide equal  
5 representation of both political parties, may serve as precinct election officers,  
6 without compensation, for all in-person absentee voting conducted. If the members  
7 of the county board of elections or their designees serve as precinct election officers  
8 for in-person absentee voting, they shall perform the same duties and exercise the  
9 same authority as precinct election officers who serve on the day of an election. If  
10 the members of the county board of elections or their designees do not serve as  
11 precinct election officers for in-person absentee voting, the county clerk or deputy  
12 county clerks shall supervise the in-person absentee voting.
- 13 (9) Any individual qualified to appoint challengers for the day of an election may also  
14 appoint challengers to observe all in-person absentee voting, and those challengers  
15 may exercise the same privileges as challengers appointed for observing voting on  
16 the day of an election at a regular polling place.
- 17 (10) During the days of in-person absentee voting, all voting equipment on which in-  
18 person absentee ballots are cast shall remain locked and the keys shall be retained  
19 by at least two (2) members of the central ballot counting board who are not of the  
20 same political affiliation or by two (2) members of the county board of elections  
21 who are not of the same political affiliation, and the voting equipment shall remain  
22 locked with a tamper-resistant seal until the ballots are counted.
- 23 (11) No person shall transmit or publicize any tallies or counts of in-person absentee  
24 ballots, or any partial results, to any person except those persons, election officials,  
25 or entities authorized by law to receive it, until 6 p.m. prevailing time on the day of  
26 a primary or an election.
- 27 (12) (a) Before and after each day of in-person absentee voting, on all voting

1 equipment to be used, the tamper-resistant seal shall be checked to ensure it is  
2 unaltered and the number on the public counter shall be read and recorded.  
3 The status of the tamper-resistant seal shall be indicated and the number on  
4 the public counter of each voting equipment shall be recorded by the county  
5 clerk or his or her designated election official, member of the county board of  
6 elections, or member of the central ballot counting board. The status of the  
7 tamper-resistant seal and the number recorded from the public counter shall  
8 be witnessed by an election official who is of a different political affiliation  
9 than the person recording.

10 (b) The status of the tamper-resistant seal and the number on the public counter  
11 shall be recorded on a form prescribed and furnished by the State Board of  
12 Elections pursuant to administrative regulations promulgated under KRS  
13 Chapter 13A.

14 (c) The witness who is present shall verify, through validity of his or her  
15 signature on the form provided, the accuracy of the number recorded from the  
16 public counter, the number recorded on the prescribed form, and the status of  
17 the tamper-resistant seal.

18 (d) Any irregularities observed by the election official who is recording and the  
19 election official who is a witness shall be immediately reported to the county  
20 attorney or the Office of Attorney General.

21 (13) The State Board of Elections shall promulgate administrative regulations under  
22 KRS Chapter 13A to provide for the casting of ballots in accordance with this  
23 section.

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

25 (1) (a) All requests for a mail-in absentee ballot shall be requested through a secure  
26 online portal established by the State Board of Elections, except for:

27 1. Voters identified in KRS 117.077;

- 1           2.    Disabled voters; and
- 2           3.    Covered voters in paragraph (i) of this subsection;
- 3           who have the additional option of requesting a mail-in absentee ballot
- 4           application through the county clerk.
- 5           (b)   Acquiring a mail-in absentee ballot by means of the online portal shall require
- 6           the voter to input personally identifiable information for verification.
- 7           (c)   For those voters who do not have the means of accessing the online portal, the
- 8           county clerk shall fulfill a request for a mail-in absentee ballot by taking the
- 9           voter's information over the telephone or in person and directly inputting that
- 10          information into the secure online portal.
- 11          (d)   The online portal shall have the capacity to ensure the identity of the voter
- 12          through proof of identification as required under KRS 117.227 or by means of
- 13          KRS 117.228.
- 14          (e)   If a voter qualifies to receive a mail-in absentee ballot, the online portal shall
- 15          transmit the mail-in absentee ballot request to the county clerk of the county
- 16          in which the voter is registered to vote.
- 17          (f)   The online portal shall not be open or permit any mail-in ballot requests to
- 18          occur more than forty-five (45) days immediately preceding the day of a
- 19          primary or an election. The online portal shall close at 11:59 p.m. local time,
- 20          fourteen (14) days immediately preceding the day of a primary or an election.
- 21          (g)   Except as otherwise provided in KRS 117.077, the mail-in absentee ballot
- 22          may be requested by the voter or the spouse, parents, or children of the voter,
- 23          but shall be restricted to the use of the voter.
- 24          (h)   Except as otherwise provided in KRS 117.077 and covered voters in
- 25          paragraph (i) of this subsection, a qualified voter may apply to cast his or her
- 26          vote by mail-in absentee ballot if the completed application is received
- 27          fourteen (14) days before the election, and if the voter is:

- 1           1. A resident of Kentucky who is a covered voter as defined in KRS
- 2           117A.010;
- 3           2. A student who temporarily resides outside the county of his or her
- 4           residence;
- 5           3. Incarcerated in jail and charged with a crime, but has not been convicted
- 6           of the crime;
- 7           4. Changing or has changed his or her place of residence to a different state
- 8           while the registration books are closed in the new state of residence
- 9           before an election of electors for President and Vice President of the
- 10          United States, in which case the voter shall be permitted to cast a mail-in
- 11          absentee ballot for electors for President and Vice President of the
- 12          United States only;
- 13          5. Temporarily residing outside the state but still eligible to vote in this
- 14          state;
- 15          6. Prevented from voting in person at the polls on election day and from
- 16          casting an excused or no-excuse in-person absentee ballot on all days in-
- 17          person absentee voting is conducted because he or she will be absent
- 18          from the county of his or her residence all hours and all days excused or
- 19          no-excuse in-person absentee voting is conducted;
- 20          7. A participant in the Secretary of State's crime victim address
- 21          confidentiality protection program as authorized by KRS 14.312; or
- 22          8. Not able to appear at the polls on election day or the days excused or no-
- 23          excuse in-person absentee voting is conducted on the account of age,
- 24          disability, or illness, and who has not been declared mentally disabled
- 25          by a court of competent jurisdiction.
- 26          (i) Residents of Kentucky who are covered voters as defined in KRS 117A.010
- 27          may apply for a mail-in absentee ballot by means of the federal post-card



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

8 (j) Any qualified voter who is disabled may use an accessible mail-in absentee  
9 ballot portal to request and receive a mail-in absentee ballot by means of an  
10 electronic transmission system as established under KRS 117A.030(4). The  
11 standards necessary to implement this paragraph shall be set by the State  
12 Board of Elections pursuant to administrative regulations promulgated under  
13 KRS Chapter 13A.

14 (2) For those voters who are eligible to receive a mail-in absentee ballot by means other  
15 than the secure online portal pursuant to subsection (1) of this section, the county  
16 clerk shall type the name of the voter permitted to vote by mail-in absentee ballot  
17 on the mail-in absentee ballot application for that person's use and no other. The  
18 mail-in absentee ballot application shall be in the form prescribed by the State  
19 Board of Elections, which shall include the voter affirmation form as prescribed in  
20 KRS 117.228(1)(c) and shall contain the following information: name, residential  
21 address, precinct, party affiliation, statement of the reason the person cannot vote in  
22 person on the day of an election or during the dates and time no-excuse in-person  
23 absentee voting is being conducted, statement of where the voter shall be on  
24 election day or during the dates and times no-excuse in-person absentee voting is  
25 being conducted, statement of compliance with residency requirements for voting in  
26 the precinct, an instructional statement prescribing the requirements for providing a  
27 copy of the voter's proof of identification or voter affirmation when applicable, and

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

7 (3) For those voters eligible to receive a mail-in absentee ballot, if the county clerk  
8 finds that the voter has completed and submitted an application for a mail-in  
9 absentee ballot as provided in this section, is properly registered as stated in his or  
10 her mail-in absentee ballot application, and qualifies to receive a mail-in absentee  
11 ballot by mail, the county clerk shall mail to the voter a mail-in absentee ballot, two  
12 (2) official envelopes for returning the mail-in absentee ballot, and instructions for  
13 voting.

14 (4) Mail-in absentee ballots shall be mailed to a voter's residential address located in  
15 the county in which the voter is registered, except for:

16 (a) Qualified voters who apply pursuant to the requirements of subsection  
17 (1)(h)1., 4., and ~~to~~ 5. of this section; ~~or~~

18 (b) Qualified voters covered under KRS 117.077;

19 (c) Qualified voters who apply pursuant to the requirements of subsection  
20 (1)(h)2. of this section, whose mail-in absentee ballots shall be mailed to the  
21 voter's residence or the current address at the educational institution in  
22 which he or she is enrolled as a student; or

23 (d) Qualified voters who apply pursuant to the requirements of subsection  
24 (1)(h)3. of this section, whose mail-in absentee ballots shall be mailed to the  
25 correctional facility where he or she is in custody at the time the application  
26 for the absentee ballot is submitted.

27 (5) The county clerk shall:

- 1 (a) Transmit a mail-in absentee ballot to the voter who is eligible to receive a  
2 mail-in absentee ballot within four (4) days of receipt or within four (4) days  
3 of the ballots being available;
- 4 (b) Cause mail-in absentee ballots to be printed fifty (50) days prior to each  
5 primary or regular election, and forty-five (45) days prior to a special election;  
6 and
- 7 (c) Complete a postal form for a certificate of mailing for mail-in absentee ballots  
8 mailed within the fifty (50) states, and it shall be stamped by the postal  
9 service when the mail-in absentee ballots are mailed. Unless a postal form for  
10 a certificate of mailing is required, the county clerk may use methods of  
11 tracking the mail-in absentee ballots by means of a printed barcode or other  
12 label that is unique to the individual voter issued by the State Board of  
13 Elections pursuant to administrative regulations promulgated under KRS  
14 Chapter 13A.
- 15 (6) A mail-in absentee ballot may be transmitted by facsimile machine or by the  
16 electronic transmission system established under KRS 117A.030(4) to a covered  
17 voter as defined in KRS 117A.010. The covered voter shall be notified of the  
18 options for transmittal of the mail-in absentee ballot, and the mail-in absentee ballot  
19 shall be transmitted by the method chosen for receipt by the resident of Kentucky  
20 who is a covered voter.
- 21 (7) The outer envelope of the mail-in absentee ballot shall bear the words "Absentee  
22 Ballot", the address and official title of the county clerk, a printed barcode or other  
23 label that is unique to the individual voter issued by the State Board of Elections,  
24 and adequate space for the voter's signature, voting address, precinct number, and  
25 signatures of two (2) witnesses if the voter signs the form with the use of a mark  
26 instead of the voter's signature. A detachable flap on the secrecy envelope shall  
27 provide space for the voter's signature, voting address, precinct number, signatures

1 of two (2) witnesses if the voter signs the form with the use of a mark instead of the  
2 voter's signature and notice of penalty provided in KRS 117.995(5). The county  
3 clerk shall type the voter's address and precinct number in the upper left hand  
4 corner of the outer envelope and of the detachable flap on the secrecy envelope  
5 immediately below the blank space for the voter's signature. The secrecy envelope  
6 shall be blank. If applicable, the county clerk shall retain the voter's mail-in ballot  
7 application, which shall include the photographed copy of the voter's proof of  
8 identification or the voter affirmation as prescribed by KRS 117.228(1)(c), and the  
9 postal form required by subsection (5) of this section for twenty-two (22) months  
10 after the primary or election.

11 (8) Except as otherwise provided in subsection (10) of this section, any person who has  
12 received a mail-in absentee ballot but who knows at least seven (7) days before the  
13 date of the election that he or she will be in his or her county of residence on  
14 election day or during the days of no-excuse in-person absentee voting and who has  
15 not voted by means of his or her mail-in absentee ballot shall cancel his or her mail-  
16 in absentee ballot and vote in person. The voter shall return the mail-in absentee  
17 ballot to the county clerk's office by mail or hand delivery no later than seven (7)  
18 days prior to the date of the election. Upon the return of the mail-in absentee ballot,  
19 the county clerk shall mark on the outer envelope of the sealed ballot or the  
20 unmarked ballot the words "Canceled because voter appeared to vote in person."  
21 Sealed envelopes so marked shall not be opened. The county clerk shall remove the  
22 voter's name from the list of persons who were sent mail-in absentee ballots, and  
23 the voter may vote in the precinct in which he or she is properly registered.

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

1 delivered, or placed in a secure drop-box or receptacle, and the in-person absentee  
2 voting and federal in-person provisional absentee voting that is conducted, to verify  
3 that only the first voted ballot is counted. Upon the return of any mail-in absentee  
4 ballot after the first mail-in absentee ballot is returned, the county clerk shall mark  
5 on the outer envelope of the sealed ballot the words "Canceled because ballot  
6 reissued."

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

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

25 (a) Ensure election officials have real-time knowledge of which voters have  
26 requested mail-in absentee ballots; and

27 (b) Provide procedures to be followed if a voter attempts to vote more than once

1 at a primary or an election.

2 (12) **The county clerk shall keep separate lists for each election of all persons who:**

3 **(a) Return their mail-in absentee ballots;**

4 **(b) Cast their excused and no-excuse in-person absentee ballots; and**

5 **(c) Cast their federal provisional in-person absentee ballots.**

6 **The county clerk shall send a copy of each list to the State Board of Elections and**

7 **Secretary of State after any primary or election day. Notwithstanding any**

8 **provision of the Kentucky Open Records Act, KRS 61.870 to 61.884, each list of**

9 **all persons who return their mail-in absentee ballots or who cast their ballots by**

10 **means of an excused in-person absentee or no-excuse in-person absentee shall**

11 **not be made public until after the close of business hours on the primary or**

12 **election day for which the list applies, except when provided to the county board**

13 **of elections under KRS 117.087. The county clerk and the Secretary of State shall**

14 **keep a record of the number of votes cast by each method listed in paragraphs (a)**

15 **to (c) of this subsection, which are cast in any primary or election as a part of the**

16 **official returns of the primary or election**~~[Notwithstanding the provisions of the~~

17 ~~Kentucky Open Records Act, KRS 61.870 to 61.884, and except for when the~~

18 ~~identification of the voter is provided to the county board of elections under KRS~~

19 ~~117.087, the information contained in an application for a mail in absentee ballot~~

20 ~~shall not be made public until after the close of business hours on the election day~~

21 ~~for which the application applies. Except for necessary election officials and for~~

22 ~~election related duties as prescribed by law, the name of the person who votes by~~

23 ~~means of a mail in absentee ballot shall not be disclosed. This subsection shall not~~

24 ~~prohibit at any time the disclosure, upon request, of the total number of applications~~

25 ~~for mail in absentee ballots that have been filed, or the disclosure to the Secretary~~

26 ~~of State or the State Board of Elections, if requested or if otherwise required by law,~~

27 ~~of any information in an application for a mail in absentee ballot].~~

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

- 2       (1) No person, other than the election officers, challengers, person assisting voters in  
3           accordance with KRS 117.255(3), and a minor child in the company of a voter,  
4           shall be permitted within the voting room while the vote is being polled, except as  
5           follows:
- 6           (a) For the purpose of voting;
- 7           (b) By authority of the election officers to keep order and enforce the law;
- 8           (c) With the express approval of the county board of elections to repair or replace  
9           voting equipment that is malfunctioning, and to provide additional voting  
10          equipment; or
- 11          (d) At the voter's discretion, a minor child in the company of a voter may  
12          accompany the voter into a voting booth or other private area provided for  
13          casting a vote.
- 14       (2) No officer of election shall do any electioneering at any polling place during:
- 15           (a) The times the polls are open on election day; or
- 16           (b) Any of the days that in-person absentee voting is conducted.
- 17       (3) (a) No person shall electioneer at any polling place that is being used as a voting  
18           location on the day of any election, as established in KRS 118.025, or on any  
19           of the days that in-person absentee voting is conducted at that location, or  
20           within a distance of one hundred (100) feet of any entrance to a building in  
21           which voting is conducted if that entrance is unlocked and is used by voters  
22           on any primary or election day or on any of the days that in-person absentee  
23           voting is conducted.
- 24           (b) No person shall electioneer within the interior of a building or affix any  
25           electioneering materials to the exterior or interior of a building where the  
26           county clerk's office is located, or any building designated by the county  
27           board of elections and approved by the State Board of Elections for in-person

1 absentee voting, during the hours in-person absentee voting is being  
2 conducted in the building.

3 (c) No person shall electioneer within one hundred (100) feet of a mail-in  
4 absentee drop-box or drop-receptacle for forty-five (45) days before any  
5 election.

6 (d) No person shall electioneer in any building where training for election officers  
7 is being conducted during the time of the training.

8 (e) Electioneering shall include the displaying of signs, the distribution of  
9 campaign literature, cards, or handbills, the soliciting of signatures to any  
10 petition, or the solicitation of votes for or against any bona fide candidate or  
11 ballot question in a manner which expressly advocates the election or defeat  
12 of the candidate or expressly advocates the passage or defeat of the ballot  
13 question, but shall not include exit polling, bumper stickers affixed to a  
14 person's vehicle while parked within or passing through a distance of one  
15 hundred (100) feet of any entrance to a building in which voting is conducted,  
16 private property as provided in subsection (7) of this section, or other  
17 exceptions established by the State Board of Elections through the  
18 promulgation of administrative regulations under KRS Chapter 13A.

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

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



1 (6) Notwithstanding the provisions of subsection (1) of this section, the State Board of  
2 Elections may establish a program designed to instill in school children a respect  
3 for the democratic principles of voting by conducting in any county a mock election  
4 for school children in conjunction with any primary, regular, or special election.  
5 The State Board of Elections shall promulgate administrative regulations under  
6 KRS Chapter 13A regarding the mock elections to ensure that the regular voting  
7 process will not be impaired.

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

16 ➔Section 9. KRS 117.265 is amended to read as follows:

17 (1) A voter may, at any regular or special election, cast a write-in vote for any person  
18 qualified as provided in subsection (2) or (3) of this section, whose name does not  
19 appear upon the ballot for any office, by writing the name of his or her choice upon  
20 the appropriate ballot for the office being voted on as required by KRS 117.125.  
21 Any candidate who is defeated **or disqualified** in a partisan or nonpartisan primary  
22 shall be ineligible as a candidate for the same office in the regular election, unless  
23 there is a vacancy pursuant to KRS 118.105(3). Any voter utilizing a federal  
24 provisional ballot, a federal provisional in-person absentee ballot, or a mail-in  
25 absentee ballot for a regular or special election may write in a vote for any eligible  
26 person whose name does not appear upon the ballot, by writing the name of his or  
27 her choice under the office.

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

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

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

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

19 1. Death;

20 2. Disqualification to hold the office sought;

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

22 4. The nomination of an unopposed candidate.

23 (4) Persons who wish to run for President and Vice-President shall file a declaration of  
24 intent to be a write-in candidate, along with a list of presidential electors pledged to  
25 those candidates, with the Secretary of State on or before the fourth Friday in  
26 October preceding the date of the regular election for those offices. The declaration  
27 of intent shall be filed no earlier than the first Wednesday after the first Monday in

1 November of the year preceding the year the office will appear on the ballot, and no  
2 later than 4 p.m. local time at the place of filing when filed on the last date on  
3 which papers may be filed. Write-in votes cast for the candidates whose names  
4 appear on the ballot shall apply to the slate of pledged presidential electors, whose  
5 names shall not appear on the ballot.

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

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

12 ➔Section 10. KRS 117.275 is amended to read as follows:

13 (1) At the count of the votes in any precinct, any candidate or slate of candidates and  
14 any representatives to witness and check the count of the votes therein, who are  
15 authorized to be appointed as is provided in subsection (9) of this section, shall be  
16 admitted and permitted to be present and witness the count.

17 (2) As soon as the polls are closed, and the last voter has voted, the judges at that time  
18 shall immediately lock and seal the voting equipment so that the voting and  
19 counting mechanisms will be prevented from operating, and they shall sign a  
20 certificate stating:

21 (a) That the voting equipment has been locked against voting and sealed;

22 (b) The number of voters, as shown on the public counters;

23 (c) The number registered on the protective or cumulative counter or device; and

24 (d) The number or other designation of the voting equipment.

25 The certificate, with any additional certificate previously prepared under KRS  
26 117.035, shall be returned by the judges of election to the officials authorized by  
27 law to receive it. The judges shall compare the number of voters, as shown by the

1 counter of the voting equipment, with the number of those who have voted as  
2 shown by the protective or cumulative counter or device.

3 (3) Where voting equipment is used which does not print the candidates' names along  
4 with the total votes received on a general return sheet or record for that equipment,  
5 the procedure to be followed shall be as follows:

6 (a) The judges, in the presence of the representatives mentioned in subsection (1)  
7 of this section, if any, and of all other persons who may be lawfully within the  
8 polling place, shall give full view of all the counter numbers;

9 (b) The judges shall enter, in ink, the total votes cast for each candidate, and slate  
10 of candidates, and for and against each question on the return sheets; and

11 (c) Each precinct election officer shall sign the return sheets, and a copy of the  
12 return sheets shall be posted on the precinct door.

13 (4) Where voting equipment is used that prints the candidates' names along with the  
14 total votes received on a return sheet or record for that equipment, the precinct  
15 election officers shall sign the return sheets or record for the voting equipment,  
16 which shall be posted on the door of the precinct.

17 (5) If any officer shall decline to sign the return sheets, he or she shall state the reason  
18 in writing, and a copy thereof, signed by the officer, shall be enclosed with the  
19 return sheets.

20 (6) Each of the return sheets, if applicable, and the record of the voting equipment shall  
21 be enclosed in an envelope. One (1) copy of the return sheets, if applicable, one (1)  
22 copy of the record of the voting equipment, and the write-in roll, if any write-in  
23 votes were cast in the precinct, shall be directed to the county board of elections of  
24 the county in which the election is being held. One (1) copy of the return sheets or  
25 record of the voting equipment shall be given to the county clerk of the county in  
26 which the election is being held and to each of the local governing bodies of the two  
27 (2) dominant political parties, but a local governing body of a dominant political

1 party may decline a copy of the precinct election return by filing a written  
2 declination with the county board of elections prior to the election, and upon this  
3 declination, a printed copy shall not be issued to the political party so declining.  
4 The declination on file shall be effective for that election and any subsequent  
5 elections until revoked by the local governing body of a dominant political party by  
6 filing a written revocation with the county board of elections. The envelope shall  
7 have endorsed thereon a certificate of the election officers, stating the number or  
8 unique designation of the voting equipment, the precinct where it has been used, the  
9 number on the seal, and the number on the protective or cumulative counter or  
10 device at the close of the polls.

11 (7) During the period established by KRS 117.355(3), and following the tabulation of  
12 all votes cast in the election, including absentee votes and write-in votes:

13 (a) The county board of elections shall mail, transmit via facsimile machine,  
14 hand-deliver, or submit by electronic means a copy of the precinct-by-precinct  
15 summary of the tabulation sheets showing the results from each precinct to the  
16 State Board of Elections. The copy of the precinct-by-precinct summary of the  
17 tabulation sheets showing the results from each precinct shall include the  
18 votes cast on the day of an election and during ~~in person~~ absentee voting;  
19 and

20 (b) The county clerk shall mail or deliver the precinct signature rosters from each  
21 precinct and the in-person absentee ballot signature roster to the State Board  
22 of Elections.

23 (8) For each voting location, as soon as possible after the completion of the count, the  
24 two (2) election officers who are not of the same political affiliation shall return to  
25 the county board of elections the keys to the voting equipment received and  
26 receipted for by them, and the county clerk, in each voting location, shall have the  
27 voting equipment properly boxed or securely covered and removed to a proper and

1 secure place of storage.

2 (9) In primaries, each candidate or group of candidates may designate to the county  
3 board of elections a representative to witness and check the vote count. In regular  
4 elections, the governing authority of each political party, each candidate for  
5 member of board of education, nonpartisan candidate, political group candidate,  
6 political organization candidate, independent candidate, or independent ticket may  
7 designate a representative to the county board of elections to witness and check the  
8 vote count. The county board of elections shall authorize representatives of the  
9 news media to witness the vote count.

10 (10) For all federal provisional ballots, if applicable, and supplemental paper ballots if  
11 approved as provided in KRS 118.215, after the polls are closed, the two (2) judges  
12 shall return to the county clerk's office the locked federal provisional ballot  
13 receptacle and the supplemental paper ballot box, all ballot stubs, spoiled ballots,  
14 and unvoted ballots at the same time as the tabulation of votes from the voting  
15 equipment is delivered. The county clerk shall issue a receipt for the number of  
16 ballot stubs, unvoted ballots, spoiled ballots, and the ballot boxes or ballot  
17 receptacle.

18 (11) The county board of elections, or its designee, shall count and tally the  
19 supplemental paper ballots that have not been tabulated by automatic tabulating  
20 equipment at the precinct, either manually or with the use of tabulating equipment  
21 that has been certified by the State Board of Elections for use for that purpose in the  
22 county clerk's office. The results of the vote tally shall be certified by the county  
23 board of elections to the county clerk and to the Secretary of State.

24 (12) The county board of elections shall tabulate the valid federal provisional ballots.  
25 The results of the vote tally shall be certified by the county board of elections to the  
26 county clerk and to the Secretary of State. The county board of elections shall mail  
27 a copy of the precinct-by-precinct summary of the valid federal provisional ballot

1 tabulation sheets showing the results from each precinct to the State Board of  
2 Elections.

3 (13) The county board of elections shall authorize the candidates, slates of candidates, or  
4 their representatives, and representatives of the news media to be present during the  
5 counting of the supplemental and federal provisional paper ballots.

6 (14) No person shall transmit or publicize any tallies or counts of ballots, or any partial  
7 results, to any person except those persons, election officials, or entities authorized  
8 by law to receive it, until 6 p.m. prevailing time on the day of a primary or an  
9 election.

10 (15) (a) Unofficial election results transmitted online to the county board of elections  
11 or the State Board of Elections shall occur by means of a secure online  
12 connection after results are tallied on the tally computer that has been certified  
13 in accordance with KRS 117.379 as part of a voting system as defined in KRS  
14 117.001.

15 (b) If an external device is used to upload election results for the subsequent  
16 transmission, the device shall be used for that primary or election only and be  
17 of a type approved by the State Board of Elections as part of a voting system  
18 under KRS 117.379. The upload of the election results shall occur in the  
19 presence of two (2) members of the county board of elections who are of a  
20 different political affiliation.

21 (16) Except as otherwise required in this chapter, all records and papers relating to  
22 specified elections shall be retained for twenty-two (22) months, and the county  
23 clerk shall retain the voted federal provisional ballots, voter affirmations, election  
24 official affirmations, and the supplemental paper ballots for twenty-two (22)  
25 months and the unvoted federal provisional ballots, the voter affirmations, election  
26 official affirmations, and the supplemental paper ballots for sixty (60) days after  
27 each election day, after which time they shall be destroyed in a manner to render

1           them unreadable by the county board of elections if no contest or recount action has  
2           been filed.

3           ➔Section 11. KRS 117.295 is amended to read as follows:

4       (1) For a period of thirty (30) days following any election, the voting equipment shall  
5       remain locked against voting, the ballot boxes containing all paper ballots shall  
6       remain locked, and the voting equipment and ballot boxes shall be under video  
7       surveillance. The system used to conduct the video surveillance shall have enough  
8       storage capacity to retain sixty (60) consecutive days of continuous recording data.  
9       *This video shall only be subject to the Kentucky Open Records Act, KRS 61.870 to*  
10      *61.884, during the sixty (60) days following any election, and may be disposed of*  
11      *after those sixty (60) consecutive days, or upon the completion of any*  
12      *investigation or pending litigation in a District, Circuit, or federal court,*  
13      *whichever is later.*

14      (2) The voting equipment and the ballot boxes may be opened and all the data and  
15      figures therein examined:

16      (a) Upon the order of any court of competent jurisdiction, or judge thereof;

17      (b) By direction of any legislative committee or board authorized and empowered  
18      to investigate and report upon contested elections;

19      (c) By a county board of elections under the direction of the State Board of  
20      Elections pursuant to a risk-limiting audit; or

21      (d) As required to conduct a recount under KRS 120.157.

22      All the data and figures shall be examined by the court, judge, county board of  
23      elections, State Board of Elections, or committee in the presence of the officer  
24      having the custody of the voting equipment, ballots, and ballot boxes. In the event  
25      of a contest of election, the court in which the contest is pending or the committee  
26      before which the contest is being heard may, upon motion of any party to the  
27      contest, issue an order requiring that the voting equipment, ballots, and ballot boxes



1 shall remain continuously locked for further time as may be reasonable or  
2 necessary, with due regard for the preparation of the voting equipment for a  
3 succeeding primary, regular election, or special election, but in no event shall the  
4 order compel that the voting equipment remain locked to a time within thirty (30)  
5 days next preceding any approaching primary, regular election, or special election.

6 ~~(3)(2)~~ During the period when the voting equipment and the ballot boxes are  
7 required to be kept locked, the keys thereto shall remain in the possession of ~~the~~  
8 ~~county board of elections. After that period, it shall be the duty of the county board~~  
9 ~~of elections to return the keys to the custody of~~ the county clerk.

10 ➔Section 12. KRS 117.343 is amended to read as follows:

11 The county clerk may request reimbursement from the State Board of Elections, for the  
12 cost of employing office personnel necessary for the conduct of elections, including the  
13 registration and purgation of voters in the county. Such reimbursement shall not exceed  
14 one dollar and fifty cents (\$1.50)~~fifty cents (\$0.50)~~ per registered voter in the county  
15 per year. Claims for reimbursement shall be submitted to the state board by July 31 of  
16 each year for employment costs for the preceding fiscal year. Claims shall be on forms  
17 provided by the State Board of Elections and shall show in detail the employee time and  
18 costs. If the State Board of Elections determines that the claims are valid and reasonable,  
19 the state board shall submit the claims to the Treasury for payment and they shall be paid  
20 within thirty (30) working days. The state board may issue administrative regulations  
21 prescribing the method and forms for documenting and submitting the claims.

22 ➔Section 13. KRS 117.345 is amended to read as follows:

23 (1) The cost of all elections held in any county shall be allowed by the fiscal court or  
24 legislative body of any urban-county government, charter county, consolidated  
25 local government, or unified local government and paid by the county treasurer,  
26 except as otherwise provided by law.

27 (2) When the cost of any election has been allowed by the fiscal court or legislative

1 body of any urban-county government, charter county, consolidated local  
 2 government, or unified local government and paid by the county treasurer, within  
 3 sixty (60) days following the date of the election, the county treasurer shall certify a  
 4 statement of the number of precincts in the county, the date, and kind of election to  
 5 the State Board of Elections, including an election that was delayed or postponed in  
 6 accordance with KRS 39A.100. The certification shall be filed within ninety (90)  
 7 days after the election. Upon receipt of the certification and upon being satisfied as  
 8 to the correctness thereof, the State Board of Elections shall issue its warrant upon  
 9 the State Treasurer in favor of the county treasurer for the amount of *fifty cents*  
 10 *(\$0.50)*~~[two hundred fifty five dollars (\$255)]~~ for each *voter*~~[precinct]~~ in the  
 11 county.

12 (3) Payments to any county under the provisions of subsection (2) of this section shall  
 13 be terminated if and whenever it fails to renew a lease, contract, or lease and option  
 14 with the Finance and Administration Cabinet executed in connection with the  
 15 acquisition of voting systems by the cabinet for the use of the county; and payments  
 16 to any county shall be terminated whenever the county fails to pay any part of the  
 17 rentals required for any effective period of the lease or if a county board of  
 18 elections fails to provide training to precinct election officers required by KRS  
 19 117.187(2). As used in this subsection, "county" includes urban-county  
 20 government, charter county government, consolidated local government, and  
 21 unified local government.

22 ➔Section 14. KRS 117.389 is amended to read as follows:

23 On any day *after ballots have been certified by the Secretary of State as provided in*  
 24 *KRS 118.215, and petitions to allow consolidation of precincts have been approved by*  
 25 *the State Board of Elections as provided in Section 5 of this Act, but* not~~[more than~~  
 26 ~~*thirty (30) nor*~~ less than five (5) days prior to the election day, the county clerk shall  
 27 have the automatic tabulating equipment tested in the manner prescribed by the State

1 Board of Elections.

2 →Section 15. KRS 117A.070 is amended to read as follows:

3 An application for a military-overseas ballot is timely if received by the close of business  
4 hours seven (7) days before the election. An application for a military-overseas ballot for  
5 a primary, whether or not timely, is effective as an application for a military-overseas  
6 ballot for the regular election. **If an application is received after seven (7) days before an**  
7 **election, the applicant shall be informed of his or her ability to utilize a federal write-in**  
8 **absentee ballot pursuant to KRS 117A.100.**

9 →Section 16. KRS 118.125 is amended to read as follows:

10 (1) Except as provided in KRS 118.155, any person who is qualified under the  
11 provisions of KRS 116.055 to vote in any primary for the candidates for nomination  
12 by the party at whose hands he or she seeks the nomination, shall have his or her  
13 name printed on the official ballot of his or her party for an office to which he **or**  
14 **she** is eligible in that primary, upon filing, with the Secretary of State or county  
15 clerk, as appropriate, at the proper time, a notification and declaration.

16 (2) The notification and declaration shall be in the form prescribed by the State Board  
17 of Elections. It shall be signed by the candidate and by not less than two (2)  
18 registered voters of the same party from the district or jurisdiction from which the  
19 candidate seeks nomination. Signatures for nomination papers shall not be affixed  
20 on the document to be filed prior to the first Wednesday after the first Monday in  
21 November of the year preceding the year in which the office will appear on the  
22 ballot. The notification and declaration for a candidate shall include the following  
23 oath:

24 "For the purpose of having my name placed on the official primary election  
25 ballot as a candidate for nomination by the ----- Party, I, ----- (name in full as  
26 desired on the ballot as provided in KRS 118.129), do solemnly swear that my  
27 residence address is ----- (street, route, highway, city if applicable, county, state,

1 and zip code), that my mailing address, if different, is ----- (post office address), and  
2 that I am a registered ----- (party) voter[~~in ----- precinct~~]; that I believe in the  
3 principles of the ----- Party, and intend to support its principles and policies; that I  
4 meet all the statutory and constitutional qualifications for the office which I am  
5 seeking; that if nominated as a candidate of such party at the ensuing election I will  
6 accept the nomination and not withdraw for reasons other than those stated in KRS  
7 118.105(3); that I will not knowingly violate any election law or any law relating to  
8 corrupt and fraudulent practice in campaigns or elections in this state, and if finally  
9 elected I will qualify for the office."

10 The declaration shall be subscribed and sworn to before an officer authorized to  
11 administer an oath by the candidate and by the two (2) voters making the  
12 declaration and signing the candidate's petition for office.

13 (3) When the notice and declaration has been filed with the Secretary of State or county  
14 clerk, as appropriate, and certified according to KRS 118.165, the Secretary of State  
15 or county clerk, as appropriate, shall have the candidate's name printed on the ballot  
16 according to the provisions of this chapter, except as provided in KRS 118.185.

17 (4) Titles, ranks, or spurious phrases shall not be accepted on the filing papers and shall  
18 not be printed on the ballots as part of the candidate's name; however, nicknames, initials,  
19 and contractions of given names may be acceptable as the candidate's name.

20 ➔Section 17. KRS 118.345 is amended to read as follows:

21 (1) No candidate who has been defeated **or disqualified** for the nomination for any  
22 office in a primary shall have his or her name placed on ballots in the succeeding  
23 regular election as a candidate for the same office for the nomination to which he or  
24 she was a candidate in the primary, except that if a vacancy occurs in the party  
25 nomination for which he or she was a candidate in the primary his or her name may  
26 be placed on the ballots for the regular election as a candidate of that party if he or  
27 she has been duly made such party nominee after the vacancy occurs as provided in

1 KRS 118.105.

2 (2) No person who was a candidate for nomination for any office in a primary and who,  
3 before the succeeding regular election, is declared by the judgment of any court of  
4 competent jurisdiction to have violated, in the primary, any provision of KRS  
5 Chapter 121, or to be responsible for such violation by others, shall have his or her  
6 name placed on ballots for any office to be voted for in the succeeding regular  
7 election.

8 (3) This section does not apply to presidential preference primary candidates.

9 ➔Section 18. KRS 118.415 is amended to read as follows:

10 (1) The General Assembly may state the substance of the amendment proposed to the  
11 Constitution of Kentucky in the form of a question in a manner calculated to inform  
12 the electorate of the substance of the amendment. When an amendment to the  
13 Constitution has been proposed by the General Assembly, the Secretary of State  
14 shall cause the question calculated to inform the electorate of the substance of the  
15 amendment which is prepared by the General Assembly ~~for the Attorney General~~  
16 ~~to be published at least one (1) time in a newspaper of general circulation~~  
17 ~~published in this state, and shall also cause to be published at the same time and in~~  
18 ~~the same manner the fact that the amendment will be submitted to the voters for~~  
19 ~~their acceptance or rejection at the next regular election at which members of the~~  
20 ~~General Assembly are to be voted for. The publication shall be made not later than~~  
21 ~~the first Tuesday in August preceding the election at which the amendment is to be~~  
22 ~~voted on.~~

23 (2) The ~~Attorney General shall, if the~~ General Assembly **shall** ~~has not already done~~  
24 ~~so,~~ state the **entirety** ~~[substance]~~ of an amendment to the Constitution of Kentucky  
25 which has been proposed by the General Assembly in the form of a question ~~in a~~  
26 ~~manner calculated to inform the electorate of the substance of the amendment, and,~~  
27 not later than fourteen (14) days preceding the first Tuesday in August preceding

1 the next regular election at which members of the General Assembly are to be  
2 chosen, shall certify the question to the Secretary of State to be placed on the  
3 ballots.

4 (3) The Secretary of State, not later than the second Monday after the second Tuesday  
5 in August preceding the next regular election at which members of the General  
6 Assembly are to be chosen in a year in which there is not an election for President  
7 and Vice President of the United States, or not later than the Thursday after the first  
8 Tuesday in September preceding a regular election in a year in which there is an  
9 election for President and Vice President of the United States, shall certify the  
10 substance of the amendment, as stated and certified by the General Assembly ~~or by~~  
11 ~~the Attorney General~~, to the county clerk of each county, and the county clerk shall  
12 have the substance of the amendment, as so certified, indicated on the ballots.

13 (4) The votes cast for and against the amendment shall be counted, canvassed, and  
14 certified to the Secretary of State in the same manner as the votes cast for any  
15 officer elective by the votes of the whole state. If a majority of the votes cast on the  
16 question are for the amendment, it shall become a part of the Constitution.

17 (5) The expenses of the publications provided for in this section shall be paid as are the  
18 expenses of other publications that the Secretary of State is required to make in  
19 connection with elections.

20 ➔Section 19. KRS 118.445 is amended to read as follows:

21 The electors of President and Vice President of the United States shall convene at the  
22 State Capitol, ***or other location designated by the Secretary of State,*** at 11:45 a.m. on the  
23 first ~~Tuesday~~~~Monday~~ after the second Wednesday in December next after their election,  
24 give their votes at or after 12 noon, and make return thereof according to law. If any  
25 elector fails to attend by 12 noon, on the day of the meeting, those in attendance shall fill  
26 his ***or her*** place by the election of another person, who shall have the same powers as if  
27 originally elected by the people.

1       ➔Section 20. KRS 118.740 is amended to read as follows:

- 2       (1) A copy of a proclamation issued under KRS 118.710 or 118.720, or a writ of  
3       election issued under KRS 63.200, 67C.103, 118.730, 120.205, or 120.215 shall be  
4       forwarded by mail to the sheriff of each county in the district in which the election  
5       is to be held, at least sixty-three (63)~~fifty-six (56)~~ days before the election. The  
6       sheriff of each county in which an election is to be held shall give notice at least  
7       fifty-six (56)~~forty-nine (49)~~ days before the day of election. If, from any cause, the  
8       sheriff cannot properly act, he or she shall immediately hand the writ or  
9       proclamation to the person authorized to act in his or her place.
- 10      (2) If a special election is administered under KRS 118.730(2), the notice required by  
11      subsection (1) of this section shall include the location of the election.

12      ➔Section 21. KRS 118.770 is amended to read as follows:

13      When a writ of election or proclamation is issued to fill a vacancy as prescribed in KRS  
14      63.200, 118.710, 118.720, or 118.730, independent, or political organization, or political  
15      group petitions and certificates of nomination shall be filed at least fifty-six (56)~~forty-~~  
16      ~~nine (49)~~ days before the day of election, and if filed with the Secretary of State shall be  
17      immediately certified by him or her to the proper county clerks, except as may be  
18      provided under KRS 63.200.

19      ➔Section 22. KRS 118A.060 is amended to read as follows:

- 20      (1) Except as provided in KRS 118A.100, no person's name shall appear on a ballot,  
21      including an absentee ballot, for an office of the Court of Justice without first  
22      having been nominated as provided in this section.
- 23      (2) Each candidate for nomination shall file a petition for nomination with the  
24      Secretary of State not earlier than the first Wednesday after the first Monday in  
25      November of the year preceding the year in which the office will appear on the  
26      ballot and not later than the first Friday following the first Monday in January  
27      preceding the day fixed by law for holding the primary for the office. The petition

1 shall be sworn to before an officer authorized to administer an oath by the candidate  
2 and by not less than two (2) registered voters from the district or circuit from which  
3 he or she seeks nomination. Signatures for nomination papers shall not be affixed  
4 on the document to be filed prior to the first Wednesday after the first Monday in  
5 November of the year preceding the year in which the office will appear on the  
6 ballot. The petition shall be filed no later than 4 p.m. local time at the place of filing  
7 when filed on the last date on which the papers are permitted to be filed.

8 (3) (a) The petition for nomination shall be in the form prescribed by the State Board  
9 of Elections. The petition shall include a declaration sworn to by the  
10 candidate, that he or she possesses all the constitutional and statutory  
11 requirements of the office for which the candidate has filed. Titles, ranks, or  
12 spurious phrases shall not be accepted on the petition and shall not be printed  
13 on the ballots as part of the candidate's name; however, nicknames, initials,  
14 and contractions of given names may be acceptable as the candidate's name.

15 (b) The Secretary of State or the county clerk, as appropriate, shall certify the  
16 exact spelling and form of the name of the candidate to be printed on all  
17 ballots in accordance with the requirements listed in KRS 118.129.

18 (4) The Secretary of State shall examine the petition of each candidate to determine  
19 whether it is regular on its face. If there is an error, the Secretary of State shall  
20 notify the candidate by certified mail within twenty-four (24) hours of filing. The  
21 order of names on the ballot for each district or circuit, and numbered division if  
22 divisions exist, shall be determined by lot at a public drawing to be held in the  
23 office of the Secretary of State at 2 p.m., standard time, on the Thursday following  
24 the filing deadline for the primary as established in this section and in KRS  
25 83A.045 and 118.165.

26 (5) Not later than the date set forth in KRS 118.215(1)(a) preceding the primary, and  
27 after the order of names on the ballot has been determined as required in subsection



- 1 (4) of this section, the Secretary of State shall:
- 2 (a) Certify to the county clerks of the respective counties entitled to participate in  
3 the election of the various candidates, the name and place of residence of each  
4 candidate for each office, by district or circuit, and numbered division if  
5 divisions exist, as specified in the petitions for nomination filed with him or  
6 her; and
- 7 (b) Designate for the county clerks the office of the Court of Justice with which  
8 the names of candidates shall be printed and the order in which they are to  
9 appear on the ballot.
- 10 (6) The ballot position of a candidate shall not be changed after the ballot position has  
11 been designated by the Secretary of State.
- 12 (7) The county clerks of each county shall cause to be printed on the ballots for the  
13 primary the names of the candidates for offices in the Court of Justice.
- 14 (8) The names of the candidates shall be placed on the ballots in a separate column or  
15 columns or in a separate line or lines and identified by the words "Judicial Ballot."  
16 The words "Vote for one," or "Vote for one in each division," shall be printed on  
17 the ballot in an appropriate location. The office, numbered division if divisions  
18 exist, and the candidates shall be clearly labeled. No party designation or emblem  
19 of any kind, nor any sign indicating any candidate's political belief or party  
20 affiliation, shall be used on the ballots.
- 21 (9) The two (2) candidates receiving the highest number of votes for nomination for  
22 justice or judge of a district or circuit, or numbered division if divisions exist, shall  
23 be nominated. Certificates of nomination shall be issued as provided in KRS  
24 118A.190.
- 25 (10) If it appears after expiration of the time for filing petitions for nomination that there  
26 are not more than two (2) candidates who have filed the necessary petitions for a  
27 place on the ballot in the regular election, no drawing for ballot position shall be

1 held and the Secretary of State shall immediately issue and file in the Secretary's  
2 office certificates of nomination, and send copies to the candidates.

3 ➔Section 23. KRS 118A.090 is amended to read as follows:

4 (1) For the regular election, the order of names on the ballot for each district or circuit,  
5 and numbered division if divisions exist, shall be determined by lot at a public  
6 drawing to be held in the office of the Secretary of State at 2 p.m., standard time, on  
7 the Thursday following the first Tuesday after the first Monday in June preceding  
8 the regular election, except as provided in KRS 118A.100~~(5)~~~~(6)~~.

9 (2) Not later than the date set forth in KRS 118.215(1)(b) after the filing deadline for  
10 the regular election in a year in which there is no election for President and Vice  
11 President of the United States, or not later than the date set forth in KRS  
12 118.215(1)(c) preceding a regular election in a year in which there is an election for  
13 President and Vice President of the United States, and after the order of names on  
14 the ballot has been determined as required in subsection (1) of this section, the  
15 Secretary of State shall:

16 (a) Certify to the county clerks of the respective counties entitled to participate in  
17 the election of the various candidates, the name and place of residence of each  
18 candidate for each office, by district or circuit, and numbered division if  
19 divisions exist, as certified under KRS 118A.060; and

20 (b) Designate for the county clerks the office of the Court of Justice with which  
21 the names of candidates shall be printed and the order in which they are to  
22 appear on the ballot.

23 (3) The ballot position of a candidate shall not be changed after the ballot position has  
24 been designated by the Secretary of State. The county clerks of each county shall  
25 cause to be printed on the ballots for the regular elections the names of the  
26 candidates for offices of the Court of Justice.

27 (4) The names of the candidates shall be placed on the ballots in a separate column or

1 columns or in a separate line or lines and identified by the words "Judicial Ballot,"  
2 and in such a manner that the casting of a vote for all of the candidates of a political  
3 party will not operate to cast a vote for judicial candidates. The words "Vote for  
4 one" or "Vote for one in each division," shall be printed on the ballot in an  
5 appropriate location. The office, numbered division thereof if divisions exist, and  
6 the candidates therefor shall be clearly labeled. No party designation or emblem of  
7 any kind, nor any sign indicating any candidate's political belief or party affiliation,  
8 shall be used on any ballot.

9 (5) The candidate receiving the highest number of votes cast at the regular election for  
10 a district or circuit, or for a numbered division thereof if divisions exist, shall be  
11 elected.

12 ➔Section 24. KRS 118A.100 is amended to read as follows:

13 (1) Candidates for an unexpired term of a judicial office to be filled at a regular  
14 election shall be nominated at the primary next preceding the regular election in the  
15 manner prescribed in KRS 118A.060 if the vacancy occurs not later than the second  
16 Friday in December preceding the primary. If the vacancy occurs on or after that  
17 date, the election to fill the unexpired term shall be held in accordance with the  
18 procedures described in this section and Section 152 of the Constitution of  
19 Kentucky.

20 (2) ~~If in a regular election for judicial office no candidates nominated as provided in~~  
21 ~~KRS 118A.060 are available due to death, incapacity, or withdrawal, and the~~  
22 ~~candidates have not been replaced as provided in KRS 118A.060, the election to fill~~  
23 ~~the regular term shall be conducted in the manner prescribed in subsections (3)~~  
24 ~~through (11) of this section.~~

25 (3) ~~Each candidate shall file a petition for nomination with the Secretary of State not~~  
26 ~~earlier than the first Wednesday after the first Monday in November of the year~~  
27 ~~preceding the year in which the election for the unexpired term will be held and not~~

1 later than the first Tuesday after the first Monday in June preceding the day fixed  
2 by law for holding the regular election for the unexpired term, if the vacancy occurs  
3 prior to the first Tuesday following the first Monday in June. If the vacancy occurs  
4 after the first Tuesday following the first Monday in June, each candidate shall file  
5 a petition for nomination with the Secretary of State not later than the second  
6 Tuesday in August preceding the day fixed by law for holding the regular election  
7 for the unexpired term. The petition shall be sworn to by the candidate and by not  
8 less than two (2) registered voters from the district or circuit from which he or she  
9 seeks nomination, before an officer authorized to administer an oath. Signatures for  
10 nomination papers shall not be affixed on the document to be filed prior to the first  
11 Wednesday after the first Monday in November of the year preceding the year in  
12 which the office will appear on the ballot. The petition shall be filed no later than 4  
13 p.m. local time at the place of filing when filed on the last date on which the papers  
14 are permitted to be filed.

15 ~~(3)~~~~(4)~~ The petition for nomination shall be in the form prescribed by the State Board  
16 of Elections. The petition shall include a declaration sworn to by the candidate, that  
17 he or she possesses all the constitutional and statutory requirements of the office for  
18 which the candidate has filed. Titles, ranks, or spurious phrases shall not be  
19 accepted on the petition and shall not be printed on the ballots as part of the  
20 candidate's name; however, nicknames, initials, and contractions of given names  
21 may be acceptable as the candidate's name.

22 ~~(4)~~~~(5)~~ The Secretary of State shall examine the petition of each candidate to  
23 determine whether it is regular on its face. If there is an error, the Secretary of State  
24 shall notify the candidate by certified mail within twenty-four (24) hours of filing.

25 ~~(5)~~~~(6)~~ The order of names on the ballot for each district or circuit, and numbered  
26 division if divisions exist, shall be determined by lot at a public drawing to be held  
27 in the office of the Secretary of State at 2 p.m., standard time, on the Thursday

1 following the first Tuesday after the first Monday in June preceding the regular  
2 election for those petitions for nomination required to be filed no later than the first  
3 Tuesday following the first Monday in June. For those petitions for nomination  
4 required to be filed no later than the second Tuesday in August, the order of names  
5 on the ballot for each district and circuit, and numbered division if divisions exist,  
6 shall be determined by lot at a public drawing to be held in the office of the  
7 Secretary of State at 2 p.m., standard time, on the Thursday following the second  
8 Tuesday in August preceding the regular election.

9 ~~(6)~~~~(7)~~ Not later than the date set forth in KRS 118.215 and after the order of names  
10 on the ballot has been determined as required in subsection ~~(5)~~~~(6)~~ of this section,  
11 the Secretary of State shall:

12 (a) Certify to the county clerks of the respective counties entitled to participate in  
13 the election of the various candidates, the name and place of residence of each  
14 candidate for each office, by district or circuit, and numbered division if  
15 divisions exist, as specified in the petitions for nomination filed with the  
16 Secretary of State; and

17 (b) Designate for the county clerks the office of the Court of Justice with which  
18 the names of candidates shall be printed and the order in which they are to  
19 appear on the ballot.

20 ~~(7)~~~~(8)~~ The ballot position of a candidate shall not be changed after the ballot position  
21 has been designated by the county clerk.

22 ~~(8)~~~~(9)~~ The county clerks of each county shall cause to be printed on the ballots,  
23 including absentee ballots, for the regular election the names of the candidates for  
24 offices of the Court of Justice.

25 ~~(9)~~~~(10)~~ The names of the candidates shall be placed on the ballots in a separate  
26 column or columns or in a separate line or lines and identified by the words  
27 "Judicial Ballot," and in a manner so that the casting of a vote for all of the

1 candidates of a political party will not operate to cast a vote for judicial candidates.  
 2 The words "Vote for one" or "Vote for one in each division," shall be printed on the  
 3 appropriate location. The office, numbered division if divisions exist, and the  
 4 candidates therefor shall be clearly labeled. No party designation or emblem of any  
 5 kind, nor any sign indicating any candidate's political belief or party affiliation,  
 6 shall be used on any ballot.

7 ~~(10)~~~~(11)~~ The candidate receiving the highest number of votes cast at the regular  
 8 election for a district or circuit, or for a numbered division if divisions exist, shall  
 9 be elected.

10 ~~(11)~~~~(12)~~ A judge who elected to retire as a Senior Status Special Judge in accordance  
 11 with KRS 21.580 shall not become a candidate or a nominee for any elected office  
 12 during the five (5) year term prescribed in KRS 21.580(1)(a)1., regardless of the  
 13 number of days served by the judge acting as a Senior Status Special Judge.

14 ➔Section 25. KRS 160.180 is amended to read as follows:

15 (1) As used in this section, "relative" means father, mother, brother, sister, husband,  
 16 wife, son, and daughter.

17 (2) No person shall be eligible for membership on a board of education:

18 (a) Unless he ***or she*** has attained the age of twenty-four (24) years;~~and~~

19 (b) Unless he ***or she*** has been a citizen of Kentucky for at least three (3) years  
 20 preceding his ***or her*** election and is a voter of the district for which he ***or she***  
 21 is elected;~~and~~

22 (c) Unless he ***or she*** has completed at least the twelfth grade or has been issued a  
 23 High School Equivalency Diploma~~;~~ and ***the following has been filed with***  
 24 ***the nominating petition required by KRS 118.315 as evidence of that fact:***

25 ~~1.~~~~(d)~~ ~~Unless~~ An affidavit signed under penalty of perjury certifying  
 26 completion of the twelfth grade or the equivalent, as determined by  
 27 passage of the twelfth grade equivalency examination held under

1 regulations adopted by the Kentucky Board of Education ~~has been filed~~  
 2 ~~with the nominating petition required by KRS 118.315~~; and

3 ~~2.(e)~~ **a.** ~~[For a candidate who files a nominating petition as required~~  
 4 ~~by KRS 118.315 on or after April 4, 2018, unless ]~~A transcript ***or***  
 5 ***diploma*** evidencing completion of the twelfth grade or results of a  
 6 twelfth grade equivalency examination; ~~has been filed with the~~  
 7 ~~nominating petition;~~ or

8 ***b. A degree, certificate, or transcript evidencing completion of a***  
 9 ***postsecondary program that requires completion of the twelfth***  
 10 ***grade or the equivalent as a prerequisite to the program;***

11 (f) Who holds any elective federal, state, county, or city office; ~~or~~

12 (g) Who, at the time of his ***or her*** election, is directly or indirectly interested in  
 13 the sale to the board of books, stationery, or any other property, materials,  
 14 supplies, equipment, or services for which school funds are expended; ~~or~~

15 (h) Who has been removed from membership on a board of education for cause;  
 16 or

17 (i) Who has a relative as defined in subsection (1) of this section employed by  
 18 the school district ~~and is elected after July 13, 1990. However, this shall not~~  
 19 ~~apply to a board member holding office on July 13, 1990, whose relative was~~  
 20 ~~not initially hired by the district during the tenure of the board member~~].

21 (3) If, after the election of any member of the board, he ***or she*** becomes interested in  
 22 any contract with or claims against the board, of the kind mentioned in paragraph  
 23 (g) of subsection (2) of this section, or if he ***or she*** moves his ***or her*** residence from  
 24 the district for which he ***or she*** was chosen, or if he ***or she*** attempts to influence the  
 25 hiring of any school employee, except the superintendent of schools or school board  
 26 attorney, or if he ***or she*** does anything that would render him ***or her*** ineligible for  
 27 reelection, he ***or she*** shall be subject to removal from office pursuant to KRS

1 415.050 and 415.060.

2 (4) A board member shall be eligible for reelection unless he or she becomes  
3 disqualified.

4 (5) The annual in-service training requirements for all school board members in office  
5 as of December 31, 2014, shall be as follows:

6 (a) Twelve (12) hours for school board members with zero to three (3) years of  
7 experience;

8 (b) Eight (8) hours for school board members with four (4) to seven (7) years of  
9 experience; and

10 (c) Four (4) hours for school board members with eight (8) or more years of  
11 experience.

12 The Kentucky Board of Education shall identify the criteria for fulfilling this  
13 requirement.

14 (6) (a) For all board members who begin their initial service on or after January 1,  
15 2015, the annual in-service training requirements shall be twelve (12) hours  
16 for school board members with zero to eight (8) years of experience and eight  
17 (8) hours for school board members with more than eight (8) years of  
18 experience.

19 (b) Training topics for school board members shall include:

20 1. Three (3) hours of finance, one (1) hour of ethics, and one (1) hour of  
21 superintendent evaluation annually for members with zero to three (3)  
22 years' experience;

23 2. Two (2) hours of finance, one (1) hour of ethics, and one (1) hour of  
24 superintendent evaluation annually for members with four (4) to seven  
25 (7) years' experience; and

26 3. One (1) hour of finance, one (1) hour of ethics, and one (1) hour of  
27 superintendent evaluation biennially for members with eight (8) or more



1                   years' experience.

2           The Kentucky Board of Education shall identify criteria for fulfilling this  
3           requirement.

4           ➔Section 26. KRS 160.190 is amended to read as follows:

5       (1) Any vacancy in any board of education shall be filled by a majority vote of the  
6       remaining members of the local board within sixty (60) days after the vacancy  
7       occurs. Within thirty (30) days of the vacancy, the local board shall, for two (2)  
8       weeks, have solicited applications by posting a notice announcing the vacancy on  
9       the district's website~~[Web site]~~ and by placing an advertisement in the newspaper of  
10      the largest general circulation in the county. An applicant shall file a letter of intent  
11      with the local board affirming that the applicant meets the eligibility requirements  
12      as established by KRS 160.180 and shall submit with the application a transcript  
13      evidencing completion of the twelfth grade or results of a twelfth grade equivalency  
14      examination. After the two (2) weeks of advertisement on the district's website~~[Web  
15      site]~~ and in the newspaper, the local board shall select from the applicants under  
16      this subsection to fill the vacancy.

17      (2) If the local board fails to make an appointment under subsection (1) of this section,  
18      then the chief state school officer shall fill the vacancy within sixty (60) days of the  
19      failure.

20      (3) The member chosen under this section shall meet the eligibility requirements as  
21      established by KRS 160.180 and shall hold office until his or her successor is  
22      elected or appointed, and has qualified.

23      (4) Any vacancy having an unexpired term of one (1) year or more on August 1 after  
24      the vacancy occurs shall be filled for the unexpired term by an election to be held at  
25      the next regular election after the vacancy occurs. The elected member shall  
26      succeed the member chosen under subsection (1) or (2) of this section to fill the  
27      vacancy. **Nominating petitions shall be filed with the county clerk not later than**

1 *the second Tuesday in August preceding the day for holding the regular election*  
2 *for the unexpired term. Declarations of intent to be a write-in candidate shall be*  
3 *filed with the county clerk in accordance with Section 9 of this Act.*

4 (5) (a) If no candidate files a petition of nomination *or declaration of intent to be a*  
5 *write-in candidate* to fill an unexpired term on a local board of education  
6 under subsection (4) of this section, then a new vacancy shall exist on  
7 November 1 and the vacancy shall be filled according to subsection (1) of this  
8 section.

9 (b) If no candidate files a petition of nomination *or declaration of intent to be a*  
10 *write-in candidate* for a new term on a local board of education opening  
11 pursuant to KRS 118.315 and 118.365, then a vacancy shall exist on January 1  
12 and the vacancy shall be filled according to subsection (1) of this section.

13 ➔Section 27. There is hereby appropriated General Fund moneys in the amount  
14 of \$2,650,000 in fiscal year 2023-2024, \$5,300,000 in fiscal year 2024-2025, and  
15 \$5,300,000 in fiscal year 2025-2026 to the Board of Elections to support the increases in  
16 reimbursable election costs set forth in Sections 2, 12, and 13 of this Act.

17 ➔Section 28. Notwithstanding subsection (2)(a) of Section 3 of this Act,  
18 members appointed by the State Board of Elections to the county board of elections  
19 whose terms expire on June 30, 2024, shall be reappointed by the State Board of  
20 Elections for a term of one year to expire on June 30, 2025. Thereafter, appointments  
21 shall be made every four years in accordance with subsection (2)(a) of Section 3 of this  
22 Act.

23 ➔Section 29. Whereas it is critically important to protect the integrity and  
24 reliability of the electoral process in order to safeguard the fundamental right to vote, and  
25 it is a reasonable legislative task to seek improvement and modernization of election  
26 procedures without undue delay in notice to the people of the Commonwealth and its  
27 election officials tasked with administering the election laws within this state, an

- 1 emergency is declared to exist, and this Act takes effect upon its passage and approval by
- 2 the Governor or upon its otherwise becoming a law.