CHAPTER 212

(HB 779)

AN ACT relating to digital precinct boundary requirements.

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

➜Section 1.   KRS 117.055 is amended to read as follows:

Subject to KRS 117.0551 to 117.0555:

(1)   Each county shall be divided into election precincts by the county board of elections. Each election precinct shall be composed of contiguous and, as nearly as practicable, compact areas having clearly definable boundaries and wholly contained within any larger district. The county board of elections shall establish precincts so that no boundary of a precinct crosses the boundary of:

   (a)   The Commonwealth;

   (b)   A county or urban-county;

   (c)   A congressional district;

   (d)   A state senatorial district;

   (e)   A state representative district;

   (f)   A justice of the peace or county commissioner's district established under KRS Chapter 67; or

   (g)   An aldermanic ward established under KRS 83.440.

(2)   The county board of elections shall have the authority to draw precinct lines so as to enable more than one (1) precinct to vote at one (1) location. The county board of elections shall review election precinct boundaries as often as necessary. Without exception, they shall review the boundaries of all election precincts exceeding seven hundred (700) votes cast in the last regular election prior to each primary election, and the State Board of Elections may require a written report at least sixty (60) days prior to the candidate filing deadline set forth in KRS 118.165(1) and (2) on each election precinct exceeding seven hundred (700) votes cast in the last regular election. Consideration to the division of said election precincts should be based on the anticipated growth factor within the specified boundaries; however, the county board of elections shall not be prohibited from dividing election precincts in excess of seven hundred (700) votes cast in the last regular election or less than seven hundred (700) votes cast in the last regular election if they elect to do so. However, the State Board of Elections may, in its discretion, withhold from a county the expenses of an election under KRS 117.345 for any precinct containing more than one thousand five hundred (1,500) registered voters, excluding those precincts utilizing optical scan voting equipment and those periods of time in which the precinct boundaries have been frozen under KRS 117.056.

(3)   No election precinct shall be created, divided, abolished, or consolidated or the boundaries therein changed prior to any primary to comply with the provisions of KRS 117.055 to 117.0555 and KRS 117.0557 later than the last date prescribed by election law generally for filing notification and declaration forms with the county clerk or Secretary of State. No election precinct shall be created, divided, abolished, or consolidated or the boundaries therein changed prior to any regular election to comply with the provisions of KRS 117.055 to 117.0555 and KRS 117.0557 later than the last date prescribed by election law generally for filing certificates or petitions of nomination with the county clerk or Secretary of State.

(4)   The county board of elections shall designate the name or number and the boundaries of the election precincts. Each precinct shall contain, as nearly as practicable, an equal number of voters, based on the number of registered voters in the county.

(5)   A *digital precinct boundary file in an ESRI ArcGIS Shapefile or file geodatabase format, georeferenced to a Kentucky State Plane Coordinate System in accordance with KRS 1.020,*[map] and *a detailed description*[listing] of the exact election precinct boundaries shall be filed by the county board of elections with the State Board of Elections.[, and] Any changes in boundaries thereafter made shall also be filed with the State Board of Elections. A copy of *a*[this] map *created from the digital precinct boundary file depicting*[indicating] all precinct boundaries within the county *in relation to key geographically identifiable*

visible features as described in subsection (3) of Section 2 of this Act shall be included in the election supplies of each precinct.

(6)   *The Commonwealth's digital precinct boundary data shall be stored and maintained in the central statewide geographic information clearinghouse as in accordance with KRS 42.655(1).*

(7)   If the county board of elections fails to perform any of the duties required by KRS 117.055 to 117.0555 and KRS 117.0557:

   (a)   The State Board of Elections or any citizen and voter of the county may apply to the Circuit Court of the county for a summary mandatory order requiring the board to perform the duty. Appeals may be taken to the Court of Appeals by either party; and

   (b)   The State Board of Elections shall not submit claims for payments to the county under KRS 117.343 and 117.345 until the State Board of Elections determines in writing that the duty has been performed.

(8)[(7)]   The county board of elections shall coordinate all precinct boundary changes with the affected school board, magisterial, and municipal boundaries.

➡Section 2.   KRS 117.0551 is amended to read as follows:

(1)   A county board of elections shall establish election precincts so that each boundary of each precinct follows:

   (a)   A boundary described in KRS 117.055(1);

   (b)   The boundary of an incorporated city;

   (c)   A boundary of an urban-county legislative district established under KRS Chapter 67A;

   (d)   A boundary of a school district or school district division established under KRS Chapter 160; or

   (e)   A boundary of a census tract or census block established by the United States Bureau of the Census for the most recent decennial census of population and appearing on census block boundary maps.

(2)   If a county board of elections cannot establish a precinct that complies with KRS 117.055 by using the boundaries permitted under subsection (1) of this section, the county board of elections may either:

   (a)   Establish the precinct boundary by using a boundary following a visible feature, including but not limited to a highway, railroad, or stream *centerline*, and an extension of that visible feature to, but not across, another visible feature, nor across an extension of another feature that is used as a precinct boundary; or

   (b)   Request an exemption under KRS 117.0553 and 117.0554.

(3)   For purposes of this section, a "visible feature" is a physical feature shown on official maps *or in geographic information system (GIS) layers that are solely or both* prepared *and maintained* by:

   (a)   The Kentucky Transportation Cabinet;

   (b)   The United States Geological Survey; [or]

   (c)   The United States Bureau of the Census*;*

   (d)   *The Kentucky Department of Revenue; or*

   (e)   *The Commonwealth Office of Technology*.

➡Section 3.   KRS 117.0552 is amended to read as follows:

(1)   As used in KRS 117.055 to 117.0555 and KRS 117.0557, "establish a precinct" shall include the following:

   (a)   Creating a new precinct;

   (b)   Dividing one (1) precinct into two (2) or more precincts;

   (c)   Combining two (2) or more precincts into one (1) precinct; and

   (d)   Altering a boundary line between two (2) or more precincts.

(2)   Each county board of elections shall establish precincts by issuing a proposed precinct establishment order. Each proposed precinct establishment order shall be submitted to the executive director of the State Board of Elections for approval.

(3) The order prescribed in subsection (2) of this section shall include:

(a) A written description of the boundaries of each precinct to be established;

(b) A *digital precinct boundary file, submitted in an ESRI ArcGIS Shapefile or file geodatabase format, that has been georeferenced to the Kentucky State Place Coordinate System in accordance with KRS 1.020*[map or maps] clearly showing the boundaries of each precinct to be established;

(c) The estimated number of registered voters in each precinct to be established; and

(d) Any additional information which may be required by an administrative regulation adopted by the State Board of Elections under KRS Chapter 13A for the purposes of assuring compliance with KRS 117.055 to 117.0555 and KRS 117.0557.

(4) If a proposed precinct establishment order includes a description of a precinct with a boundary that follows the boundary of an entity referred to in KRS 117.0551(1), the order shall include the following:

(a) A description that precisely identifies the boundary line; and

(b) A *digital precinct boundary file*[notation on the map] of the precinct indicating that the boundary is that of an entity referred to in KRS 117.0551(1) and naming the specific entity.

(5) If a proposed precinct establishment order includes a description of a precinct boundary that follows one or more visible features *as described in subsection (2)(a) of Section 2 of this Act*, the order shall include*:*

(a) A *reference map that corresponds to a detailed* description that precisely identifies each feature that forms the precinct boundary*; and*

(b) *A digital precinct boundary file that includes the visible features*.

➔ Section 4. KRS 117.0557 is amended to read as follows:

[Not later than January 1, 1995,]The boundaries of all election precincts in the Commonwealth shall comply with KRS 117.055 and 117.0551, and all county boards of elections shall have filed with the State Board of Elections *digital precinct boundary files*[maps] and *detailed* descriptions of precinct boundaries that provide the information required by KRS 117.055 and 117.0552. For the purpose of implementing this section:

(1) [By July 15, 1993,]The State Board of Elections, in consultation with the Legislative Research Commission, shall review the boundaries of all precincts in effect [on July 14, 1992,]to determine whether or not the boundaries comply with KRS 117.055 and 117.0551. If the State Board of Elections finds that a precinct boundary does not comply with KRS 117.055 and 117.0551, it shall so notify the county board of elections in writing.

(2) [By July 15, 1993,]The State Board of Elections, in consultation with the Legislative Research Commission, shall review the *digital precinct boundary files*[maps] and *detailed* descriptions of precinct boundaries on file with the State Board of Elections to determine if the boundaries of all precincts in effect [on July 14, 1992,]are described and mapped in a manner that provides the information required by KRS 117.055 and 117.0552. If the State Board of Elections finds that the information on file does not provide the information required by KRS 117.055 and 117.0552, it shall so notify the county board of elections in writing.

(3) If a county board of elections receives notice under subsection (1) or (2) of this section, it shall prepare a proposed precinct establishment order to establish a precinct boundary in compliance with KRS 117.055 and 117.0551, or provide a *digital precinct boundary files*[map] and *detailed* description of the precinct boundary in compliance with KRS 117.055 and 117.0552, or both[, not later than July 15, 1994]. The proposed precinct establishment order shall be processed in the manner prescribed by KRS 117.0552 to 117.0555.

Signed by Governor April 18, 2024.