

1 AN ACT relating to elections.

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

3 ➔Section 1. KRS 117.085 is amended to read as follows:

4 (1) All requests for an application for a mail-in absentee ballot may be transmitted by  
5 telephone, facsimile machine, by mail, by electronic mail, or in person. The county  
6 clerk shall transmit all applications for a mail-in absentee ballot to the voter by  
7 mail, electronic mail, or in person at the option of the voter, except as provided in  
8 paragraph (b) of this subsection. Except as otherwise provided in KRS 117.077, the  
9 mail-in absentee ballot application may be requested by the voter or the spouse,  
10 parents, or children of the voter, but shall be restricted to the use of the voter.

11 (a) Except as otherwise provided in KRS 117.077, a qualified voter may apply to  
12 cast his or her vote by mail-in absentee ballot if the completed application is  
13 received not later than the close of business hours seven (7) days before the  
14 election, and if the voter is:

- 15 1. A resident of Kentucky who is a covered voter as defined in KRS  
16 117A.010;
- 17 2. A student who temporarily resides outside the county of his or her  
18 residence;
- 19 3. Incarcerated in jail and charged with a crime, but has not been convicted  
20 of the crime;
- 21 4. Changing or has changed his or her place of residence to a different state  
22 while the registration books are closed in the new state of residence  
23 before an election of electors for President and Vice President of the  
24 United States, in which case the voter shall be permitted to cast a mail-in  
25 absentee ballot for electors for President and Vice President of the  
26 United States only;
- 27 5. Temporarily residing outside the state but still eligible to vote in this

- 1 state;
- 2 6. Prevented from voting in person at the polls on election day and from
- 3 casting an in-person absentee ballot~~[in the county clerk's office]~~ on all
- 4 days in-person absentee voting is conducted because his or her
- 5 employment location requires him or her to be absent from the county of
- 6 his or her residence all hours and all days in-person absentee voting is
- 7 conducted in the county clerk's office;
- 8 7. A participant in the Secretary of State's crime victim address
- 9 confidentiality protection program as authorized by KRS 14.312; or
- 10 8. Not able to appear at the polls on election day or during the dates and
- 11 times in-person absentee voting is being conducted due to~~[on the~~
- 12 ~~account of]~~ age, disability, or illness, and who has not been declared
- 13 mentally disabled by a court of competent jurisdiction.
- 14 (b) Residents of Kentucky who are covered voters as defined in KRS 117A.010
- 15 may apply for a mail-in absentee ballot by means of the federal post-card
- 16 application, which may be transmitted to the county clerk's office by mail, by
- 17 facsimile machine, or by means of the electronic transmission system
- 18 established under KRS 117A.030(4). The federal post-card application may be
- 19 used to register, reregister, and to apply for a mail-in absentee ballot. If the
- 20 federal post-card application is received at any time not less than seven (7)
- 21 days before the election, the county clerk shall affix his or her seal to the
- 22 application form upon receipt.
- 23 (c) In-person absentee voting shall be conducted in the county clerk's office or
- 24 other place designated by the county board of elections and approved by the
- 25 State Board of Elections during normal business hours for at least the twelve
- 26 (12) working days and two (2) Saturdays before the election. A county board
- 27 of elections may permit in-person absentee voting to be conducted on a voting

1 machine for a period longer than the twelve (12) working days and two (2)  
2 Saturdays before the election.

3 (d) A qualified voter may vote, at any time during normal business hours on those  
4 days in-person absentee voting is conducted~~[in the county clerk's office, make~~  
5 ~~application in person to the county clerk to vote on a voting machine in the~~  
6 ~~county clerk's office or other place designated by the county board of elections~~  
7 ~~and approved by the State Board of Elections]~~, if the voter provides proof of  
8 identification as defined in KRS 117.375 or meets the requirements of KRS  
9 117.228 and 117.229~~[, and the voter:~~

10 1. ~~Is a resident of Kentucky who is a covered voter as defined in KRS~~  
11 ~~117A.010, who will be absent from the county of his or her residence on~~  
12 ~~any election day;~~

13 2. ~~Is a student who temporarily resides outside the county of his or her~~  
14 ~~residence;~~

15 3. ~~Has surgery, or whose spouse has surgery, scheduled that will require~~  
16 ~~hospitalization on election day;~~

17 4. ~~Temporarily resides outside the state, but is still eligible to vote in this~~  
18 ~~state and will be absent from the county of his or her residence on any~~  
19 ~~election day;~~

20 5. ~~Is a resident of Kentucky who is a uniformed service voter as defined in~~  
21 ~~KRS 117A.010 confined to a military base on election day, learns of that~~  
22 ~~confinement within seven (7) days or less of an election, and is not~~  
23 ~~eligible for a mail-in absentee ballot under this subsection;~~

24 6. ~~Is in her last trimester of pregnancy at the time she wishes to vote under~~  
25 ~~this paragraph. The application form for a voter under this subparagraph~~  
26 ~~shall be prescribed by the State Board of Elections, which shall contain~~  
27 ~~the woman's sworn statement that she is in fact in her last trimester of~~

- 1 pregnancy at the time she wishes to vote;
- 2 ~~7. Has not been declared mentally disabled by a court of competent~~
- 3 ~~jurisdiction and, on account of age, disability, or illness, is not able to~~
- 4 ~~appear at the polls on election day; or~~
- 5 ~~8. Is not permitted to vote by a mail in absentee ballot under paragraph (a)~~
- 6 ~~of this subsection, but who will be absent from the county of his or her~~
- 7 ~~residence on election day].~~
- 8 (e) Voters who change their place of residence to a different state while the
- 9 registration books are closed in the new state of residence before a presidential
- 10 election shall be permitted to cast an in-person absentee ballot for President
- 11 and Vice President only, by making application in person to the county clerk
- 12 to vote on a voting machine in the county clerk's office or other place
- 13 designated by the county board of elections and approved by the State Board
- 14 of Elections, up to the close of normal business hours on the day before the
- 15 election.
- 16 ~~[(f) Any member of the county board of elections, any precinct election officer~~
- 17 ~~appointed to serve in a precinct other than that in which he or she is registered,~~
- 18 ~~any alternate precinct election officer, any deputy county clerk, any staff for~~
- 19 ~~the State Board of Elections, and any staff for the county board of elections~~
- 20 ~~may vote on a voting machine in the county clerk's office or other place~~
- 21 ~~designated by the county board of elections, and approved by the State Board~~
- 22 ~~of Elections, up to the close of normal business hours on the day before the~~
- 23 ~~election. The application form for those persons shall be prescribed by the~~
- 24 ~~State Board of Elections and, in the case of application by precinct election~~
- 25 ~~officers, shall contain a verification of appointment signed by a member of the~~
- 26 ~~county board of elections. If an alternate precinct election officer or a precinct~~
- 27 ~~election officer appointed to serve in a precinct other than that in which he or~~

1 she is registered receives his or her appointment while in person absentee  
 2 voting is being conducted in the county, the officer may vote on a voting  
 3 machine in the county clerk's office or other place designated by the county  
 4 board of elections, and approved by the State Board of Elections, up to the  
 5 close of normal business hours on the day before the election. Precinct  
 6 election officers' verification of appointment shall also contain the date of  
 7 appointment. The applications shall be restricted to the use of the voter only.]

8 ~~(f)~~<sup>(g)</sup> The members of the county board of elections or their designees who  
 9 provide equal representation of both political parties may serve as precinct  
 10 election officers, without compensation, for all in-person absentee voting~~]~~  
 11 ~~performed on a voting machine in the county clerk's office or other place~~  
 12 ~~designated by the county board of elections and approved by the State Board~~  
 13 ~~of Elections]~~. If the members of the county board of elections or their  
 14 designees serve as precinct election officers for the in-person absentee voting,  
 15 they shall perform the same duties and exercise the same authority as precinct  
 16 election officers who serve on the day of an election. If the members of the  
 17 county board of elections or their designees do not serve as precinct election  
 18 officers for in-person absentee voting, the county clerk or deputy county clerks  
 19 shall supervise the in-person absentee voting.

20 ~~(g)~~<sup>(h)</sup> Any individual qualified to appoint challengers for the day of an election  
 21 may also appoint challengers to observe all in-person absentee voting~~]~~  
 22 ~~performed at the county clerk's office or other place designated by the county~~  
 23 ~~board of elections, and approved by the State Board of Elections]~~, and those  
 24 challengers may exercise the same privileges as challengers appointed for  
 25 observing voting on the day of an election~~[ at a regular polling place]~~.

- 26 (2) The county clerk shall type the name of the voter permitted to vote by mail-in  
 27 absentee ballot on the mail-in absentee ballot application form for that person's use

1 and no other. The mail-in absentee ballot application form shall be in the form  
2 prescribed by the State Board of Elections, which shall include the voter affirmation  
3 form as prescribed in KRS 117.228(1)(c), shall bear the seal of the county clerk, and  
4 shall contain the following information: name, residential address, precinct, party  
5 affiliation, statement of the reason the person cannot vote in person on election day  
6 or during the dates and time in-person absentee voting is being conducted,  
7 statement of where the voter shall be on election day or during the dates and times  
8 in-person absentee voting is being conducted, statement of compliance with  
9 residency requirements for voting in the precinct, an instructional statement  
10 prescribing the requirements for providing a copy of the voter's proof of  
11 identification or voter affirmation when applicable, and the voter's mailing address  
12 for a mail-in absentee ballot. The mail-in absentee ballot application form shall be  
13 verified and signed by the voter, and the voter shall provide a copy of his or her  
14 proof of identification, as defined in KRS 117.375, or the executed voter  
15 affirmation as described in KRS 117.228(1)(c). A notice of the actual penalty  
16 provisions in KRS 117.995(2) and (5) shall be printed on the mail-in absentee ballot  
17 application form.

18 (3) (a) If the county clerk finds that the voter is properly registered as stated in his or  
19 her mail-in absentee ballot application form and qualifies to receive a mail-in  
20 absentee ballot by mail, he or she shall mail to the voter a mail-in absentee  
21 ballot, two (2) official envelopes for returning the mail-in absentee ballot, and  
22 instructions for voting.

23 (b) The county clerk shall complete a postal form for a certificate of mailing for  
24 mail-in absentee ballots mailed within the fifty (50) states, and it shall be  
25 stamped by the postal service when the mail-in absentee ballots are mailed. A  
26 mail-in absentee ballot may be transmitted by facsimile machine or by the  
27 electronic transmission system established under KRS 117A.030(4) to a

1 covered voter as defined in KRS 117A.010. The covered voter shall be  
2 notified of the options for transmittal of the mail-in absentee ballot, and the  
3 mail-in absentee ballot shall be transmitted by the method chosen for receipt  
4 by the resident of Kentucky who is a covered voter.

5 (4) Mail-in absentee ballots which are requested prior to the printing of the mail-in  
6 absentee ballots shall be mailed or otherwise transmitted as provided in subsection  
7 (3) of this section by the county clerk to the voter within three (3) days of the receipt  
8 of the printed ballots. Mail-in absentee ballots requested after the receipt of the  
9 ballots by the county clerk shall be mailed or otherwise transmitted as provided in  
10 subsection (3) of this section to the voter within three (3) days of the receipt of the  
11 request.

12 (5) The county clerk shall cause mail-in absentee ballots to be printed fifty (50) days  
13 prior to each primary or regular election, and forty-five (45) days prior to a special  
14 election.

15 (6) The *mail-in absentee ballot* outer envelope shall bear the words "Absentee Ballot"  
16 and the address and official title of the county clerk and shall provide space for the  
17 voter's signature, voting address, precinct number, and signatures of two (2)  
18 witnesses if the voter signs the form with the use of a mark instead of the voter's  
19 signature. A detachable flap on the secrecy envelope shall provide space for the  
20 voter's signature, voting address, precinct number, signatures of two (2) witnesses if  
21 the voter signs the form with the use of a mark instead of the voter's signature and  
22 notice of penalty provided in KRS 117.995(5). The county clerk shall type the  
23 voter's address and precinct number in the upper left hand corner of the outer  
24 envelope and of the detachable flap on the secrecy envelope immediately below the  
25 blank space for the voter's signature. The secrecy envelope shall be blank. The  
26 county clerk shall retain the voter's mail-in ballot application form, which shall  
27 include the photographed copy of the voter's proof of identification or the voter

1 affirmation as prescribed by KRS 117.228(1)(c), and the postal form required by  
2 subsection (3) of this section for twenty-two (22) months after the primary or  
3 election.

4 (7) **Except as provided in subsection (9) of this section,** any person who has received a  
5 mail-in absentee ballot, ~~[by mail but who knows at least seven (7) days before the~~  
6 ~~date of the election that he or she will be in his or her county of residence on~~  
7 ~~election day and]~~ who has not voted pursuant to the **mail-in absentee ballot**  
8 provisions of KRS 117.086, **and who elects to vote in person on election day or**  
9 **during the times in-person absentee voting is being conducted** shall cancel his or  
10 her mail-in absentee ballot and vote in person. The voter shall return the mail-in  
11 absentee ballot to the county clerk's office **on or before the day the voter votes in**  
12 **person, but** no later than seven (7) days prior to the date of the election. Upon the  
13 return of the mail-in absentee ballot, the county clerk shall mark on the outer  
14 envelope of the sealed ballot or the unmarked ballot the words "Canceled because  
15 voter appeared to vote in person." Sealed envelopes so marked shall not be opened.  
16 The county clerk shall remove the voter's name from the list of persons who were  
17 sent mail-in absentee ballots, and the voter may vote in the precinct in which he or  
18 she is properly registered **or in-person absentee.**

19 (8) Any voter qualified for a mail-in absentee ballot who does not receive a requested  
20 mail-in absentee ballot within a reasonable amount of time shall contact the county  
21 clerk, who shall reissue a second mail-in absentee ballot. The county clerk shall  
22 keep a record of the mail-in absentee ballots issued and returned by mail, the in-  
23 person absentee voting and federal in-person provisional absentee voting that is  
24 performed on the voting machine in the county clerk's office or other place  
25 designated by the county board of elections and approved by the State Board of  
26 Elections, to verify that only the first voted ballot to be returned by the voter is  
27 counted. Upon the return of any mail-in absentee ballot after the first mail-in

- 1 absentee ballot is returned, the county clerk shall mark on the outer envelope of the  
2 sealed ballot the words "Canceled because ballot reissued."
- 3 (9) Any covered voter as defined in KRS 117A.010 who has received a mail-in  
4 absentee ballot but who knows that he or she will be in the county on election day  
5 **or during the dates and times in-person absentee voting is being conducted** and  
6 who has not voted pursuant to the provisions of KRS 117.086 shall cancel his or her  
7 mail-in absentee ballot and vote in person. The voter shall return the mail-in  
8 absentee ballot to the county clerk's office on or before **the day the voter votes in**  
9 **person**~~[election day]~~. Upon the return of the mail-in absentee ballot, the county  
10 clerk shall mark on the outer envelope of the sealed mail-in absentee ballot or the  
11 unmarked mail-in absentee ballot the words "Canceled because voter appeared to  
12 vote in person." Sealed envelopes so marked shall not be opened. If the covered  
13 voter is unable to return the mail-in absentee ballot to the county clerk's office on or  
14 before **the day the voter**~~[election day, at the time he or she]~~ votes in person, he or  
15 she shall sign a written oath as to his or her qualifications on the form prescribed by  
16 the State Board of Elections pursuant to KRS 117.245. The county clerk shall  
17 remove the voter's name from the list of persons who were sent mail-in absentee  
18 ballots, **and** provide the voter with written authorization to vote~~[at the precinct, and~~  
19 ~~the voter may vote in the precinct in which he or she is properly registered]~~.
- 20 (10) Notwithstanding the provisions of the Kentucky Open Records Act, KRS 61.870 to  
21 61.884, the information contained in an application for a mail-in absentee ballot  
22 shall not be made public until after the close of business hours on the election day  
23 for which the application applies. This subsection shall not prohibit at any time the  
24 disclosure, upon request, of the total number of applications for mail-in absentee  
25 ballots that have been filed, or the disclosure to the Secretary of State or the State  
26 Board of Elections, if requested or if otherwise required by law, of any information  
27 in an application for a mail-in absentee ballot.

1           ➔Section 2. KRS 117.086 is amended to read as follows:

- 2       (1) (a) The voter returning his or her absentee ballot by mail shall mark his or her  
3               ballot, seal it in the secrecy envelope, and then seal the outer envelope, and  
4               mail it to the county clerk as provided in this chapter.
- 5       (b) The voter shall sign the detachable flap and the outer envelope in order to  
6               validate the ballot. A person having power of attorney for the voter and who  
7               signs the detachable flap and outer envelope for the voter shall complete the  
8               voter assistance form as required by KRS 117.255. The signatures of two (2)  
9               witnesses are required if the voter signs the form with the use of a mark  
10              instead of the voter's signature. A resident of Kentucky who is a covered voter  
11              as defined in KRS 117A.010 who has received an absentee ballot transmitted  
12              by facsimile machine or by means of the electronic transmission system  
13              established under KRS 117A.030(4) shall transmit the voted ballot to the  
14              county clerk by mail only, conforming with ballot security requirements that  
15              may be promulgated by the State Board of Elections by administrative  
16              regulation under KRS Chapter 13A. In order to be counted, the ballots shall be  
17              received by the county clerk by at least the time established by the election  
18              laws generally for the closing of the polls, which time shall not include the  
19              extra hour during which those voters may vote who were waiting in line to  
20              vote at the scheduled poll closing time.
- 21       (2) ~~{Any voter who shall be absent from the county on election day, but who does not~~  
22              ~~qualify to receive a mail-in absentee ballot under the provisions of KRS 117.085,~~  
23              ~~and }~~All voters qualified to vote ***in-person absentee*** prior to the election under the  
24              provisions of KRS 117.085, shall vote at the main office of the county clerk or other  
25              place designated by the county board of elections, and approved by the State Board  
26              of Elections, prior to the day of election. The county clerk may provide for such  
27              voting by the voting equipment in general use in the county~~{ either at the precinct,~~

1 ~~the equipment as may be used to tabulate absentee ballots,]~~ or any other voting  
2 equipment approved by the State Board of Elections for use in Kentucky, except as  
3 follows:

4 (a) Any voter qualifying to vote~~[ in the county clerk's office or other place~~  
5 ~~designated by the county board of elections, and approved by the State Board~~  
6 ~~of Elections,]~~ who receives assistance to vote shall complete the voter  
7 assistance form required by KRS 117.255;

8 (b) Any voter qualifying to vote~~[ in the county clerk's office or other place~~  
9 ~~designated by the county board of elections, and approved by the State Board~~  
10 ~~of Elections,]~~ whose qualifications are challenged on grounds other than  
11 inability to provide proof of identification by any clerk or deputy shall  
12 complete an "Oath of Voter" affidavit; and

13 (c) Any voter qualifying to vote~~[ in the county clerk's office or other place~~  
14 ~~designated by the county board of elections and approved by the State Board~~  
15 ~~of Elections,]~~ who is unable to provide proof of identification as defined in  
16 KRS 117.375, may cast an in-person absentee ballot or federal provisional in-  
17 person absentee ballot in accordance with KRS 117.228 or 117.229.

18 (3) When the county clerk uses general voting equipment as provided for in subsection  
19 (2) of this section, each voter casting his ***or her*** vote at the county clerk's office or  
20 other place designated by the county board of elections, and approved by the State  
21 Board of Elections, shall sign an "***In-Person*** Absentee Ballot Signature Roster."

22 (4) The county clerk shall designate a location within his or her office where the ***in-***  
23 ***person absentee*** ballots shall be cast secretly. The county clerk, with the approval  
24 of the State Board of Elections, may establish locations other than his or her main  
25 office in which the voters may execute their ***in-person absentee*** ballots. Public  
26 notice of the locations shall be given pursuant to KRS Chapter 424, and similar  
27 notice by mail shall be given to the county chairs of the two (2) political parties

1           whose candidates polled the largest number of votes in the county at the last regular  
2           election.

3       (5) The State Board of Elections shall promulgate administrative regulations under  
4           KRS Chapter 13A to provide for casting ballots in accordance with subsection (2)  
5           of this section.

6       (6) The county clerk shall deposit all of the mail-in absentee ballots in a locked ballot  
7           box immediately upon receipt without opening the outer envelope. The ballot box  
8           shall be locked with three (3) locks. The keys to the box shall be retained by the  
9           three (3) members of the central absentee ballot counting board, if one is appointed,  
10          or by the members of the board of elections, and the box shall remain locked until  
11          the ballots are counted. All voting equipment on which ballots are cast as permitted  
12          in subsection (2) of this section shall also remain locked and the keys shall be  
13          retained by the three (3) members of the central absentee ballot counting board, if  
14          one is appointed, or by the members of the board of elections, and the equipment  
15          shall remain locked until the ballots are counted.

16       (7) The county clerk shall keep separate lists for each election of all persons who:

17           (a) Return their absentee ballots by mail;

18           (b) Cast their *absentee* ballots *in person* ~~in the county clerk's office or other~~  
19           ~~place designated by the county board of elections and approved by the State~~  
20           ~~Board of Elections~~; and

21           (c) Cast their federal provisional in-person absentee ballots under subsection  
22           (2)(c) of this section.

23           The county clerk shall send a copy of each list to the State Board of Elections after  
24           any primary or election day. Notwithstanding the provisions of the Kentucky Open  
25           Records Act, KRS 61.870 to 61.884, each list of all persons who return their  
26           absentee ballots by mail or who cast their *absentee* ballots *in person* ~~in the clerk's~~  
27           ~~office or other designated and approved place~~ shall not be made public until after

1 the close of business hours on the primary or election day for which the list applies.  
2 The county clerk and the Secretary of State shall keep a record of the number of  
3 votes cast by each method listed in paragraphs (a) to (c) of this subsection, which  
4 are cast in any primary or election as a part of the official returns of the primary or  
5 election.

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

12 ➔Section 3. KRS 117.087 is amended to read as follows:

13 (1) The challenge of an absentee ballot returned by mail shall be in writing and in the  
14 hands of the county clerk before 8 a.m. on election day.

15 (2) The county board of elections shall count the absentee ballots returned by mail and  
16 the ***in-person absentee*** votes cast ~~on the voting machine in the county clerk's office~~  
17 ~~or other place designated by the county board of elections and approved by the State~~  
18 ~~Board of Elections].~~ Federal provisional in-person absentee ballots shall be  
19 processed in accordance with KRS 117.229. The board may appoint a central ballot  
20 counting board of not less than three (3) members, who shall be qualified voters and  
21 no more than two-thirds (2/3) of whom shall be members of the same political  
22 party, to count the ballots at the direction of the county board of elections.

23 (3) Beginning at 8 a.m. on election day, the board shall meet at the county clerk's office  
24 to count the absentee ballots returned by mail and the ***in-person absentee*** ballots  
25 cast ~~on the voting machine in the county clerk's office or other place designated by~~  
26 ~~the county board of elections and approved by the State Board of Elections].~~  
27 Candidates or their representatives shall be permitted to be present. The county

1 board of elections shall authorize representatives of the news media to observe the  
2 counting of the ballots. The board shall open the boxes containing absentee ballots  
3 returned by mail and remove the envelopes one (1) at a time. As each envelope is  
4 removed, it shall be examined to ascertain whether the outer envelope and the  
5 detachable flap are in proper order and have been signed by the voter. A person  
6 having power of attorney for the voter and who signs the detachable flap and outer  
7 envelope for the voter shall complete the voter assistance form required by KRS  
8 117.255. The signatures of two (2) witnesses are required if the voter signs the form  
9 with the use of a mark instead of the voter's signature. All unsigned mail-in  
10 absentee ballots shall be rejected automatically. The chair of the county board of  
11 elections shall compare the signatures on the outer envelope, the detachable flap  
12 with the signature of the voter that appears on the registration card. If the outer  
13 envelope and the detachable flap are found to be in order, the chair shall read aloud  
14 the name of the voter. If the vote of the voter is not rejected on a challenge then  
15 made as provided in subsection (4) of this section, the chair shall remove the  
16 detachable flap and place the secrecy envelope unopened in a ballot box which has  
17 been provided for the purpose.

18 (4) When the name of a voter who cast a mail-in absentee ballot is read aloud by the  
19 chair, the vote of the voter may be challenged by any board member or by the  
20 written challenge provided in subsection (1) of this section and the challenge may  
21 be determined and the vote accepted or rejected by the board as if the voter was  
22 present and voting in person; but if the outer envelope and the detachable flap are  
23 regular, and each substantially comply with the provisions of this chapter, they shall  
24 be considered as showing that the voter is prima facie entitled to vote. If the vote of  
25 a voter is rejected pursuant to the challenge, the secrecy envelope shall not be  
26 opened, but returned to the outer envelope upon which the chair shall write on the  
27 envelope the word "rejected."

- 1 (5) After the challenges have been made and all the blank secrecy envelopes have been  
2 placed in a ballot box, the box shall be thoroughly shaken to redistribute the mail-in  
3 absentee ballots in the box. The board shall open the ballot box, remove the  
4 absentee ballots from the secrecy envelopes, and count the ballots.
- 5 (6) The board shall unlock any voting equipment used to cast in-person absentee  
6 ballots in the county clerk's office or other place designated by the county board of  
7 elections, and approved by the State Board of Elections, as provided for in KRS  
8 117.086, and a total of all in-person absentee ballots shall be made and recorded on  
9 the form provided by the State Board of Elections.
- 10 (7) The county board of elections, the county clerk, and all individuals permitted to be  
11 present for the counting of absentee ballots pursuant to subsection (2) of this section  
12 shall not make public the absentee ballot results determined as provided in this  
13 section until after 6 p.m. prevailing time.
- 14 ➔Section 4. KRS 117.088 is amended to read as follows:
- 15 (1) For purposes of this section, "blind or visually impaired individual" means an  
16 individual who:
- 17 (a) Has a visual acuity of 20/200 or less in the better eye with correcting lenses or  
18 has a limited field of vision so that the widest diameter of the visual field  
19 subtends an angle no greater than twenty (20) degrees;
- 20 (b) Has a medically indicated expectation of visual deterioration;
- 21 (c) Has a medically diagnosed limitation in visual functioning that restricts the  
22 individual's ability to read and write standard print at levels expected of  
23 individuals of comparable ability;
- 24 (d) Has been certified as requiring permanent assistance to vote under KRS  
25 117.255(5) for reason of blindness; or
- 26 (e) Qualifies to receive assistance to vote under KRS 117.255(2) for reason of  
27 blindness.

- 1 (2) For purposes of this section, "pilot program" means a program in a county  
2 containing a consolidated local government or containing a city of the first class for  
3 unassisted voting by blind or visually impaired individuals.
- 4 (3) A county board of elections in a county containing a consolidated local government  
5 or containing a city of the first class may establish a pilot program. As part of this  
6 pilot program, the State Board of Elections shall approve the use of voting  
7 equipment under KRS 117.379 that is designed to permit blind and visually  
8 impaired individuals to vote without assistance, for use beginning in the 2002  
9 regular~~general~~ election. No county board of elections in a county containing a  
10 consolidated local government or containing a city of the first class shall be required  
11 to operate a pilot program.
- 12 (4) The State Board of Elections, if it approves the voting equipment under KRS  
13 117.379, may approve the use of voting equipment designed to permit blind and  
14 visually impaired individuals to vote without assistance in as many locations within  
15 a county containing a consolidated local government or containing a city of the first  
16 class as are designated by the county board of elections.
- 17 (5) A county board of elections in a county containing a consolidated local government  
18 or containing a city of the first class shall provide a report to the State Board of  
19 Elections after every primary or regular~~general~~ election regarding the number of  
20 blind or visually impaired individuals that have utilized the voting equipment  
21 during the pilot program.
- 22 (6) Notwithstanding the provisions of KRS 116.025, or any other statute to the  
23 contrary, a blind or visually impaired voter residing in a county containing a  
24 consolidated local government or containing a city of the first class that is operating  
25 a pilot program shall be permitted to vote at a location outside the precinct of his or  
26 her registration by voting at a location within the county of his or her registration on  
27 a voting machine designed to permit blind or visually impaired individuals to vote

1 without assistance, which may include voting at the county clerk's office, or other  
2 place designated by the county board of elections, and approved by the State Board  
3 of Elections.

4 (7) Notwithstanding the provisions of KRS 117.085, 117.086, or 117.0863 or any other  
5 statute to the contrary, a blind or visually impaired individual residing in a county  
6 containing a consolidated local government or containing a city of the first class that  
7 is operating a pilot program shall be permitted to vote in the location within the  
8 county of his or her registration as provided under subsection (6) of this section, on  
9 a voting machine designed to permit blind or visually impaired individuals to vote  
10 without assistance, at any time during which absentee voting is conducted in the  
11 clerk's office or other place designated by the county board of elections during  
12 normal business hours on at least any of the twelve (12) working days and two (2)  
13 Saturdays before the election, and the county board of elections may permit the  
14 voting to be conducted on a voting machine for a period longer than the twelve (12)  
15 working days and two (2) Saturdays before the election prescribed above. An  
16 application for those blind or visually impaired individuals wishing to vote on a  
17 voting machine approved for use by blind or visually impaired individuals shall be  
18 prescribed by the State Board of Elections and shall include the individual's sworn  
19 statement that the individual is blind or visually impaired.

20 (8) Notwithstanding the requirements of KRS 117.381, or any other statute to the  
21 contrary, the State Board of Elections may certify, as a part of the pilot project of a  
22 county containing a consolidated local government or containing a city of the first  
23 class, voting equipment which utilizes audio recordings, voice-activated technology,  
24 or vocal recognition technology to record a vote, and may require such  
25 accommodations as would permit a blind or visually impaired voter to cast a vote in  
26 secret.

27 (9) Notwithstanding the provisions of KRS 117.255, a blind or visually impaired voter

1 residing in a county containing a consolidated local government or containing a city  
 2 of the first class that is operating a pilot project may cast his or her vote alone and  
 3 without assistance on a voting machine approved for use by blind or visually  
 4 impaired individuals. However, the blind or visually impaired voter shall be  
 5 instructed by the officers of election, with the aid of the instruction cards and the  
 6 model, in the use of the machine, if the voter so requests.

7 (10) Nothing in this section shall impair the right of any qualified voter under KRS  
 8 117.255 to receive assistance and vote according to the procedures specified in that  
 9 section.

10 ➔Section 5. KRS 117.145 is amended to read as follows:

11 (1) At least forty-five (45)~~[fifteen (15)]~~ days before any special election, and at least  
 12 fifty (50) days before the day of any primary or regular election, the county clerk of  
 13 each county shall cause to be printed and ready for use ballot labels for each  
 14 candidate who, and each question which, is entitled to be voted upon in such  
 15 election. The ballot labels shall be printed on clear white paper or other material  
 16 which shall be furnished by the printer. They shall be printed in black ink, in plain,  
 17 clear type clearly legible to a person with normal vision, and shall be of a size to fit  
 18 the ballot frames. The labels shall include the necessary party designations.

19 (2) Each county clerk shall have printed a sufficient number of mail-in~~[paper]~~ absentee  
 20 ballots, voter affirmations, and election official affirmations.~~[The voter affirmation,~~  
 21 ~~if applicable, and the absentee ballot shall be used for voting by absent voters; by~~  
 22 ~~precinct officers who have been assigned to a precinct other than their own; by~~  
 23 ~~members of a county board of elections; by voters so disabled by age, infirmity, or~~  
 24 ~~illness as to be unable to appear at the polls; and for voting in an emergency~~  
 25 ~~situation.]~~ The ballot stubs shall be consecutively numbered and the county board  
 26 shall keep a record, by number, of all mail-in absentee ballots issued~~[used for any~~  
 27 ~~of the purposes listed in this subsection].~~

- 1 (3) Each county clerk shall have printed a sufficient number of federal provisional  
2 ballots, which, except for the candidates listed, shall have the same form as the  
3 absentee ballots. A federal provisional ballot shall indicate that the ballot is a  
4 federal provisional ballot. The federal provisional ballot stubs shall be  
5 consecutively numbered, and the county board of elections shall keep a record, by  
6 number, of all federal provisional ballots used for votes cast by provisional voters in  
7 federal elections.
- 8 (4) No later than the Friday preceding a special or regular election, the county clerk  
9 shall equip the voting machines with the necessary supplies for the purpose of  
10 write-in votes. The county clerk shall also attach a pencil or pen to the voting  
11 machine for write-in purposes. *The county clerk shall equip the in-person*  
12 *absentee voting machine with the necessary supplies, including attaching a pencil*  
13 *or pen to the voting machine for the purpose of write-in votes, at least five (5)*  
14 *days before the in-person absentee voting period begins.*
- 15 (5) If supplemental paper ballots have been approved as provided in KRS 118.215, the  
16 county clerk shall cause to be printed a sufficient number of paper ballots for the  
17 registered voters of each precinct. The paper ballots shall have stubs which are  
18 numbered consecutively. The quality of paper on which the supplemental paper  
19 ballots are printed shall be determined by administrative regulations promulgated  
20 under KRS Chapter 13A by the secretary of the Finance and Administration  
21 Cabinet.
- 22 ➔Section 6. KRS 117.165 is amended to read as follows:
- 23 (1) Upon completing the preparation of the machines in accordance with the provisions  
24 of KRS 117.155, and not later than the Thursday preceding the day of the election,  
25 the county clerk shall notify the members of the county board of elections that the  
26 machines are ready for use. The board shall thereupon convene at the office of the  
27 county clerk, not later than the Friday preceding the day of the election, and

1 examine the machines to determine whether the requirements of KRS 117.155 have  
2 been met. The county board of elections shall publish notice, in accordance with  
3 KRS 424.130(1)(d), at least twenty-four (24) hours in advance of the time when the  
4 machines are to be examined by the board. If found in proper order, the members of  
5 the county board of elections shall endorse their approval in the book in which the  
6 county clerk has entered the numbers of the machines opposite the numbers of the  
7 precincts. The clerk shall then deliver all of the keys to the machines to the county  
8 board of elections who shall give a receipt for the keys which shall contain  
9 identification of the keys. Not later than one (1) hour before the time set for the  
10 opening of the polls, the board shall deliver all election supplies including the  
11 precinct list, tabulation sheets, and the key to the device covering the registering  
12 counters and other keys necessary for the operation of the machine in registering  
13 votes, to the election officers of the precinct in which the machine is being used,  
14 who shall give the board a receipt containing identification of the keys. The master  
15 key and all other keys shall remain in the possession of the county board of  
16 elections.

17 (2) Not later than four (4) business days preceding the date set by the county board of  
18 elections to conduct in-person absentee voting in accordance with KRS  
19 117.085(1)(c), the county clerk shall notify the members of the county board of  
20 elections that the voting machines designated for use during in-person absentee  
21 voting are ready for use. The board shall thereupon convene at the office of the  
22 county clerk, not later than three (3) business days preceding the date set by the  
23 county board of elections to conduct in-person absentee voting, and examine the  
24 machines to determine whether the requirements of KRS 117.155 have been met.  
25 The county board of elections shall publish notice, in accordance with KRS  
26 424.130(1)(d), at least twenty-four (24) hours in advance of the time when the in-  
27 person absentee voting machines are to be examined by the board. If found in

1 proper order, the members of the county board of elections shall endorse their  
 2 approval in the book in which the county clerk has entered the identification number  
 3 of the machines designated for use during in-person absentee voting.

4 (3) Any candidate, one (1) representative of each political party having candidates to be  
 5 voted for at the election, and representatives of the news media may be present  
 6 when the examination of the machines is made by the county board of elections.

7 ➔Section 7. KRS 117.235 is amended to read as follows:

8 (1) No person, other than the election officers, challengers, person assisting voters in  
 9 accordance with KRS 117.255(3), and a minor child in the company of a voter, shall  
 10 be permitted within the voting room while the vote is being polled, except as  
 11 follows:

12 (a) For the purpose of voting;

13 (b) By authority of the election officers to keep order and enforce the law;

14 (c) With the express approval of the county board of elections to repair or replace  
 15 voting equipment that is malfunctioning and to provide additional voting  
 16 equipment; or

17 (d) At the voter's discretion, a minor child in the company of a voter may  
 18 accompany the voter into a voting booth or other private area provided for  
 19 casting a vote.

20 (2) No officer of election shall do any electioneering on the day of any primary or  
 21 election~~[day]~~.

22 (3) (a) No person shall electioneer at the polling place on the day of any primary or  
 23 election, as established in KRS 118.025, within a distance of one hundred  
 24 (100) feet of any entrance to a building in which a voting machine is located if  
 25 that entrance is unlocked and is used by voters on the day of a primary or  
 26 election~~[day]~~.

27 (b) No person shall electioneer within the interior of a building or affix any

1 electioneering materials to the exterior or interior of a building where the  
2 county clerk's office is located, or any building designated by the county board  
3 of elections and approved by the State Board of Elections for in-person  
4 absentee voting, during the hours in-person absentee voting is being  
5 conducted in the building by the county clerk pursuant to KRS 117.085(1)(c).

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

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

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

26 (6) Notwithstanding the provisions of subsection (1) of this section, the State Board of  
27 Elections may establish a program designed to instill in school children a respect for

1 the democratic principles of voting by conducting in any county a mock election for  
2 school children in conjunction with any primary, or regular or special election. The  
3 State Board of Elections shall promulgate administrative regulations regarding the  
4 mock elections to insure that the regular voting process will not be impaired.

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

13 ➔Section 8. KRS 118.035 is amended to read as follows:

14 (1) The polls shall be opened on the day of a primary, special election, or regular  
15 election at 6 a.m., prevailing time, and shall remain open until each voter who is  
16 waiting in line at the polls at 6 p.m., prevailing time, has voted. At 6 p.m.,  
17 prevailing time, if voters are waiting at the polls to vote, the precinct election sheriff  
18 shall announce that a voter wishing to vote must immediately get in line. When all  
19 voters waiting at the polls at that time are in line, the precinct election sheriff shall  
20 then determine which voter is the last in line, and that voter shall be the last voter  
21 permitted to vote. The precinct election sheriff shall wait in line with the last voter  
22 who shall be permitted to vote until that voter has voted and shall inform a voter  
23 who subsequently arrives at the polls that no one shall be permitted to vote after the  
24 last voter in line at 6 p.m., prevailing time. After the last voter waiting in line at 6  
25 p.m., prevailing time, has voted, the polls shall then be closed.

26 (2) As provided in Section 148 of the Constitution of Kentucky, any person entitled to a  
27 vote at any election in this state shall, if he or she has made application for leave

1 prior to the day he or she appears before the county clerk to request an application  
2 for or to execute an absentee ballot, be entitled to absent himself or herself from  
3 any services or employment in which he or she is then engaged or employed for a  
4 reasonable time, but not less than four (4) hours on the day he or she appears before  
5 the county clerk to request an application for a mail-in absentee ballot or to  
6 execute an in-person absentee ballot during the in-person absentee voting period,  
7 ~~during normal business hours of the office of the clerk or to cast his ballot~~ or on  
8 the day of the election between the time of opening and closing the polls. The  
9 employer may specify the hours during which an employee may absent himself or  
10 herself.

11 (3) No person shall be penalized for taking a reasonable time off to vote, unless, under  
12 circumstances which did not prohibit him or her from voting, he or she fails to  
13 vote. Any qualified voter who exercises his or her right to voting leave under this  
14 section but fails to cast his or her vote, under circumstances which did not prohibit  
15 him or her from voting, may be subject to disciplinary action.

16 (4) Any person selected to serve as an election officer shall be entitled to absent himself  
17 or herself from any services or employment in which he or she is then engaged or  
18 employed for a period of an entire day to attend training or to serve as an election  
19 officer. The person shall not, because of so absenting himself or herself, be liable to  
20 any penalty. The employer may specify the hours during which the employee may  
21 absent himself or herself. No person shall refuse an employee the privilege hereby  
22 conferred, or discharge or threaten to discharge an employee or subject an employee  
23 to a penalty, because of the exercise of the privilege.