

1 AN ACT relating to elections and declaring an emergency.

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

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

- 4 (1) The State Board of Elections shall establish a voter registration purge program  
5 using the change-of-address information supplied by the United States Postal  
6 Service through its licensees or other sources to identify voters whose addresses  
7 may have changed. ***The State Board of Elections is authorized to enter into***  
8 ***agreements with other governmental agencies to further voter list maintenance***  
9 ***practices. Intergovernmental agreements for the exchanging of any data shall be***  
10 ***permitted if the sole purpose of exchanging data is to remove ineligible voters.***  
11 ***The data shall not be subject to any commercial use, directly or indirectly, or***  
12 ***third-party access to the voter registration system.***
- 13 (2) (a) If it appears from information provided by the postal service or other sources  
14 that a voter has moved to a different address in the same county in which the  
15 voter is currently registered, the State Board of Elections shall provide to the  
16 county board of elections the information necessary to change the registration  
17 records to show the new address and the State Board of Elections shall send to  
18 the new address a notice of the change by forwardable mail on a form  
19 prescribed by the State Board of Elections and a postage prepaid, pre-  
20 addressed return form by which the voter may verify or correct the address  
21 information.
- 22 (b) If the county board of elections requests authorization from the State Board of  
23 Elections to send address confirmation notices as provided in this subsection,  
24 the State Board of Elections shall grant the request.
- 25 (3) (a) If it appears from information provided by the postal service or other sources  
26 that a voter has moved to a different address not in the same county, the State  
27 Board of Elections shall send to the address from which the voter was last

1 registered, by forwardable mail, a notice on a form prescribed by the State  
2 Board of Elections, with a postage prepaid and pre-addressed return card on  
3 which the voter may state his or her current address.

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

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

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

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

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

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

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

1 authorization from the state board to establish an inactive list of voters for its  
2 county, the state board shall grant the request.

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

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

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

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

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

26 (1) There shall be a county board of elections, which shall, at the direction and under  
27 the supervision of the State Board of Elections, administer the election laws and the

1 registration and purgation of voters within the county.

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

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

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

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

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

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

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

25 (3) A majority of the board shall constitute a quorum. The county clerk shall serve as  
26 chair of the meetings and may vote. In case of a tie, the chair may cast an additional  
27 vote. Records shall be kept of all proceedings, and the records shall be public and

1 kept at the office of the county clerk.

2 (4) The board shall meet as follows:

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

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

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

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

22 ➔Section 3. KRS 117.065 is amended to read as follows:

23 (1) The county board of elections shall, not later than January 15 ~~September 20~~ of  
24 each year, establish the voting place for each precinct. If a change becomes  
25 necessary after that date, notice of change shall be published pursuant to KRS  
26 Chapter 424. If a change becomes necessary on election day, notice shall be posted  
27 at the former voting place. The expense of renting voting places, for which rent of

1 not less than twenty dollars (\$20) shall be paid, shall be paid in the same manner as  
2 other election expenses.

3 (2) The county board of elections shall have the authority to designate as voting places,  
4 on election day and all days of excused and no-excuse in-person absentee voting,  
5 without cost to the board, buildings constructed in whole or in part with tax  
6 revenues.

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

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

13 ➔Section 4. KRS 117.066 is amended to read as follows:

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

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

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



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

1           which they will be assigned, and whether the voting location will be fully  
2           staffed with election officials;

3           (g) The plan for how the county clerk will publicize the location for where the  
4           voting shall occur, in addition to how each location shall be noted  
5           conspicuously to residents of the county as a "Vote Center";

6           (h) The plan for how the voting location will serve as a focal point to meet the  
7           needs of a diverse community; and

8           (i) The number of parking spaces available at the location and a determination as  
9           to whether the location has sufficient parking spaces.

10          (4) **Beginning on January 1, 2025,** if the petition submitted under subsection (3) of  
11          this section is approved by the State Board of Elections, **it shall apply for the entire**  
12          **year and** the precinct election officers designated to serve as election officers for  
13          more than one (1) precinct shall meet the eligibility requirements of KRS 117.045.

14          (5) **At least one hundred twenty (120) days before an election, a county board of**  
15          **elections may petition the State Board of Elections to allow an amendment the**  
16          **county board deems necessary to the petition previously submitted and approved**  
17          **under subsection (3) of this section.**

18          ~~(6)~~~~(5)~~ The Secretary of State shall retain veto authority over any petition that is  
19          approved by the State Board of Elections. The State Board of Elections, upon  
20          reconsideration of the petition, shall have the power to override a veto of the  
21          Secretary of State by a three-fourths (3/4) affirmative vote of the membership of the  
22          board.

23          ➔Section 5. KRS 117.076 is amended to read as follows:

24          (1) Any voter who is qualified to vote on election day in the county of his or her  
25          residence may choose to cast a no-excuse in-person absentee ballot on the  
26          Thursday, Friday, or Saturday immediately preceding the day of an election. The  
27          available hours from which a voter may cast his or her vote during these three (3)

1 days shall be no less than eight (8) hours between 6 a.m. and 8 p.m. prevailing time,  
2 as determined by the county board of elections of each county.

3 (2) Any voter who is qualified to vote on election day in the county of his or her  
4 residence may make application to cast an excused in-person absentee ballot during  
5 normal business hours during the six (6) business days immediately preceding the  
6 Thursday of no-excuse in-person absentee voting under subsection (1) of this  
7 section. The voter who makes application under this subsection shall meet one (1)  
8 of the following requirements in order to cast his or her excused in-person absentee  
9 ballot:

10 (a) Is a resident of Kentucky who is a covered voter as defined in KRS 117A.010,  
11 who will be absent from the county of his or her residence on the day of an  
12 election and during the days of no-excuse in-person absentee voting;

13 (b) Has surgery, or whose spouse has surgery, scheduled that will require  
14 hospitalization on the day of an election and during the days of no-excuse in-  
15 person absentee voting;

16 (c) Temporarily resides outside the state, but is still eligible to vote in this state  
17 and will be absent from the county of his or her residence on the day of an  
18 election and during the days of no-excuse in-person absentee voting;

19 (d) Is a resident of Kentucky who is a uniformed-service voter as defined in KRS  
20 117A.010 confined to a military base on election day and during the days of  
21 no-excuse in-person absentee voting;

22 (e) Is in her last trimester of pregnancy ~~and the voter completes the form that is~~  
23 ~~prescribed by the State Board of Elections, which contains a sworn statement~~  
24 ~~that the voter is in her last trimester of pregnancy at the time she wishes to~~  
25 ~~vote];~~

26 (f) Has not been declared mentally disabled by a court of competent jurisdiction  
27 and, due to age, disability, or illness, is not able to appear at the polls on

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

- 1 (5) Any voter qualifying to vote who receives assistance to vote in-person absentee  
2 shall complete the voter assistance form required by KRS 117.255.
- 3 (6) Any voter qualifying to vote whose qualifications are challenged on grounds other  
4 than inability to provide proof of identification by any clerk or deputy shall  
5 complete an oath of voter affidavit.
- 6 (7) Each voter casting his or her vote in-person absentee shall sign an in-person  
7 absentee ballot signature roster.
- 8 (8) The members of the county board of elections, or their designees who provide equal  
9 representation of both political parties, may serve as precinct election officers,  
10 without compensation, for all in-person absentee voting conducted. If the members  
11 of the county board of elections or their designees serve as precinct election officers  
12 for in-person absentee voting, they shall perform the same duties and exercise the  
13 same authority as precinct election officers who serve on the day of an election. If  
14 the members of the county board of elections or their designees do not serve as  
15 precinct election officers for in-person absentee voting, the county clerk or deputy  
16 county clerks shall supervise the in-person absentee voting.
- 17 (9) Any individual qualified to appoint challengers for the day of an election may also  
18 appoint challengers to observe all in-person absentee voting, and those challengers  
19 may exercise the same privileges as challengers appointed for observing voting on  
20 the day of an election at a regular polling place.
- 21 (10) During the days of in-person absentee voting, all voting equipment on which in-  
22 person absentee ballots are cast shall remain locked and the keys shall be retained  
23 by at least two (2) members of the central ballot counting board who are not of the  
24 same political affiliation or by two (2) members of the county board of elections  
25 who are not of the same political affiliation, and the voting equipment shall remain  
26 locked with a tamper-resistant seal until the ballots are counted.
- 27 (11) No person shall transmit or publicize any tallies or counts of in-person absentee

1 ballots, or any partial results, to any person except when provided to the county  
2 board of elections under KRS 117.087~~[those persons, election officials, or entities~~  
3 ~~authorized by law to receive it]~~, until 6 p.m. prevailing time on the day of a primary  
4 or an election.

5 (12) (a) Before and after each day of in-person absentee voting, on all voting  
6 equipment to be used, the tamper-resistant seal shall be checked to ensure it is  
7 unaltered and the number on the public counter shall be read and recorded.  
8 The status of the tamper-resistant seal shall be indicated and the number on  
9 the public counter of each voting equipment shall be recorded by the county  
10 clerk or his or her designated election official, member of the county board of  
11 elections, or member of the central ballot counting board. The status of the  
12 tamper-resistant seal and the number recorded from the public counter shall  
13 be witnessed by an election official who is of a different political affiliation  
14 than the person recording.

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

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

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

26 (13) The State Board of Elections shall promulgate administrative regulations under  
27 KRS Chapter 13A to provide for the casting of ballots in accordance with this

1 section.

2 ➔Section 6. KRS 117.085 is amended to read as follows:

- 3 (1) (a) All requests for a mail-in absentee ballot shall be requested through a secure  
4 online portal established by the State Board of Elections, except for:
- 5 1. Voters identified in KRS 117.077;
  - 6 2. Disabled voters; and
  - 7 3. Covered voters in paragraph (i) of this subsection;
- 8 who have the additional option of requesting a mail-in absentee ballot  
9 application through the county clerk.
- 10 (b) Acquiring a mail-in absentee ballot by means of the online portal shall require  
11 the voter to input personally identifiable information for verification.
- 12 (c) 1. For those voters who do not have the means of accessing the online  
13 portal, the county clerk shall fulfill a request for a mail-in absentee  
14 ballot by taking the voter's information over the telephone or in person  
15 and directly inputting that information into the secure online portal.
- 16 2. If a voter under paragraph (h)3. of this subsection expresses the desire  
17 to request a mail-in absentee ballot, the jail staff shall ensure that the  
18 voter is allowed, during normal business hours, to use a telephone to  
19 receive assistance by the county clerk, as described in subparagraph 1.  
20 of this paragraph.
- 21 (d) The online portal shall have the capacity to ensure the identity of the voter  
22 through proof of identification as required under KRS 117.227 or by means of  
23 KRS 117.228.
- 24 (e) If a voter qualifies to receive a mail-in absentee ballot, the online portal shall  
25 transmit the mail-in absentee ballot request to the county clerk of the county  
26 in which the voter is registered to vote.
- 27 (f) The online portal shall not be open or permit any mail-in ballot requests to

1 occur more than forty-five (45) days immediately preceding the day of a  
2 primary or an election. The online portal shall close at 11:59 p.m. local time,  
3 fourteen (14) days immediately preceding the day of a primary or an election.

4 (g) Except as otherwise provided in KRS 117.077, the mail-in absentee ballot  
5 may be requested by the voter or the spouse, parents, or children of the voter,  
6 but shall be restricted to the use of the voter.

7 (h) Except as otherwise provided in KRS 117.077 and covered voters in  
8 paragraph (i) of this subsection, a qualified voter may apply to cast his or her  
9 vote by mail-in absentee ballot if the completed application is received  
10 fourteen (14) days before the election, and if the voter is:

- 11 1. A resident of Kentucky who is a covered voter as defined in KRS  
12 117A.010;
- 13 2. A student who temporarily resides outside the county of his or her  
14 residence;
- 15 3. Incarcerated in jail and charged with a crime, but has not been convicted  
16 of the crime;
- 17 4. Changing or has changed his or her place of residence to a different state  
18 while the registration books are closed in the new state of residence  
19 before an election of electors for President and Vice President of the  
20 United States, in which case the voter shall be permitted to cast a mail-in  
21 absentee ballot for electors for President and Vice President of the  
22 United States only;
- 23 5. Temporarily residing outside the state but still eligible to vote in this  
24 state;
- 25 6. Prevented from voting in person at the polls on election day and from  
26 casting an excused or no-excuse in-person absentee ballot on all days in-  
27 person absentee voting is conducted because he or she will be absent



1 from the county of his or her residence all hours and all days excused or  
2 no-excuse in-person absentee voting is conducted;

3 7. A participant in the Secretary of State's crime victim address  
4 confidentiality protection program as authorized by KRS 14.312; or

5 8. Not able to appear at the polls on election day or the days excused or no-  
6 excuse in-person absentee voting is conducted on the account of age,  
7 disability, or illness, and who has not been declared mentally disabled  
8 by a court of competent jurisdiction.

9 (i) Residents of Kentucky who are covered voters as defined in KRS 117A.010  
10 may apply for a mail-in absentee ballot by means of the federal post-card  
11 application, which may be transmitted to the county clerk's office by mail, by  
12 facsimile machine, or by means of the electronic transmission system  
13 established under KRS 117A.030(4). The federal post-card application may  
14 be used to register, reregister, and to apply for a mail-in absentee ballot. If the  
15 federal post-card application is received at any time not less than seven (7)  
16 days before the election, the county clerk shall affix his or her seal to the  
17 application form upon receipt.

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

24 (2) For those voters who are eligible to receive a mail-in absentee ballot by means other  
25 than the secure online portal pursuant to subsection (1) of this section, the county  
26 clerk shall type the name of the voter permitted to vote by mail-in absentee ballot  
27 on the mail-in absentee ballot application for that person's use and no other. The

1 mail-in absentee ballot application shall be in the form prescribed by the State  
2 Board of Elections, which shall include the voter affirmation form as prescribed in  
3 KRS 117.228(1)(c) and shall contain the following information: name, residential  
4 address, precinct, party affiliation, statement of the reason the person cannot vote in  
5 person on the day of an election or during the dates and time no-excuse in-person  
6 absentee voting is being conducted, statement of where the voter shall be on  
7 election day or during the dates and times no-excuse in-person absentee voting is  
8 being conducted, statement of compliance with residency requirements for voting in  
9 the precinct, an instructional statement prescribing the requirements for providing a  
10 copy of the voter's proof of identification or voter affirmation when applicable, and  
11 the voter's mailing address for a mail-in absentee ballot. The mail-in absentee ballot  
12 application form shall be verified and signed by the voter, and the voter shall  
13 provide a copy of his or her proof of identification, as defined in KRS 117.001, or  
14 the executed voter affirmation as described in KRS 117.228(1)(c). A notice of the  
15 actual penalty provisions in KRS 117.995(2) and (5) shall be printed on the mail-in  
16 absentee ballot application form.

17 (3) For those voters eligible to receive a mail-in absentee ballot, if the county clerk  
18 finds that the voter has completed and submitted an application for a mail-in  
19 absentee ballot as provided in this section, is properly registered as stated in his or  
20 her mail-in absentee ballot application, and qualifies to receive a mail-in absentee  
21 ballot by mail, the county clerk shall mail to the voter a mail-in absentee ballot, two  
22 (2) official envelopes for returning the mail-in absentee ballot, and instructions for  
23 voting.

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

26 (a) A qualified ~~voter~~[voters] who applies[apply] pursuant to the requirements of  
27 subsection (1)(h)1., 4., and[to] 5. of this section;[or]

- 1 (b) A qualified ~~voter~~[voters] covered under KRS 117.077;
- 2 (c) A qualified voter who applies pursuant to the requirements of subsection  
3 (1)(h)2. of this section, whose mail-in absentee ballot shall be mailed to the  
4 voter's residential address located in the county in which the voter is  
5 registered, or the voter's current residential address at the time the  
6 application for the absentee ballot is submitted, if different, due to the  
7 voter's attendance at an educational institution;
- 8 (d) A qualified voter who applies pursuant to the requirements of subsection  
9 (1)(h)3. of this section, whose mail-in absentee ballot shall be mailed to the  
10 jail where he or she is in custody at the time the application for the absentee  
11 ballot is submitted; or
- 12 (e) A qualified voter who applies pursuant to the requirements of subsection  
13 (1)(h)8. of this section, whose mail-in absentee ballot may be mailed to the  
14 address of a facility where he or she is receiving inpatient or residential  
15 medical treatment.

16 If a qualified voter who applies pursuant to paragraph (c), (d), or (e) of this  
17 subsection leaves the address where he or she requested an absentee ballot be  
18 mailed, the voter may contact the county clerk who shall issue a second ballot  
19 pursuant to subsection (9) of this section after canceling the first absentee ballot  
20 mailed to the voter.

- 21 (5) The county clerk shall:
- 22 (a) Transmit a mail-in absentee ballot to the voter who is eligible to receive a  
23 mail-in absentee ballot within four (4) days of receipt or within four (4) days  
24 of the ballots being available;
- 25 (b) Cause mail-in absentee ballots to be printed fifty (50) days prior to each  
26 primary or regular election, and forty-five (45) days prior to a special election;  
27 and

- 1 (c) Complete a postal form for a certificate of mailing for mail-in absentee ballots  
2 mailed within the fifty (50) states, and it shall be stamped by the postal  
3 service when the mail-in absentee ballots are mailed. Unless a postal form for  
4 a certificate of mailing is required, the county clerk may use methods of  
5 tracking the mail-in absentee ballots by means of a printed barcode or other  
6 label that is unique to the individual voter issued by the State Board of  
7 Elections pursuant to administrative regulations promulgated under KRS  
8 Chapter 13A.
- 9 (6) A mail-in absentee ballot may be transmitted by facsimile machine or by the  
10 electronic transmission system established under KRS 117A.030(4) to a covered  
11 voter as defined in KRS 117A.010. The covered voter shall be notified of the  
12 options for transmittal of the mail-in absentee ballot, and the mail-in absentee ballot  
13 shall be transmitted by the method chosen for receipt by the resident of Kentucky  
14 who is a covered voter.
- 15 (7) The outer envelope of the mail-in absentee ballot shall bear the words "Absentee  
16 Ballot", the address and official title of the county clerk, a printed barcode or other  
17 label that is unique to the individual voter issued by the State Board of Elections,  
18 and adequate space for the voter's signature, voting address, precinct number, and  
19 signatures of two (2) witnesses if the voter signs the form with the use of a mark  
20 instead of the voter's signature. A detachable flap on the secrecy envelope shall  
21 provide space for the voter's signature, voting address, precinct number, signatures  
22 of two (2) witnesses if the voter signs the form with the use of a mark instead of the  
23 voter's signature and notice of penalty provided in KRS 117.995(5). The county  
24 clerk shall type the voter's address and precinct number in the upper left hand  
25 corner of the outer envelope and of the detachable flap on the secrecy envelope  
26 immediately below the blank space for the voter's signature. The secrecy envelope  
27 shall be blank. If applicable, the county clerk shall retain the voter's mail-in ballot

1 application, which shall include the photographed copy of the voter's proof of  
2 identification or the voter affirmation as prescribed by KRS 117.228(1)(c), and the  
3 postal form required by subsection (5) of this section for twenty-two (22) months  
4 after the primary or election.

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

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

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

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

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

23 ~~[(12) Notwithstanding the provisions of the Kentucky Open Records Act, KRS 61.870 to~~  
24 ~~61.884, and except for when the identification of the voter is provided to the county~~  
25 ~~board of elections under KRS 117.087, the information contained in an application~~  
26 ~~for a mail in absentee ballot shall not be made public until after the close of~~  
27 ~~business hours on the election day for which the application applies. Except for~~

1       ~~necessary election officials and for election-related duties as prescribed by law, the~~  
2       ~~name of the person who votes by means of a mail-in absentee ballot shall not be~~  
3       ~~disclosed. This subsection shall not prohibit at any time the disclosure, upon~~  
4       ~~request, of the total number of applications for mail-in absentee ballots that have~~  
5       ~~been filed, or the disclosure to the Secretary of State or the State Board of~~  
6       ~~Elections, if requested or if otherwise required by law, of any information in an~~  
7       ~~application for a mail-in absentee ballot.]~~

8       ➔Section 7. KRS 117.086 is amended to read as follows:

- 9       (1) (a) The voter returning his or her absentee ballot to the county clerk by mail,  
10       hand delivery, or to a secure drop-box or receptacle, shall mark his or her  
11       ballot, seal it in the secrecy envelope, and then seal the outer envelope.
- 12       (b) The voter shall sign the detachable flap and the outer envelope in order to  
13       validate the ballot. A person having power of attorney for the voter and who  
14       signs the detachable flap and outer envelope for the voter shall complete the  
15       voter assistance form as required by KRS 117.255. The signatures of two (2)  
16       witnesses are required if the voter signs the form with the use of a mark  
17       instead of the voter's signature. A resident of Kentucky who is a covered voter  
18       as defined in KRS 117A.010 who has received an absentee ballot transmitted  
19       by facsimile machine or by means of the electronic transmission system  
20       established under KRS 117A.030(4) shall transmit the voted ballot to the  
21       county clerk by mail only, conforming with ballot security requirements that  
22       may be promulgated by the State Board of Elections by administrative  
23       regulation under KRS Chapter 13A. In order to be counted, all mail-in  
24       absentee ballots shall be received by the county clerk no later than the time  
25       established by the election laws generally for the closing of the polls, which  
26       time shall not include the extra hour during which those voters may vote who  
27       were waiting in line to vote at the scheduled poll closing time.

- 1 (2) (a) The county clerk shall provide a minimum of one (1) secure ballot drop-box  
2 to receive voted mail-in absentee ballots for each primary, regular election, or  
3 special election. Public notice of all secure ballot drop-box locations shall be  
4 given in the same manner as provided under KRS 117.076(4), and posted to  
5 the website~~[Web site]~~ of the county clerk.
- 6 (b) The county board of elections may seek the State Board of Elections' approval  
7 of a ballot receptacle to receive voted mail-in absentee ballots for each  
8 primary, regular election, or special election. Public notice of all secure ballot  
9 receptacle locations shall be given in the same manner as provided under KRS  
10 117.076(4), and posted to the website~~[Web site]~~ of the county clerk. Before  
11 any mail-in absentee ballot shall be allowed to be deposited inside a  
12 receptacle, the county board of elections shall inform the State Board of  
13 Elections of:
- 14 1. The number of receptacles to be used;
  - 15 2. The type of each receptacle to be used; and
  - 16 3. The receptacle location.
- 17 (c) Any drop-box or receptacle located outside of the county clerk's office shall  
18 be:
- 19 1. Placed in a well-lit and easily accessible location;
  - 20 2. Secured to ensure immobility while in use;
  - 21 3. Under video surveillance at all times;
  - 22 4. Tamper-resistant; and
  - 23 5. Conspicuously noted as a mail-in absentee ballot drop-off location.
- 24 (d) A drop-box or receptacle located inside the county clerk's office shall be  
25 under direct supervision of the staff of the county clerk at all times and be  
26 accessible to the public.
- 27 (e) Each receptacle or drop-box shall be emptied by the county clerk and at least



1 one (1) member of the county board of elections or one (1) member of the  
2 central ballot counting board if one is appointed, who is not of the same  
3 political affiliation as the county clerk at least once each business day or more  
4 frequently, as needed, to reasonably secure and accommodate the volume of  
5 the voter-delivered mail-in absentee ballots. The ballots deposited in the drop-  
6 box or receptacle shall be removed with a record of the date and time ballots  
7 were removed, and the names of the persons removing them. If the drop-box  
8 or receptacle is located outside the county clerk's office, the ballots shall be  
9 returned to the county clerk in locked transport containers, and the county  
10 clerk shall transfer the ballots upon receipt in accordance with subsection (3)  
11 of this section.

12 (f) Except for those times ballots are being removed and transported from a  
13 secure ballot drop box to the county clerk as provided in this subsection, the  
14 county clerk and at least one (1) member of the county board of elections who  
15 is not of the same political affiliation or one (1) member of the central ballot  
16 counting board who is not of the same political affiliation as the county clerk,  
17 shall retain the keys to all secure ballot drop-boxes, receptacles, and transport  
18 containers in use in the county.

19 (g) The State Board of Elections may establish additional security measures and  
20 procedures for the use of the ballot drop-box or receptacle through  
21 administrative regulations promulgated under KRS Chapter 13A.

22 (3) Upon receipt of a mail-in absentee ballot, the county clerk shall scan the barcode or  
23 label that is unique to the individual voter to note the receipt of the mail-in absentee  
24 ballot, and deposit all of the mail-in absentee ballots in a locked ballot box  
25 immediately upon receipt without opening the outer envelope. The ballot box shall  
26 be locked with two (2) locks. The keys to the ballot box shall be retained by at least  
27 two (2) members of the county board of elections who are not of the same political

1 affiliation or two (2) members of the central ballot counting board if one (1) is  
 2 appointed, who are not of the same political affiliation, and the box shall remain  
 3 locked until the ballots are processed, reviewed, or counted under KRS 117.087.

- 4 (4) The county clerk shall keep separate lists for each election of all persons who:
- 5 (a) Return ~~a[their]~~ mail-in absentee **ballot accepted under KRS 117.087**~~[ballots]~~;
  - 6 (b) **Vote by means of an**~~[Cast their]~~ excused **or**~~[and]~~ no-excuse in-person  
 7 absentee **ballot**~~[ballots]~~; and
  - 8 (c) Cast ~~a[their]~~ federal provisional~~[in person]~~ absentee **ballot counted under 31**  
 9 **KAR 6:020**~~[ballots]~~.

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

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

27 ➔Section 8. KRS 117.0861 is amended to read as follows:

- 1 (1) No person shall knowingly collect, gain possession of, deliver, or exercise control  
2 over a mail-in absentee ballot, except for:
- 3 (a) A voter personally casting his or her ballot by means of mail-in absentee  
4 ballot;
- 5 (b) An election official engaged in official duties as prescribed in KRS Chapters  
6 116 to 120;
- 7 (c) A United States Postal Service worker or any other person who is allowed by  
8 law to transmit United States mail if the worker or other person is engaged in  
9 official duties;
- 10 (d) A family member of the voter:
- 11 1. Who shall be related to the voter as set forth in KRS 6.611(16)(a), or as  
12 established by marriage, adoption, or legal guardianship; and
- 13 2. Who is designated by the voter to assist in the mail-in absentee voting  
14 process;
- 15 (e) A person:
- 16 1. Who shares the same residence of the voter; and
- 17 2. Is designated by the voter to assist in the mail-in absentee voting  
18 process;~~and~~
- 19 (f) A caregiver ***or employee***:
- 20 1. Who provides medical or healthcare assistance to the voter in a  
21 residence, nursing care institution, hospice facility, assisted living  
22 center, assisted living facility, assisted living home, residential care  
23 institution, adult day healthcare facility, or adult foster home; and
- 24 2. Who is ***ordinarily engaged in duties related to the receiving and***  
25 ***delivering of mail matter; and***~~designated by the voter to assist in the~~  
26 ~~mail-in absentee voting process]~~
- 27 ***(g) An employee of a jail who is ordinarily engaged in official duties related to***

1 *the delivery of mail matter.*

2 (2) *For subsection (1)(f) and (g) of this section, the person collecting, possessing,*  
 3 *delivering, or exercising control over a mail-in absentee ballot shall at all times*  
 4 *handle the ballot so that all information contained on the ballot remains private*  
 5 *to the voter as required by KRS 118.025(1).*

6 (3) For subsection (1)(d) *and* (e) ~~and (f)~~ of this section, the person designated by  
 7 the voter shall not have been:

8 (a) Declared mentally disabled by a court of competent jurisdiction, which  
 9 adjudication has not been set aside; or

10 (b) Convicted of an election law offense whose civil rights have not been restored  
 11 by the Governor.

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

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

24 (2) Write-in votes shall be counted only for candidates for election to office who have  
 25 filed a declaration of intent to be a write-in candidate with the Secretary of State or  
 26 county clerk, depending on the office being sought, on or before the fourth Friday  
 27 in October preceding the date of the regular election and not later than the second

1 Friday before the date of a special election. In the case of a special election  
2 administered under KRS 118.730, a declaration of intent to be a write-in candidate  
3 shall be filed at least twenty-eight (28) days before the day of the election. The  
4 declaration of intent shall be filed no earlier than the first Wednesday after the first  
5 Monday in November of the year preceding the year the office will appear on the  
6 ballot, and no later than 4 p.m. local time at the place of filing when filed on the last  
7 date on which papers may be filed. The declaration of intent shall be on a form  
8 prescribed and furnished by the Secretary of State.

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

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

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

15 1. Death;

16 2. Disqualification to hold the office sought;

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

18 4. The nomination of an unopposed candidate.

19 (4) Persons who wish to run for President and Vice-President shall file a declaration of  
20 intent to be a write-in candidate, along with a list of presidential electors pledged to  
21 those candidates, with the Secretary of State on or before the fourth Friday in  
22 October preceding the date of the regular election for those offices. The declaration  
23 of intent shall be filed no earlier than the first Wednesday after the first Monday in  
24 November of the year preceding the year the office will appear on the ballot, and no  
25 later than 4 p.m. local time at the place of filing when filed on the last date on  
26 which papers may be filed. Write-in votes cast for the candidates whose names  
27 appear on the ballot shall apply to the slate of pledged presidential electors, whose

1 names shall not appear on the ballot.

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

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

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

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

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

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

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

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

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

21 The certificate, with any additional certificate previously prepared under KRS  
22 117.035, shall be returned by the judges of election to the officials authorized by  
23 law to receive it. The judges shall compare the number of voters, as shown by the  
24 counter of the voting equipment, with the number of those who have voted as  
25 shown by the protective or cumulative counter or device.

26 (3) Where voting equipment is used which does not print the candidates' names along  
27 with the total votes received on a general return sheet or record for that equipment,

1 the procedure to be followed shall be as follows:

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

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

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

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

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

16 (6) Each of the return sheets, if applicable, and the record of the voting equipment shall  
17 be enclosed in an envelope. One (1) copy of the return sheets, if applicable, one (1)  
18 copy of the record of the voting equipment, and the write-in roll, if any write-in  
19 votes were cast in the precinct, shall be directed to the county board of elections of  
20 the county in which the election is being held. One (1) copy of the return sheets or  
21 record of the voting equipment shall be given to the county clerk of the county in  
22 which the election is being held and to each of the local governing bodies of the two  
23 (2) dominant political parties, but a local governing body of a dominant political  
24 party may decline a copy of the precinct election return by filing a written  
25 declination with the county board of elections prior to the election, and upon this  
26 declination, a printed copy shall not be issued to the political party so declining.  
27 The declination on file shall be effective for that election and any subsequent

1 elections until revoked by the local governing body of a dominant political party by  
2 filing a written revocation with the county board of elections. The envelope shall  
3 have endorsed thereon a certificate of the election officers, stating the number or  
4 unique designation of the voting equipment, the precinct where it has been used, the  
5 number on the seal, and the number on the protective or cumulative counter or  
6 device at the close of the polls.

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

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

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

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

25 (9) In primaries, each candidate or group of candidates may designate to the county  
26 board of elections a representative to witness and check the vote count. In regular  
27 elections, the governing authority of each political party, each candidate for



1 member of board of education, nonpartisan candidate, political group candidate,  
2 political organization candidate, independent candidate, or independent ticket may  
3 designate a representative to the county board of elections to witness and check the  
4 vote count. The county board of elections shall authorize representatives of the  
5 news media to witness the vote count.

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

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

20 (12) The county board of elections shall tabulate the valid federal provisional ballots.  
21 The results of the vote tally shall be certified by the county board of elections to the  
22 county clerk and to the Secretary of State. The county board of elections shall mail  
23 a copy of the precinct-by-precinct summary of the valid federal provisional ballot  
24 tabulation sheets showing the results from each precinct to the State Board of  
25 Elections.

26 (13) The county board of elections shall authorize the candidates, slates of candidates, or  
27 their representatives, and representatives of the news media to be present during the

1 counting of the supplemental and federal provisional paper ballots.

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

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

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

17 (16) Except as otherwise required in this chapter, all records and papers relating to  
18 specified elections shall be retained for twenty-two (22) months, and the county  
19 clerk shall retain the voted federal provisional ballots, voter affirmations, election  
20 official affirmations, and the supplemental paper ballots for twenty-two (22)  
21 months and the unvoted federal provisional ballots, the voter affirmations, election  
22 official affirmations, and the supplemental paper ballots for sixty (60) days after  
23 each election day, after which time they shall be destroyed in a manner to render  
24 them unreadable by the county board of elections if no contest or recount action has  
25 been filed.

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

27 (1) For a period of thirty (30) days following any election, the voting equipment shall

1 remain locked against voting, the ballot boxes containing all paper ballots shall  
2 remain locked, and the voting equipment and ballot boxes shall be under video  
3 surveillance. The system used to conduct the video surveillance shall have enough  
4 storage capacity to retain sixty (60) consecutive days of continuous recording data.

5 *A request under the Kentucky Open Records Act, KRS 61.870 to 61.884, for this*  
6 *video after an election shall be made during the sixty (60) consecutive days*  
7 *following the election, and the video may be disposed of after those sixty (60)*  
8 *days, or upon compliance with the Kentucky Open Records Act or the completion*  
9 *of an investigation or pending litigation in a District, Circuit, or federal court,*  
10 *whichever is later.*

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

- 13 (a) Upon the order of any court of competent jurisdiction, or judge thereof;
- 14 (b) By direction of any legislative committee or board authorized and empowered  
15 to investigate and report upon contested elections;
- 16 (c) By a county board of elections under the direction of the State Board of  
17 Elections pursuant to a risk-limiting audit; or
- 18 (d) As required to conduct a recount under KRS 120.157.

19 All the data and figures shall be examined by the court, judge, county board of  
20 elections, State Board of Elections, or committee in the presence of the officer  
21 having the custody of the voting equipment, ballots, and ballot boxes. In the event  
22 of a contest of election, the court in which the contest is pending or the committee  
23 before which the contest is being heard may, upon motion of any party to the  
24 contest, issue an order requiring that the voting equipment, ballots, and ballot boxes  
25 shall remain continuously locked for further time as may be reasonable or  
26 necessary, with due regard for the preparation of the voting equipment for a  
27 succeeding primary, regular election, or special election, but in no event shall the

1 order compel that the voting equipment remain locked to a time within thirty (30)  
2 days next preceding any approaching primary, regular election, or special election.

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

7 ➔Section 12. KRS 117.389 is amended to read as follows:

8 On any day after ballots have been certified by the Secretary of State as provided in  
9 KRS 118.215, and petitions to allow consolidation of precincts have been approved by  
10 the State Board of Elections as provided in Section 4 of this Act, but not ~~more than~~  
11 ~~thirty (30) nor~~ less than five (5) days prior to the election day, the county clerk shall  
12 have the automatic tabulating equipment tested in the manner prescribed by the State  
13 Board of Elections.

14 ➔Section 13. KRS 117.900 is amended to read as follows:

15 (1) The Secretary of State shall implement an annual statewide essay contest for  
16 students in grades nine (9) through twelve (12) and an annual statewide slogan  
17 contest, each to be relative to an elections-related topic to be chosen by the  
18 Secretary of State each year. The Secretary of State shall publicize the contests,  
19 present awards or certificates to the essay winner in each grade level and to the  
20 slogan contest winner in a public ceremony, and provide appropriate publicity for  
21 the winning entries.

22 (2) The Secretary of State shall solicit sponsorship from within the Commonwealth for  
23 the essay and slogan contests so that, in addition to awards or certificates, winners  
24 shall receive a monetary award, as funds are available from sponsors.

25 (3) County boards of election may implement annual prize contests for grade school  
26 students and their teachers concerning elections and voting. The county clerks  
27 and county boards of election may solicit sponsorship from within their respective

1           *counties for such contests to fund prizes and events for contest winners.*

2           ➔Section 14. 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 15. 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 16. KRS 118.215 is amended to read as follows:

21 (1) After the order of the names has been determined as provided in KRS 118.225, the  
22 Secretary of State shall certify, to the county clerks of the respective counties  
23 entitled to participate in the nomination or election of the respective candidates, the  
24 name, place of residence, and party of each candidate or slate of candidates for each  
25 office, as specified in the nomination papers or certificates and petitions of  
26 nomination filed with him or her, and shall designate the device with which the  
27 candidate groups, slates of candidates, or lists of candidates of each party shall be

1 printed, in the order in which they are to appear on the ballot, with precedence to be  
2 given to the party that polled the highest number of votes at the preceding election  
3 for presidential electors, followed by the political party which received the second  
4 highest number of votes, with the order of any other political parties and  
5 independents to be determined by lot. Candidates for county offices and local state  
6 offices shall be listed in the following order: Commonwealth's attorney, circuit  
7 clerk, property valuation administrator, county judge/executive, county attorney,  
8 county clerk, sheriff, jailer, county commissioner, coroner, justice of the peace, and  
9 constable. The names of candidates for President and Vice President shall be  
10 certified in lieu of certifying the names of the candidates for presidential electors.

11 The names shall be certified as follows:

- 12 (a) Not later than the ~~third~~<sup>second</sup> Monday after the filing deadline for the  
13 primary as established in KRS 83A.045, 118.165, and 118A.060;
- 14 (b) Not later than the fourth Monday in August, except as provided in paragraph  
15 (c) of this subsection; and
- 16 (c) Not later than the Monday after the Friday following the first Tuesday in  
17 September preceding a regular election, for those years in which there is an  
18 election for President and Vice President of the United States.

19 (2) Except as otherwise provided in subsection (3) of this section, all independent  
20 candidates or slates of candidates whose nominating petitions are filed with the  
21 county clerk or the Secretary of State shall be listed under the title and device  
22 designated by them as provided in KRS 118.315, or if none is designated, under the  
23 word "independent," and shall be placed on the ballot in a separate column or  
24 columns or in a separate line or lines according to the office which they seek. The  
25 order in which independent candidates or slates of candidates shall appear on the  
26 ballot shall be determined by lot by the county clerk. If the same device is selected  
27 by two (2) groups of petitioners, it shall be given to the first selecting it and the

1 county clerk shall permit the other group to select a suitable device. This section  
2 shall not apply to candidates for municipal offices which come under subsection (3)  
3 of this section.

4 (3) The ballots used at any election in which city officers are to be elected as provided  
5 in subsection (2) of this section shall contain the names of candidates for the city  
6 offices grouped according to the offices they seek, and the candidates shall be  
7 immediately arranged with and designated by the title of office they seek. The order  
8 in which the names of the candidates for each office are to be printed on the ballot  
9 shall be determined by lot. Each group of candidates for each separate office for  
10 which the candidates are to be elected shall be clearly separated from other groups  
11 on the ballot and spaced to avoid confusion on the part of the voter.

12 (4) The Secretary of State shall not knowingly certify to the county clerk of any county  
13 the name of any candidate or slate of candidates who has not filed the required  
14 nomination papers, nor knowingly fail to certify the name of any candidate or slate  
15 of candidates who has filed the required nomination papers.

16 (5) If the county clerk determines that the number of certified candidates or slates of  
17 candidates cannot be placed on a ballot which can be accommodated by the voting  
18 equipment currently in use by the county, he or she shall so notify the State Board  
19 of Elections not later than the last Tuesday in February preceding the primary or the  
20 last Tuesday in August preceding the regular election. The State Board of Elections  
21 shall meet within five (5) days of the notice, review the ballot conditions, and  
22 determine whether supplemental paper ballots are necessary for the election. Upon  
23 approval of the State Board of Elections, supplemental paper ballots may be used  
24 for nonpartisan candidates or slates of candidates for an office or offices and public  
25 questions submitted for a yes or no vote. All candidates or slates of candidates for  
26 any particular office shall be placed either on the ballot or on the supplemental  
27 paper ballot. Supplemental paper ballots may also be used to conduct the voting, in



1 the instance of a small precinct as provided in KRS 117.066.

2 (6) The ballot position of a candidate or slate of candidates shall not be changed after  
3 the ballot position has been designated by the county clerk.

4 ➔Section 17. KRS 118.225 is amended to read as follows:

5 (1) ~~For the purpose of determining~~ The order of ~~in which~~ the names of candidates or  
6 slates of candidates to be voted for by the electors of the entire state shall be  
7 **determined by lot and** certified and printed on the ballots with the designation of  
8 the respective offices. ~~]~~ The Secretary of State shall prepare lists of the counties of  
9 each congressional district of the state **and, for each congressional district,** ~~]~~ the  
10 Secretary of State shall **draw from** ~~]~~ ~~arrange~~ the **names** ~~]~~ ~~surnames~~ of all candidates  
11 or slates of candidates for each office **to determine the order in which they shall**  
12 **appear on the ballot** ~~]~~ ~~in alphabetical order for the First Congressional District, and~~  
13 ~~the names shall be certified in this order to the county clerks of all the counties~~  
14 ~~comprising that district. For each succeeding congressional district, taken in~~  
15 ~~numerical order, the name appearing first for each office in the last preceding~~  
16 ~~district shall be placed last, and the name appearing second in the last preceding~~  
17 ~~district shall be placed first, and each other name shall be moved up one (1) place].~~  
18 The **order of names of the candidates or slates of candidates for each**  
19 **congressional district** ~~]~~ ~~lists~~ shall be certified **to the county clerks of all the**  
20 **counties that comprise the district** ~~]~~ ~~accordingly~~.

21 (2) For all other offices for which nomination papers and petitions are filed with the  
22 Secretary of State, the order of names of candidates for each office shall be  
23 determined by lot at a public drawing to be held in the office of the Secretary of  
24 State at 2 p.m., standard time, on the Thursday following the filing deadline for the  
25 primary as established in KRS 83A.045, 118.165, and 118A.060 or the Thursday  
26 following the first Tuesday after the first Monday in June preceding the regular  
27 election.

- 1 (3) For all offices for which nomination papers and petitions are filed in the office of  
2 the county clerk, the order in which the names of candidates for each office are to  
3 be printed on the ballot shall be determined by lot at a public drawing in the office  
4 of the county clerk at 2 p.m., standard time, on the Thursday following the filing  
5 deadline for the primary as established in KRS 83A.045, 118.165, and 118A.060 or  
6 the Thursday following the first Tuesday after the first Monday in June preceding  
7 the regular election.
- 8 (4) For all offices for which the deadline for filing nomination papers and petitions is  
9 governed by KRS 83A.165(4)(c) or 118.375(2), the order in which the names of  
10 candidates for each office are to be printed shall be determined by lot at a public  
11 drawing in the office at the place of filing at 2 p.m., standard time, on the Thursday  
12 following the second Tuesday in August preceding the regular election.
- 13 (5) If the number of certified candidates or slates of candidates cannot be placed on a  
14 ballot which can be accommodated on voting equipment currently in use in the  
15 county, the county clerk shall notify the State Board of Elections, as provided in  
16 KRS 118.215.
- 17 ➔Section 18. KRS 118.345 is amended to read as follows:
- 18 (1) No candidate who has been defeated or disqualified for the nomination for any  
19 office in a primary shall have his or her name placed on ballots in the succeeding  
20 regular election as a candidate for the same office for the nomination to which he or  
21 she was a candidate in the primary, except that if a vacancy occurs in the party  
22 nomination for which he or she was a candidate in the primary his or her name may  
23 be placed on the ballots for the regular election as a candidate of that party if he or  
24 she has been duly made such party nominee after the vacancy occurs as provided in  
25 KRS 118.105.
- 26 (2) No person who was a candidate for nomination for any office in a primary and who,  
27 before the succeeding regular election, is declared by the judgment of any court of

1 competent jurisdiction to have violated, in the primary, any provision of KRS  
2 Chapter 121, or to be responsible for such violation by others, shall have his or her  
3 name placed on ballots for any office to be voted for in the succeeding regular  
4 election.

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

6 ➔Section 19. KRS 118.415 is amended to read as follows:

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

20 (2) The~~[ Attorney General shall, if the]~~ General Assembly ***shall***~~[has not already done~~  
21 ~~so,]~~ state the ***entirety***~~[substance]~~ of an amendment to the Constitution of Kentucky  
22 which has been proposed by the General Assembly in the form of a question~~[in a~~  
23 ~~manner calculated to inform the electorate of the substance of the amendment,]~~ and,  
24 not later than ***April 15***~~[fourteen (14) days preceding the first Tuesday in August]~~  
25 preceding the next regular election at which members of the General Assembly are  
26 to be chosen, shall certify the question to the Secretary of State to be placed on the  
27 ballots.

- 1 (3) The Secretary of State, not later than the second Monday after the second Tuesday  
2 in August preceding the next regular election at which members of the General  
3 Assembly are to be chosen in a year in which there is not an election for President  
4 and Vice President of the United States, or not later than the Thursday after the first  
5 Tuesday in September preceding a regular election in a year in which there is an  
6 election for President and Vice President of the United States, shall certify the  
7 substance of the amendment, as stated and certified by the General Assembly ~~or by~~  
8 ~~the Attorney General~~, to the county clerk of each county, and the county clerk shall  
9 have the substance of the amendment, as so certified, indicated on the ballots.
- 10 (4) The votes cast for and against the amendment shall be counted, canvassed, and  
11 certified to the Secretary of State in the same manner as the votes cast for any  
12 officer elective by the votes of the whole state. If a majority of the votes cast on the  
13 question are for the amendment, it shall become a part of the Constitution.
- 14 (5) The expenses of the publications provided for in this section shall be paid as are the  
15 expenses of other publications that the Secretary of State is required to make in  
16 connection with elections.

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

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

25 ➔Section 21. KRS 118.740 is amended to read as follows:

- 26 (1) A copy of a proclamation issued under KRS 118.710 or 118.720, or a writ of  
27 election issued under KRS 63.200, 67C.103, 118.730, 120.205, or 120.215 shall be

1 forwarded by mail to the sheriff of each county in the district in which the election  
2 is to be held, at least sixty-three (63)~~fifty-six (56)~~ days before the election. The  
3 sheriff of each county in which an election is to be held shall give notice at least  
4 fifty-six (56)~~forty-nine (49)~~ days before the day of election. If, from any cause, the  
5 sheriff cannot properly act, he or she shall immediately hand the writ or  
6 proclamation to the person authorized to act in his or her place.

7 (2) If a special election is administered under KRS 118.730(2), the notice required by  
8 subsection (1) of this section shall include the location of the election.

9 ➔Section 22. KRS 118.770 is amended to read as follows:

10 When a writ of election or proclamation is issued to fill a vacancy as prescribed in KRS  
11 63.200, 118.710, 118.720, or 118.730, independent, or political organization, or political  
12 group petitions and certificates of nomination shall be filed at least fifty-six (56)~~forty-~~  
13 ~~nine (49)~~ days before the day of election, and if filed with the Secretary of State shall be  
14 immediately certified by him or her to the proper county clerks, except as may be  
15 provided under KRS 63.200.

16 ➔Section 23. KRS 118A.060 is amended to read as follows:

17 (1) Except as provided in KRS 118A.100, no person's name shall appear on a ballot,  
18 including an absentee ballot, for an office of the Court of Justice without first  
19 having been nominated as provided in this section.

20 (2) Each candidate for nomination shall file a petition for nomination with the  
21 Secretary of State not earlier than the first Wednesday after the first Monday in  
22 November of the year preceding the year in which the office will appear on the  
23 ballot and not later than the first Friday following the first Monday in January  
24 preceding the day fixed by law for holding the primary for the office. The petition  
25 shall be sworn to before an officer authorized to administer an oath by the candidate  
26 and by not less than two (2) registered voters from the district or circuit from which  
27 he or she seeks nomination. Signatures for nomination papers shall not be affixed

1 on the document to be filed prior to the first Wednesday after the first Monday in  
2 November of the year preceding the year in which the office will appear on the  
3 ballot. The petition shall be filed no later than 4 p.m. local time at the place of filing  
4 when filed on the last date on which the papers are permitted to be filed.

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

12 (b) The Secretary of State shall certify the exact spelling and form of the name  
13 of the candidate to be printed on all ballots in accordance with the  
14 requirements listed in KRS 118.129.

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

23 (5) Not later than the date set forth in KRS 118.215(1)(a) preceding the primary, and  
24 after the order of names on the ballot has been determined as required in subsection  
25 (4) of this section, the Secretary of State shall:

26 (a) Certify to the county clerks of the respective counties entitled to participate in  
27 the election of the various candidates, the name and place of residence of each

1 candidate for each office, by district or circuit, and numbered division if  
2 divisions exist, as specified in the petitions for nomination filed with him or  
3 her; and

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

7 (6) The ballot position of a candidate shall not be changed after the ballot position has  
8 been designated by the Secretary of State.

9 (7) The county clerks of each county shall cause to be printed on the ballots for the  
10 primary the names of the candidates for offices in the Court of Justice.

11 (8) The names of the candidates shall be placed on the ballots in a separate column or  
12 columns or in a separate line or lines and identified by the words "Judicial Ballot."  
13 The words "Vote for one," or "Vote for one in each division," shall be printed on  
14 the ballot in an appropriate location. The office, numbered division if divisions  
15 exist, and the candidates shall be clearly labeled. No party designation or emblem  
16 of any kind, nor any sign indicating any candidate's political belief or party  
17 affiliation, shall be used on the ballots.

18 (9) The two (2) candidates receiving the highest number of votes for nomination for  
19 justice or judge of a district or circuit, or numbered division if divisions exist, shall  
20 be nominated. Certificates of nomination shall be issued as provided in KRS  
21 118A.190.

22 (10) If it appears after expiration of the time for filing petitions for nomination that there  
23 are not more than two (2) candidates who have filed the necessary petitions for a  
24 place on the ballot in the regular election, no drawing for ballot position shall be  
25 held and the Secretary of State shall immediately issue and file in the Secretary's  
26 office certificates of nomination, and send copies to the candidates.

27 ➔Section 24. KRS 118A.090 is amended to read as follows:

- 1 (1) For the regular election, the order of names on the ballot for each district or circuit,  
2 and numbered division if divisions exist, shall be determined by lot at a public  
3 drawing to be held in the office of the Secretary of State at 2 p.m., standard time, on  
4 the Thursday following the first Tuesday after the first Monday in June preceding  
5 the regular election, except as provided in KRS 118A.100~~(5)~~~~(6)~~.
- 6 (2) Not later than the date set forth in KRS 118.215(1)(b) after the filing deadline for  
7 the regular election in a year in which there is no election for President and Vice  
8 President of the United States, or not later than the date set forth in KRS  
9 118.215(1)(c) preceding a regular election in a year in which there is an election for  
10 President and Vice President of the United States, and after the order of names on  
11 the ballot has been determined as required in subsection (1) of this section, the  
12 Secretary of State shall:
- 13 (a) Certify to the county clerks of the respective counties entitled to participate in  
14 the election of the various candidates, the name and place of residence of each  
15 candidate for each office, by district or circuit, and numbered division if  
16 divisions exist, as certified under KRS 118A.060; 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 (3) The ballot position of a candidate shall not be changed after the ballot position has  
21 been designated by the Secretary of State. The county clerks of each county shall  
22 cause to be printed on the ballots for the regular elections the names of the  
23 candidates for offices of the Court of Justice.
- 24 (4) The names of the candidates shall be placed on the ballots in a separate column or  
25 columns or in a separate line or lines and identified by the words "Judicial Ballot,"  
26 and in such a manner that the casting of a vote for all of the candidates of a political  
27 party will not operate to cast a vote for judicial candidates. The words "Vote for



1       one" or "Vote for one in each division," shall be printed on the ballot in an  
2       appropriate location. The office, numbered division thereof if divisions exist, and  
3       the candidates therefor shall be clearly labeled. No party designation or emblem of  
4       any kind, nor any sign indicating any candidate's political belief or party affiliation,  
5       shall be used on any ballot.

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

9       ➔Section 25. KRS 118A.100 is amended to read as follows:

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

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

22      (3) ~~Each candidate shall file a petition for nomination with the Secretary of State not~~  
23      earlier than the first Wednesday after the first Monday in November of the year  
24      preceding the year in which the election for the unexpired term will be held and not  
25      later than the first Tuesday after the first Monday in June preceding the day fixed  
26      by law for holding the regular election for the unexpired term, if the vacancy occurs  
27      prior to the first Tuesday following the first Monday in June. If the vacancy occurs

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

12 ~~(3)~~~~(4)~~ The petition for nomination shall be in the form prescribed by the State Board  
13 of Elections. The petition shall include a declaration sworn to by the candidate, that  
14 he or she possesses all the constitutional and statutory requirements of the office for  
15 which the candidate has filed. Titles, ranks, or spurious phrases shall not be  
16 accepted on the petition and shall not be printed on the ballots as part of the  
17 candidate's name; however, nicknames, initials, and contractions of given names  
18 may be acceptable as the candidate's name.

19 ~~(4)~~~~(5)~~ The Secretary of State shall examine the petition of each candidate to  
20 determine whether it is regular on its face. If there is an error, the Secretary of State  
21 shall notify the candidate by certified mail within twenty-four (24) hours of filing.

22 ~~(5)~~~~(6)~~ The order of names on the ballot for each district or circuit, and numbered  
23 division if divisions exist, shall be determined by lot at a public drawing to be held  
24 in the office of the Secretary of State at 2 p.m., standard time, on the Thursday  
25 following the first Tuesday after the first Monday in June preceding the regular  
26 election for those petitions for nomination required to be filed no later than the first  
27 Tuesday following the first Monday in June. For those petitions for nomination

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

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

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

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

17 ~~(7)~~~~(8)~~ The ballot position of a candidate shall not be changed after the ballot position  
18 has been designated by the county clerk.

19 ~~(8)~~~~(9)~~ The county clerks of each county shall cause to be printed on the ballots,  
20 including absentee ballots, for the regular election the names of the candidates for  
21 offices of the Court of Justice.

22 ~~(9)~~~~(10)~~ The names of the candidates shall be placed on the ballots in a separate  
23 column or columns or in a separate line or lines and identified by the words  
24 "Judicial Ballot," and in a manner so that the casting of a vote for all of the  
25 candidates of a political party will not operate to cast a vote for judicial candidates.  
26 The words "Vote for one" or "Vote for one in each division," shall be printed on the  
27 appropriate location. The office, numbered division if divisions exist, and the

1 candidates therefor shall be clearly labeled. No party designation or emblem of any  
2 kind, nor any sign indicating any candidate's political belief or party affiliation,  
3 shall be used on any ballot.

4 ~~(10)~~~~(11)~~ The candidate receiving the highest number of votes cast at the regular  
5 election for a district or circuit, or for a numbered division if divisions exist, shall  
6 be elected.

7 ~~(11)~~~~(12)~~ A judge who elected to retire as a Senior Status Special Judge in accordance  
8 with KRS 21.580 shall not become a candidate or a nominee for any elected office  
9 during the five (5) year term prescribed in KRS 21.580(1)(a)1., regardless of the  
10 number of days served by the judge acting as a Senior Status Special Judge.

11 ➔Section 26. KRS 119.005 is amended to read as follows:

12 As used in this chapter:

13 (1) A "ballot" or "official ballot" means the official presentation of offices and  
14 candidates to be voted for, including write-in candidates, and all public questions  
15 submitted for determination, and shall include a voting machine ballot, a paper  
16 ballot, an absentee ballot, a special ballot, a federal provisional ballot, a federal  
17 provisional absentee ballot, or a supplemental paper ballot which has been  
18 authorized for the use of the voters in any primary or regular or special election by  
19 the Secretary of State or the county clerk;

20 (2) "Ballot box" means any box, bag, or other container that can be locked, sealed, or  
21 otherwise rendered tamper-resistant, for receiving ballots;

22 (3) "Election administration information system" means any computer-based  
23 information technology application used by the Commonwealth in the  
24 administration of elections;

25 (4) "Election officer" has the same meaning as in KRS 118.015;

26 ~~(5)~~~~(4)~~ "Voting equipment" means any physical component of a voting system and  
27 includes voting machines where voting machines are in operation;

1 ~~(6)~~<sup>(5)</sup> "Voting machine" or "machine" means a part of a voting system that consists  
2 of:

3 ~~(a)~~—A direct recording electronic voting machine that:

4 1. ~~Records votes by means of a ballot display provided with mechanical or~~  
5 ~~electro-operated components that may be actuated by the voter;~~

6 2. ~~Processes the data by means of a computer program;~~

7 3. ~~Records voting data and ballot images in internal and external memory~~  
8 ~~components; and~~

9 4. ~~Produces a tabulation of the voting data stored in a removable memory~~  
10 ~~component and on a printed copy; or~~

11 ~~(b)~~—] one (1) or more electronic devices that operate independently or as a  
12 combination of a ballot-marking device and an electronic or automatic vote-  
13 tabulating device; and

14 ~~(7)~~<sup>(6)</sup> "Voting system" means:

15 (a) The total combination of physical, mechanical, electromechanical, or  
16 electronic equipment, including the software, hardware, firmware, and  
17 documentation required to program, control, and support that equipment, that  
18 is used to:

19 1. Define ballots;

20 2. Cast and count votes;

21 3. Report or display election results; and

22 4. Maintain and produce any audit trail information; and

23 (b) The practices and associated documentation used to:

24 1. Identify system components and versions of those components;

25 2. Test the system during its development and maintenance;

26 3. Maintain records of system errors and defects;

27 4. Determine specific system changes to be made to a system after the

1                   initial qualification of the system; and

2                   5.    Make available any materials to the voter, such as notices, instructions,  
3                   forms, or paper ballots.

4                   ➔Section 27.   KRS 119.115 is amended to read as follows:

5                   (1) Any unauthorized person found in possession of any key to a voting machine,  
6                   voting equipment, or voting system to be used or being used in any primary, regular  
7                   election, or special election shall be guilty of a Class A misdemeanor.

8                   (2) Any person who, during or before any primary, regular election, or special election,  
9                   willfully tampers with or attempts to tamper with, disarrange, deface,~~[-or]~~ impair in  
10                  any manner whatsoever, injures, or destroys any ballot, **e-poll book, election**  
11                  **administration information system,**~~[or destroys any]~~ voting machine, voting  
12                  equipment, or voting system while in use at an election or at any other time, or who  
13                  shall, after such voting machine, voting equipment, or voting system is locked and  
14                  sealed in order to preserve the record of the vote, tamper with or attempt to tamper  
15                  with the record of the vote, or who aids or abets with intent to destroy or change the  
16                  record of the vote shall be guilty of a Class D felony.

17                  (3) Any election official, or other person entrusted with the custody or control of any  
18                  voting machine, voting equipment, or voting system shall be guilty of a Class D  
19                  felony if he or she knowingly and intentionally:

20                  (a) Causes or permits any voting machine, voting equipment, or voting system to  
21                  fail to correctly register or count votes cast, tampers with or disarranges such  
22                  voting machine, voting equipment, or voting system in any way;

23                  (b) Unlawfully opens a voting machine, voting equipment, or voting system;

24                  (c) Prevents or attempts to prevent the correct operation of a voting machine,  
25                  voting equipment, or voting system;

26                  (d) Causes a voting machine, voting equipment, or voting system to be used or  
27                  consents to its being used for any election with knowledge of the fact that the

1 voting machine, voting equipment, or voting system is not in order, or not  
2 perfectly set and adjusted to correctly register all votes cast;

3 (e) Removes, changes, or mutilates any ballot; or

4 (f) Directly connects or attempts to directly connect a voting machine, voting  
5 equipment, or voting system that tabulates or aggregates votes to a public  
6 network, including the Internet, at any time.

7 ➔Section 28. KRS 160.190 is amended to read as follows:

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

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

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

26 (4) Any vacancy having an unexpired term of one (1) year or more on August 1 after  
27 the vacancy occurs shall be filled for the unexpired term by an election to be held at

1 the next regular election after the vacancy occurs. The elected member shall  
2 succeed the member chosen under subsection (1) or (2) of this section to fill the  
3 vacancy. *Nominating petitions shall be filed with the county clerk not later than*  
4 *the second Tuesday in August preceding the day for holding the regular election*  
5 *for the unexpired term. Declarations of intent to be a write-in candidate shall be*  
6 *filed with the county clerk in accordance with Section 9 of this Act.*

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

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

16 ➔Section 29. Notwithstanding subsection (2)(a) of Section 2 of this Act,  
17 members appointed by the State Board of Elections to the county board of elections  
18 whose terms expire on June 30, 2024, shall be reappointed by the State Board of  
19 Elections for a term of one year to expire on June 30, 2025. Thereafter, appointments  
20 shall be made every four years in accordance with subsection (2)(a) of Section 2 of this  
21 Act.

22 ➔Section 30. Whereas it is critically important to protect the integrity and  
23 reliability of the electoral process in order to safeguard the fundamental right to vote, and  
24 it is a reasonable legislative task to seek improvement and modernization of election  
25 procedures without undue delay in notice to the people of the Commonwealth and its  
26 election officials tasked with administering the election laws within this state, an  
27 emergency is declared to exist, and this Act takes effect upon its passage and approval by



- 1 the Governor or upon its otherwise becoming a law.