

1 AN ACT relating to elections.

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

3 ➔Section 1. KRS 117.125 is amended to read as follows:

4 **(1)** No voting system or voting equipment shall be approved for use after January 1,
5 2024, by the State Board of Elections, either upon initial examination or
6 reexamination, and no voting equipment or voting system shall be purchased after
7 July 14, 2022, unless the system and equipment has been certified under KRS
8 117.379.~~[and is so constructed that it shall:]~~

9 **(2) In addition to the requirements of subsection (1) of this section, all voting systems**
10 **shall:**

11 **(a)**~~[(1)]~~ Ensure secrecy to the voter in the act of voting so that no person can see
12 or know for whom any other voter has voted or is voting, except for those
13 voters requiring assistance under KRS 117.255;

14 **(b)**~~[(2)]~~ Permit votes to be cast for any candidate entitled to have his or her name
15 printed upon the ballots at any primary, regular election, or special election,
16 and for or against any public question entitled to be placed upon the ballots;

17 **(c)**~~[(3)]~~ Except at a primary, permit a voter to vote for all the candidates of one
18 (1) party or for one (1) or more candidates of every party having candidates
19 entitled to be voted for, or for one (1) or more independent, political
20 organization, or political group candidates;

21 **(d)**~~[(4)]~~ Permit a voter to vote for as many persons for an office as the voter is
22 lawfully entitled to vote for~~[, and no more];~~

23 ~~[(5) Prevent a voter from voting for more persons for any office than the voter is entitled~~
24 ~~to vote for, and from voting for the same person, or for or against the same~~
25 ~~question, more than once;]~~

26 **(e)**~~[(6)]~~ Permit a voter to vote for or against any question the voter may have the
27 right to vote on, but no other;

- 1 ~~(f)~~~~(7)~~ Provide for a nonpartisan ballot;
- 2 ~~(g)~~~~(8)~~ Be capable of being adjusted for use in a primary so that a voter may not
3 vote for any person except those seeking nomination as candidates of the
4 voter's party, as candidates for a nonpartisan office, or as candidates for an
5 office of the Court of Justice;
- 6 ~~(h)~~~~(9)~~ Permit each voter to vote for all the candidates for presidential electors
7 of any party by one (1) operation;
- 8 ~~(i)~~~~(10)~~ Permit each voter to vote, in any regular or special election, for any
9 person for whom the voter desires to vote whose name does not appear upon
10 the ballot by providing a method of write-in voting;
- 11 ~~(j)~~~~(11)~~ Be safe, efficient, and accurate in the conduct of elections, and correctly
12 register and accurately count all votes cast for each person, and for or against
13 each public question;
- 14 ~~(k)~~ 1.~~(12)~~ ~~(a)~~ Provide each voter an opportunity to verify votes recorded
15 on the permanent paper ballot, either visually or using assistive voting
16 technology~~, by producing a voter-verified paper audit trail~~;
- 17 2. ~~(b)~~ Provide each voter an opportunity to change votes or correct any
18 error before the voter's ballot is cast and counted; and
- 19 3. ~~(c)~~ Provide a voter who spoils his or her ballot another ballot as
20 provided under this chapter;
- 21 ~~(l)~~~~(13)~~ Use an individual, discrete, permanent, paper ballot cast by the voter for
22 tabulating purposes;
- 23 ~~(m)~~~~(14)~~ Preserve the paper ballot as the~~an~~ official record available for use in
24 certification, any audit, or recount;
- 25 ~~(n)~~~~(15)~~ Be suitably designed for the purpose used, constructed of a durable
26 material, and safely transportable;
- 27 ~~(o)~~~~(16)~~ Be capable of determining whether the voting equipment has been

1 unlocked and operated or adjusted in any manner after once being locked;

2 ~~[(17) Have a public counter with a register which is visible from the outside of the~~
3 ~~counter or device that will show at all times during an election how many persons~~
4 ~~have voted;]~~

5 ~~[(18) Have a protective cumulative counter indicating the number of votes cast for each~~
6 ~~person, and the votes cast for or against each public question which cannot be seen,~~
7 ~~reset, or tampered with without unlocking a covering device by a key or other~~
8 ~~security apparatus that cannot unlock any other part of the equipment, and which~~
9 ~~prevents changes to the cumulative counter once the system has been put into~~
10 ~~operation on the day of any election;]~~

11 (p)~~[(19)]~~ Provide for the tabulating of votes at the precinct as required under KRS
12 117.275;

13 (q)~~[(20)]~~ Provide locks or other security apparatus by which the operation of the
14 voting equipment may be locked before the time for opening the polls and
15 after the time for closing the polls;

16 (r)~~[(21)]~~ Permit a voter to readily learn the method of operating it, to
17 expeditiously cast a vote for all candidates and on all questions of the voter's
18 choice, and when operated properly, register and record correctly and
19 accurately every vote cast;

20 (s)~~[(22)]~~ Bear a number or other unique designation that will distinguish it from
21 any other voting equipment or voting system;

22 ~~[(23) Produce a real time audit log record for the voting system, and produce a paper~~
23 ~~record with a manual audit capacity which shall be available as an official record~~
24 ~~for any recount conducted related to any primary or election in which the system is~~
25 ~~used;]~~

26 (t)~~[(24)]~~ Be accessible for individuals with impairments, including nonvisual
27 accessibility for the blind or visually impaired, in a manner that provides the

1 same opportunity for access and participation, including privacy and
2 independence, as for other voters;

3 ~~(u)~~~~(25)~~ Prohibit voting equipment that tabulates or aggregates votes used in
4 official results from connecting to any network, including the Internet, or
5 communicating with any device external to the voting system;

6 ~~(v)~~~~(26)~~ Meet or exceed the standards for a voting system established by the
7 Election Assistance Commission, as amended from time to time, and those
8 approved under KRS 117.379; and

9 ~~(w)~~~~(27)~~ Meet such other requirements as may be established by the State Board
10 of Elections in administrative regulations promulgated under KRS Chapter
11 13A to reflect changes in technology to ensure the integrity and security of
12 voting systems.

13 **(3) In addition to the requirements of subsections (1) and (2) of this section, voting**
14 **systems using electronic equipment shall:**

15 **(a) Prevent a voter from voting for more persons for any office than the voter is**
16 **entitled to vote for, and from voting for the same person, or for or against**
17 **the same question, more than once;**

18 **(b) Have a public counter with a register which is visible from the outside of the**
19 **counter or device that will show at all times during an election how many**
20 **persons have voted;**

21 **(c) Have a protective cumulative counter indicating the number of votes cast**
22 **for each person, and the votes cast for or against each public question**
23 **which cannot be seen, reset, or tampered with without unlocking a covering**
24 **device by a key or other security apparatus that cannot unlock any other**
25 **part of the equipment, and which prevents changes to the cumulative**
26 **counter once the system has been put into operation on the day of any**
27 **election; and**

1 *(d) Produce a real-time audit log record for any electronic component of the*
2 *voting system.*

3 *(4) In addition to the requirements of subsections (1) and (2) of this section, voting*
4 *systems using paper ballots shall include a notification to the voter of the effect of*
5 *casting multiple votes for a single office.*

6 ➔Section 2. KRS 117.155 is amended to read as follows:

7 The county clerk shall place all ballots required to be placed upon voting equipment in
8 such a manner as will most nearly conform to the plan of arrangement prescribed by the
9 Secretary of State under KRS 118.215. The county clerk shall then see that the counters
10 referred to in *subsection (3)(b) and (c) of Section 1 of this Act*~~[KRS 117.125(17) and~~
11 ~~(18)]~~ are set at zero, and shall lock the operating device and mechanism and the devices
12 protecting the counters and ballots, which shall then be covered with a tamper-resistant
13 seal. The county clerk shall then enter in an appropriate book, opposite the number of
14 each precinct the distinguishing number of the voting equipment or the unique
15 designation to be used in that precinct.

16 ➔Section 3. KRS 117.175 is amended to read as follows:

17 The county clerk shall, with the county attorney, prepare a sufficient number of
18 instruction cards containing instructions as to the proper method of voting by the use of
19 the voting equipment, *including a notification to the voter of the effect of casting*
20 *multiple votes for a single office on a paper ballot,* and instructions as to the proper
21 method of casting a write-in vote. For federal provisional ballots and supplemental paper
22 ballots, if approved as provided in KRS 118.215, the instruction cards shall indicate the
23 offices, candidates, and questions which will appear on the federal provisional or
24 supplemental paper ballots, the offices that will appear on the federal provisional or
25 supplemental ballot, the instructions for marking and depositing the federal provisional or
26 supplemental paper ballots, instructions for filling out the federal provisional or
27 supplemental ballot, and instructions on how to properly execute the voter affirmations.

1 The instruction cards shall be examined and approved by the county board of elections at
2 the time the voting equipment is examined and approved. The instruction cards shall be
3 delivered to each election clerk by the county clerk at the time that other election supplies
4 are delivered and the election clerk shall post the instruction card at the polling place.

5 →Section 4. KRS 117.205 is amended to read as follows:

6 Before the polls are open, and before permitting any person to vote on the day of the
7 election, the election officers shall examine the voting equipment to ascertain whether it
8 has been operated since the counters referred to in subsection (3)(b) and (c) of Section 1
9 of this Act~~[KRS 117.125(17) and (18)]~~ were set at zero, and to ascertain whether the
10 ballots are arranged as previously specified. If the voting equipment indicates that it has
11 been operated or if the ballots are not properly arranged, the officers shall not unlock the
12 operating device or mechanism, but shall immediately secure the attendance of the
13 county clerk and one (1) member of the county board of elections other than the county
14 clerk, who shall reset the counters at zero and relock the device covering the counters, or
15 properly arrange the ballots, as the case may be, in the presence of the election officers. If
16 the attendance of members of the board of elections cannot be obtained before the
17 opening of the polls or within one (1) hour thereafter, the election officers shall notify the
18 county clerk of the foregoing facts and obtain from the county clerk reserve voting
19 equipment, and proceed to conduct the election. Any reserve voting equipment shall have
20 been certified for use at the election by the county board of elections and prepared for use
21 at the election by the election officers in the precinct in the same manner as the original
22 voting equipment was prepared for the election. The voting equipment found to have
23 been so operated shall be returned immediately to the custody of the county clerk, whose
24 duty it shall be to promptly repair same so that it may be used as reserve voting
25 equipment in the election if needed.

26 →Section 5. KRS 117.383 is amended to read as follows:

27 The State Board of Elections shall promulgate administrative regulations under KRS

- 1 Chapter 13A which shall maintain the maximum degree of correctness, impartiality, and
2 efficiency of the procedures of voting and shall provide methods to:
- 3 (1) Count, tabulate, and record votes;
 - 4 (2) Place items on any ballot which shall, as closely as possible, follow the
5 requirements pertaining to ballots;
 - 6 (3) Design the ballots to include a system to ensure an accurate record of all voting
7 activities;
 - 8 (4) Instruct voters in the use of the voting system, including any ballot marking device;
 - 9 (5) Provide for checking the accuracy of the voting system;
 - 10 (6) Provide necessary supplies, including those necessary for a write-in vote, to ensure
11 voter privacy;
 - 12 (7) As part of the official canvass, provide for a manual recount of randomly selected
13 precincts representing three percent (3%) to five percent (5%) of the total ballots
14 cast in each election;
 - 15 (8) Provide for the conducting and review of an audit of any component of a voting
16 system or any voting equipment, and a review of any audit log;
 - 17 (9) (a) Provide for the conducting and review of an election audit, including a risk-
18 limiting audit, and risk-limiting audit pilot program, all of which shall
19 establish the protocol by which ballots are checked, compared, and verified
20 with the results produced by vote tallying equipment to ensure accuracy.
 - 21 (b) The pilot program shall, at a minimum, include individuals representing the
22 State Board of Elections, the Office of the Secretary of State, and no fewer
23 than five percent (5%) of Kentucky's counties.
 - 24 (c) The risk-limiting audit and risk-limiting audit pilot program shall make the
25 results of its findings available to the public;
 - 26 (10) Provide a method for maintaining sufficient documents, including ballots and
27 records, so that votes can be recounted;

- 1 (11) Ensure the county board of elections produces accurate precinct-by-precinct
2 summaries of tabulation sheets showing the results of each precinct during in-
3 person absentee voting, election day voting, and when a county is approved to use a
4 vote center;
- 5 (12) *Include a voter education program to notify a voter of the effect of casting*
6 *multiple votes for a single office on a paper ballot, as required by 52 U.S.C. sec.*
7 *21081;*
- 8 **(13)** Except as otherwise required in this chapter, all records and papers relating to
9 specified elections be retained for twenty-two (22) months, such documents and
10 records shall be maintained for thirty (30) days following an election; and
- 11 ~~**(14)**~~ ~~(13)~~ Unless contrary to the Help America Vote Act of 2002, ensure that all federal
12 provisional voting shall be conducted in a manner as prescribed by KRS Chapters
13 116 to 120.