

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 No make of voting machine shall be approved for use unless it is so constructed that:

- 5 (1) It will ensure~~insure~~ secrecy to the voter in the act of voting.
- 6 (2) It provides facilities that will permit votes to be cast for any candidate entitled to
7 have his or her name printed upon the ballots at any primary, regular election, or
8 ~~special~~~~or primary~~ election, and for or against any public question entitled to be
9 placed upon the ballots.
- 10 (3) It will, except at primary elections, permit a voter to vote for all the candidates of
11 one (1) party or for one (1) or more candidates of every party having candidates
12 entitled to be voted for, or for one (1) or more independent candidates.
- 13 (4) It will permit a voter to vote for as many persons for an office as he or she is
14 lawfully entitled to vote for, and no more.
- 15 (5) It will prevent a voter from voting for the same person, or for or against the same
16 question, more than once.
- 17 (6) It will permit a voter to vote for or against any question he or she may have the
18 right to vote on, but no other.
- 19 (7) It may be adjusted for use in primary elections so that a voter may not vote for any
20 person except those seeking nomination as candidates of his or her party or as
21 candidates for an office of the Court of Justice.
- 22 (8) It will correctly register and accurately count all votes cast for each person, and for
23 or against each public question.
- 24 (9) It can be determined whether the machine has been unlocked and operated after
25 once being locked.
- 26 (10) It will show at all times during an election how many persons have voted by a
27 device hereinafter referred to as a public counter.

- 1 (11) The counter indicating the number of votes cast for each person and for or against
2 each public question cannot be seen or tampered with without unlocking a covering
3 device that cannot be unlocked by a key that unlocks any other part of the machine.
4 When such counters are so exposed the machine can no longer be placed into
5 condition for operation without the use of a special key, which key shall not have
6 been in the possession of the election officers at the polling places; but if this
7 requirement has the effect of eliminating from consideration any other make of
8 machine such requirement shall not apply.
- 9 (12) The operating device and operating mechanism may be locked before the time for
10 opening the polls and after the time for closing the polls.
- 11 (13) It is accompanied by a mechanical model illustrating the manner of voting on the
12 machine, suitable for the instruction of voters.
- 13 (14) It will permit a voter to vote for all the candidates for presidential electors of any
14 party by one (1) operation.
- 15 (15) It will permit a voter to vote, in any regular *election* or special election, for any
16 person desired to be voted for whose name does not appear upon the voting
17 machine.
- 18 (16) It bears a number that will distinguish it from any other machine.
- 19 (17) *It shall not be connected, nor shall it have the ability to be connected to the*
20 *Internet, a modem, or a network of any type*~~[The frames in which ballot labels are~~
21 ~~placed shall be constructed with transparent protective devices, in order that the~~
22 ~~names thereon cannot be mutilated or altered].~~

23 ➔Section 2. KRS 117.381 is amended to read as follows:

24 No electronic voting system shall, upon any examination or reexamination, be approved
25 by the State Board of Elections unless it shall be established that such system, at the time
26 of examination or reexamination:

- 27 (1) Provides for voting in secrecy;

- 1 (2) Permits each voter to vote at any election for all candidates and questions for which
2 he or she is lawfully entitled to vote, and no others;
- 3 (3) Permits each voter, at the regular~~[general]~~ election to vote a straight political party
4 ticket by one (1) or more marks or acts;
- 5 (4) Provides a method for write-in voting;
- 6 (5) Provides for a nonpartisan ballot;
- 7 (6) If it is of a type that registers the vote electronically, the voting system shall
8 preclude each voter from voting for more persons for any office than he or she is
9 entitled to vote for or upon any question more than once;
- 10 (7) Permits each voter at a primary~~[election]~~ to vote only for the candidates seeking
11 nomination by a political party in which such voter is registered, and for any
12 candidate for nonpartisan nomination, and for any question upon which he or she is
13 entitled to vote;
- 14 (8) If it is of a type that registers the vote electronically, the voting system shall permit
15 each voter to change his or her vote for any candidate or upon any question
16 appearing on the official ballot up to the time that he or she takes the final step to
17 register his or her vote and to have his vote computed. If it is of a type that uses
18 paper ballots or ballot cards to register the vote and automatic tabulating equipment
19 to compute such votes, the system shall provide that a voter who spoils his or her
20 ballot may obtain another ballot;
- 21 (9) Is suitably designed for the purpose used, is constructed of a durable material, and is
22 safely transportable;
- 23 (10) Is so constructed that a voter may readily learn the method of operating it; and
- 24 (11) Meets or exceeds the standards for electronic voting equipment established by the
25 Federal Election Commission;~~[and]~~
- 26 (12) Provides for tabulating votes at the precinct in accordance with the requirements of
27 KRS 117.275; and

- 1 *(13) It shall not be connected, nor shall it have the ability to be connected to the*
- 2 *Internet, a modem, or a network of any type.*