

1 AN ACT relating to voting.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 117 IS CREATED TO
4 READ AS FOLLOWS:

5 *(1) If a voter who has returned a mail-in absentee ballot to be processed and*
6 *counted:*

7 *(a) Fails to sign the outer envelope or the inside, detachable flap;*

8 *(b) Signs with a mark but fails to have two (2) witnesses attest to the signature*
9 *as required under Section 5 of this Act;*

10 *(c) Fails to submit a completed voter assistance form as required by KRS*
11 *117.255; or*

12 *(d) Signs where required but the signatures on the outer envelope and the*
13 *detachable flap do not match each other or do not match the signature of*
14 *the voter that appears on the voter's registration card or the voter's identity*
15 *document as defined in KRS 186.010;*

16 *The county court clerk shall notify the voter of the initial rejection of the ballot*
17 *and advise the voter of the procedures to cure the ballot as provided in subsection*
18 *(2) of this section.*

19 *(2) The State Board of Elections shall promulgate administrative regulations under*
20 *KRS Chapter 13A establishing the form of the notice required under subsection*
21 *(1) of this section, and the procedures required to cure the ballot deficiency. The*
22 *notice and cure process shall be given to the voter by the county clerk within*
23 *three (3) days after the determination of an alleged or actual deficiency, and in*
24 *no event later than one (1) day after election day. The notice and outlined*
25 *procedures shall be transmitted by regular, first-class mail or by electronic mail*
26 *to the voter, if the voter has provided the clerk with sufficient information to*
27 *contact the voter electronically. The county clerk shall also attempt to contact the*

1 voter by telephone, if a telephone number for the voter is available in the records
 2 of the county clerk. The procedures to cure the ballot deficiencies shall also be
 3 posted on the Web site of the county clerk, with a link to any required form.

4 (3) Any cure of a mail-in absentee ballot shall be received in the office of the county
 5 clerk no later than 4 p.m., prevailing time, on the Thursday following the primary
 6 or election for the ballot to be counted.

7 ➔Section 2. KRS 117.066 is amended to read as follows:

8 (1) ~~[In the case of a precinct comprised of a small number of registered voters,]~~The
 9 county board of elections may petition the State Board of Elections to allow the
 10 designation of a single voting location for more than one (1) precinct if the voting
 11 location is equipped with voting machines or voting equipment capable of
 12 providing or accepting separate ballots without endangering the integrity of the
 13 ballots or without violating any other election law~~[, pursuant to KRS 117.055,~~
 14 ~~utilize the facilities of another precinct as a voting location. Additionally, the county~~
 15 ~~board of elections may petition the State Board of Elections to allow the precinct~~
 16 ~~election officers of the larger precinct to serve as precinct election officers for the~~
 17 ~~precinct that is the subject of the petition. The petition shall designate both the~~
 18 ~~smaller precinct and the larger precinct with which it is to be included, the type of~~
 19 ~~voting machine or machines to be used, and whether supplemental paper ballots are~~
 20 ~~to be used. The petition shall contain a full explanation of the reasons why inclusion~~
 21 ~~is desirable].~~

22 (2) If the petition submitted under~~[pursuant to]~~ subsection (1) of this section is
 23 approved by the State Board of Elections, the election shall be conducted according
 24 to the following provisions:

25 (a) One (1) voting machine or piece of voting equipment may be utilized for
 26 more than (1) precinct if~~[both precincts if the State Board of Elections~~
 27 ~~certifies that]~~ separate ballots may be placed upon the voting machine or

1 accepted by the voting equipment to be used without endangering the
 2 integrity of the ballots or without violating any other election law, and if
 3 ballots are tabulated for each separate precinct. Otherwise, separate voting
 4 machines or voting equipment shall be used for each precinct. In the instance
 5 of a precinct which has a small number of voters such that the use of a
 6 separate voting machine would be cost-prohibitive, the county clerk may
 7 make application to the State Board of Elections to use supplemental paper
 8 ballots under KRS 118.215 to conduct the voting for the small precinct on any
 9 primary or election day. If the use of supplemental paper ballots is approved
 10 by the State Board of Elections, at the close of voting on any primary or
 11 election day, the locked supplemental paper ballot box shall be transported to
 12 the county board of elections along with the federal provisional ballot
 13 receptacle, and ballots shall be counted by the county board of elections as
 14 provided by KRS 117.275(10) to (14);

- 15 (b) Separate precinct voter rosters shall be maintained for each precinct, and steps
 16 shall be taken to ensure~~insure~~ that each voter casts his or her~~voters cast~~
 17 ~~their~~ ballot in the voter's~~their~~ duly authorized precinct;~~and~~
- 18 (c) A separate set of election~~elections~~ forms and reports required by this chapter
 19 and the State Board of Elections shall be maintained for each precinct;

20 (d) Except as provided in paragraph (e) of this subsection, no voting location
 21 established for use for more than one (1) precinct on the day of any primary
 22 or election shall be designated or approved for more than one hundred
 23 twenty-five thousand (125,000) registered voters, and all established single
 24 voting locations for more than one (1) precinct shall be physically located as
 25 equally distant within the county from each other as possible; and

26 (e) In addition to any combination of precincts into a single voting location
 27 established under this subsection, a county board of elections may designate

1 a single voting location or multiple voting locations within the county
 2 capable of conducting voting for any registered voter in the county, provided
 3 all requirements under this section are met.

4 **(3) The county board of elections may petition the State Board of Elections to allow**
 5 **the consolidation of precinct election officers at any voting location where voters**
 6 **of more than one (1) precinct vote. Any precinct election officer designated to**
 7 **serve as an election officer for more than one (1) precinct shall meet the**
 8 **eligibility requirements of KRS 117.045 except that the election officer shall not**
 9 **be required to reside in the precinct to which the officer is assigned.**

10 **(4) The petitions required under subsections (1) and (3) under this section shall be**
 11 **on a form prescribed by the State Board of Elections in administrative**
 12 **regulations promulgated under KRS Chapter 13A and shall include:**

13 **(a) A list of all precincts designated to vote at the voting location;**

14 **(b) The address and type of facility of the voting location;**

15 **(c) The number and type of voting machines or voting equipment to be used at**
 16 **the voting locations;**

17 **(d) The number of registered voters in each precinct designated to vote in the**
 18 **voting locations;**

19 **(e) An explanation of the reasons why the consolidation is necessary or**
 20 **indicated; and**

21 **(f) The plan for how the voting location will serve as a focal point to meet the**
 22 **needs of a diverse community.**

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

24 (1) **(a) 1. A request**~~[All requests]~~ for an application for a mail-in absentee ballot
 25 may be transmitted by telephone, facsimile machine,~~[by]~~ mail,~~[by]~~
 26 electronic mail, or in person. The county clerk shall transmit all
 27 applications for a mail-in absentee ballot **requested under this**

1 subparagraph to the voter by mail, electronic mail, or in person at the
2 option of the voter, except as provided in paragraph ~~(c)~~~~(b)~~ of this
3 subsection. Except as otherwise provided in KRS 117.077, the mail-in
4 absentee ballot application may be requested by the voter or the spouse,
5 parents, or children of the voter, but shall be restricted to the use of the
6 voter.

7 2. In lieu of requesting an application for a mail-in absentee ballot, a
8 voter may apply for a mail-in absentee ballot through a secure online
9 portal established by the State Board of Elections in administrative
10 regulations promulgated under KRS Chapter 13A. The regulations
11 shall include requirements that:

12 a. The secure online portal shall have the capacity to ensure
13 verification of the identity of the voter through an identity
14 document, as defined in KRS 186.010, on file with the Kentucky
15 Transportation Cabinet;

16 b. If a voter does not have an identity document on file with the
17 Kentucky Transportation Cabinet, and does not have proof of
18 identification as defined under KRS 117.375, the voter may
19 confirm his or her identity as required under KRS 117.227 by
20 completing the voter's affirmation under Section 9 of this Act,
21 and provided on the secure online portal; and

22 c. If the voter does not have an identity document on file with the
23 Kentucky Transportation Cabinet, but has proof of identification
24 as defined under KRS 117.375, the voter shall request an
25 application for a mail-in absentee ballot under paragraph (a)1.
26 of this subsection.

27 ~~(b)~~~~(a)~~ Except as otherwise provided in KRS 117.077, a qualified voter may

1 apply to cast his or her vote by mail-in absentee ballot if the completed
2 application for the mail-in absentee ballot is received not later than the close
3 of business hours seven (7) days before the election, and if the voter is:

- 4 1. A resident of Kentucky who is a covered voter as defined in KRS
5 117A.010;
- 6 2. A student who temporarily resides outside the county of his or her
7 residence;
- 8 3. Incarcerated in jail and charged with a crime, but has not been convicted
9 of the crime;
- 10 4. Changing or has changed his or her place of residence to a different state
11 while the registration books are closed in the new state of residence
12 before an election of electors for President and Vice President of the
13 United States, in which case the voter shall be permitted to cast a mail-in
14 absentee ballot for electors for President and Vice President of the
15 United States only;
- 16 5. Temporarily residing outside the state but still eligible to vote in this
17 state;
- 18 6. Prevented from voting in person at the polls on election day and from
19 casting an in-person early~~absentee~~ ballot in the county clerk's office on
20 all days in-person early~~absentee~~ voting is conducted because the
21 voter's~~his or her~~ employment location requires him or her to be absent
22 from the county of his or her residence all hours and all days in-person
23 early~~absentee~~ voting is conducted in the county clerk's office;
- 24 7. A participant in the Secretary of State's crime victim address
25 confidentiality protection program as authorized by KRS 14.312;~~or~~
- 26 8. Not able to appear at the polls on election day on the account of age,
27 disability, or illness, and who has not been declared mentally disabled by

1 a court of competent jurisdiction; or

2 **9. Desirous of casting his or her vote by mail-in absentee ballot.**

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

12 ~~(d)~~~~(e)~~ In-person early~~absentee~~ voting shall be conducted in the county clerk's
13 office or other place designated by the county board of elections and approved
14 by the State Board of Elections during normal business hours for at least the
15 twelve (12) working days, including two (2) Saturdays immediately
16 preceding the Sunday before any primary or~~the~~ election. A county board of
17 elections may permit in-person early~~absentee~~ voting to be conducted~~on a~~
18 ~~voting machine~~ for a period longer than the twelve (12) working days before
19 any primary or~~the~~ election.

20 ~~(e)~~~~(d)~~ A qualified voter may vote~~,~~ at any time during normal business hours
21 on those days in-person early~~absentee~~ voting is conducted~~in the county~~
22 ~~clerk's office, make application in person to the county clerk to vote on a~~
23 ~~voting machine~~ in the county clerk's office or other place designated by the
24 county board of elections and approved by the State Board of Elections~~,~~ if
25 the voter provides proof of identification as defined in KRS 117.375 or meets
26 the requirements of KRS 117.228 and 117.229~~, and the voter:~~

27 ~~1. Is a resident of Kentucky who is a covered voter as defined in KRS~~

- 1 ~~117A.010, who will be absent from the county of his or her residence on~~
2 ~~any election day;~~
- 3 ~~2.— Is a student who temporarily resides outside the county of his or her~~
4 ~~residence;~~
- 5 ~~3.— Has surgery, or whose spouse has surgery, scheduled that will require~~
6 ~~hospitalization on election day;~~
- 7 ~~4.— Temporarily resides outside the state, but is still eligible to vote in this~~
8 ~~state and will be absent from the county of his or her residence on any~~
9 ~~election day;~~
- 10 ~~5.— Is a resident of Kentucky who is a uniformed service voter as defined in~~
11 ~~KRS 117A.010 confined to a military base on election day, learns of that~~
12 ~~confinement within seven (7) days or less of an election, and is not~~
13 ~~eligible for a mail-in absentee ballot under this subsection;~~
- 14 ~~6.— Is in her last trimester of pregnancy at the time she wishes to vote under~~
15 ~~this paragraph. The application form for a voter under this subparagraph~~
16 ~~shall be prescribed by the State Board of Elections, which shall contain~~
17 ~~the woman's sworn statement that she is in fact in her last trimester of~~
18 ~~pregnancy at the time she wishes to vote;~~
- 19 ~~7.— Has not been declared mentally disabled by a court of competent~~
20 ~~jurisdiction and, on account of age, disability, or illness, is not able to~~
21 ~~appear at the polls on election day; or~~
- 22 ~~8.— Is not permitted to vote by a mail-in absentee ballot under paragraph (a)~~
23 ~~of this subsection, but who will be absent from the county of his or her~~
24 ~~residence on election day].~~

25 ~~(f)(e)~~ Voters who change their place of residence to a different state while the
26 registration books are closed in the new state of residence before a presidential
27 election shall be permitted to cast an in-person absentee ballot for President

1 and Vice President only, by making application in person to the county clerk
2 to vote~~[on a voting machine]~~ in the county clerk's office or other place
3 designated by the county board of elections and approved by the State Board
4 of Elections, up to the close of normal business hours on the day before the
5 election.

6 ~~[(f) Any member of the county board of elections, any precinct election officer
7 appointed to serve in a precinct other than that in which he or she is registered,
8 any alternate precinct election officer, any deputy county clerk, any staff for
9 the State Board of Elections, and any staff for the county board of elections
10 may vote on a voting machine in the county clerk's office or other place
11 designated by the county board of elections, and approved by the State Board
12 of Elections, up to the close of normal business hours on the day before the
13 election. The application form for those persons shall be prescribed by the
14 State Board of Elections and, in the case of application by precinct election
15 officers, shall contain a verification of appointment signed by a member of the
16 county board of elections. If an alternate precinct election officer or a precinct
17 election officer appointed to serve in a precinct other than that in which he or
18 she is registered receives his or her appointment while in-person absentee
19 voting is being conducted in the county, the officer may vote on a voting
20 machine in the county clerk's office or other place designated by the county
21 board of elections, and approved by the State Board of Elections, up to the
22 close of normal business hours on the day before the election. Precinct
23 election officers' verification of appointment shall also contain the date of
24 appointment. The applications shall be restricted to the use of the voter only.]~~

25 (g) The members of the county board of elections or their designees who provide
26 equal representation of both political parties may serve as precinct election
27 officers, without compensation, for all in-person early~~[absentee]~~ voting

1 performed~~[on a voting machine]~~ in the county clerk's office or other place
 2 designated by the county board of elections and approved by the State Board
 3 of Elections. If the members of the county board of elections or their
 4 designees serve as precinct election officers for the in-person early~~[absentee]~~
 5 voting, they shall perform the same duties and exercise the same authority as
 6 precinct election officers who serve on the day of an election. If the members
 7 of the county board of elections or their designees do not serve as precinct
 8 election officers for in-person early~~[absentee]~~ voting, the county clerk or
 9 deputy county clerks shall supervise the in-person early~~[absentee]~~ voting.

10 (h) Any individual qualified to appoint challengers for the day of an election may
 11 also appoint challengers to observe all in-person early~~[absentee]~~ voting~~[~~
 12 ~~performed at the county clerk's office or other place designated by the county~~
 13 ~~board of elections, and approved by the State Board of Elections]~~, and those
 14 challengers may exercise the same privileges as challengers appointed for
 15 observing voting on the day of an election at a regular polling place.

16 (2) The county clerk shall type the name of the voter permitted to vote by mail-in
 17 absentee ballot on the requested mail-in absentee ballot application form for that
 18 person's use and no other. The mail-in absentee ballot application form shall be:

19 (a) Established~~[in the form prescribed]~~ by the State Board of Elections in
 20 administrative regulations promulgated under KRS Chapter 13A,
 21 and~~[which]~~ shall include the voter affirmation form as prescribed in KRS
 22 117.228(1)(c), a printed copy of the actual penalty provisions in KRS
 23 117.995(2) and (3)~~[, shall bear the seal of the county clerk]~~, and shall contain
 24 the following information:

- 25 1. Name of the voter~~;~~;
- 26 2. Residential address~~;~~;
- 27 3. Precinct~~;~~;

- 1 4. Party affiliation;[.]
- 2 5. Statement of the reason the person cannot vote in person on election
- 3 day, **including personal preference;**
- 4 6. Statement of where the voter shall be on election day, **if applicable;**[.]
- 5 7. Statement of compliance with residency requirements for voting in the
- 6 precinct;[.]
- 7 8. An instructional statement prescribing the requirements for providing a
- 8 copy of the voter's proof of identification or voter affirmation when
- 9 applicable;[.]
- 10 9. The voter's mailing address for a mail-in absentee ballot;[.]
- 11 **(b)** ~~[The mail-in absentee ballot application form shall be]~~Verified and signed by
- 12 the voter; **and**[.]
- 13 **(c)** **Returned to the county clerk either by mail or in-person with**~~[and the voter~~
- 14 ~~shall provide]~~ a copy of **the voter's**~~[his or her]~~ proof of identification, as
- 15 defined in KRS 117.375, or the executed voter affirmation as described in
- 16 KRS 117.228(1)(c), **unless the application was completed and returned**
- 17 **through the online portal under subsection (1)(a)2. of this section**~~[. A notice~~
- 18 ~~of the actual penalty provisions in KRS 117.995(2) and (5) shall be printed on~~
- 19 ~~the mail-in absentee ballot application form].~~
- 20 (3) (a) If the county clerk finds that the voter is properly registered as stated in **the**
- 21 **voter's**~~[his or her]~~ mail-in absentee ballot application form and qualifies to
- 22 receive a mail-in absentee ballot by mail, **the clerk**~~[he or she]~~ shall mail to the
- 23 voter a mail-in absentee ballot, two (2) official envelopes for returning the
- 24 mail-in absentee ballot, and instructions for voting.
- 25 (b) **1. a.** The county clerk shall complete a postal form for a certificate of
- 26 mailing for mail-in absentee ballots mailed within the fifty (50)
- 27 states, and it shall be stamped by the postal service when the mail-

1 in absentee ballots are mailed; or

2 **b. The county clerk may use Intelligent Mail barcodes or other**
 3 **methods of tracking all mail-in absentee ballots as may be**
 4 **established by the State Board of Elections in administrative**
 5 **regulations promulgated under KRS Chapter 13A in lieu of the**
 6 **postal form.**

7 **2.** A mail-in absentee ballot may be transmitted by facsimile machine or by
 8 the electronic transmission system established under KRS 117A.030(4)
 9 to a covered voter as defined in KRS 117A.010. The covered voter shall
 10 be notified of the options for transmittal of the mail-in absentee ballot,
 11 and the mail-in absentee ballot shall be transmitted by the method
 12 chosen for receipt by the resident of Kentucky who is a covered voter.

13 (4) Mail-in absentee ballots which are requested prior to the printing of the mail-in
 14 absentee ballots shall be mailed or otherwise transmitted as provided in subsection
 15 (3) of this section by the county clerk to the voter within **seven (7)**~~three (3)~~ days of
 16 the receipt of the printed ballots. Mail-in absentee ballots requested after the receipt
 17 of the ballots by the county clerk shall be mailed or otherwise transmitted as
 18 provided in subsection (3) of this section to the voter within three (3) days of the
 19 receipt of the request.

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

23 (6) **(a)** The outer envelope shall bear the words "Absentee Ballot" and the address
 24 and official title of the county clerk and shall provide space for the voter's
 25 signature, voting address, precinct number, and signatures of two (2)
 26 witnesses if the voter signs the form with the use of a mark instead of the
 27 voter's signature.

1 **(b)** A detachable flap on the secrecy envelope shall provide space for the voter's
 2 signature, voting address, precinct number, signatures of two (2) witnesses if
 3 the voter signs the form with the use of a mark instead of the voter's signature
 4 and notice of penalty provided in KRS 117.995(5).

5 **(c)** The county clerk shall type the voter's address and precinct number in the
 6 upper left hand corner of the outer envelope and of the detachable flap on the
 7 secrecy envelope immediately below the blank space for the voter's signature.

8 **(d)** The secrecy envelope shall be blank.

9 **(e)** The county clerk shall retain *the following for twenty-two (22) months after*
 10 *any primary of election:*

11 **1.** The voter's mail-in ballot application form, which shall include:

12 **a.** The photographed copy of the voter's proof of identification; ~~or~~

13 **b.** *The number of the identity document on file with the Kentucky*
 14 *Transportation Cabinet; or*

15 **c.** The voter affirmation as prescribed by KRS 117.228(1)(c); ~~or~~ and

16 **2. a.** The postal form;

17 **b.** *Intelligent Mail barcode; or*

18 **c.** *Other method of tracking the mail-in absentee ballot* required by
 19 subsection (3) of this section ~~for twenty two (22) months after the~~
 20 ~~primary or election~~.

21 **(7)** *Except as otherwise provided in subsection (9) of this section,* any person who has
 22 received a mail-in absentee ballot by mail but who knows at least seven (7) days
 23 before the date of the election that he or she will be in his or her county of residence
 24 on election day, *or who desires to vote in person on election day,* and who has not
 25 voted pursuant to the provisions of KRS 117.086 shall cancel his or her mail-in
 26 absentee ballot and vote in person. The voter shall return the mail-in absentee ballot
 27 to the county clerk's office no later than seven (7) days prior to the date of the

1 election. Upon the return of the mail-in absentee ballot, the county clerk shall mark
2 on the outer envelope of the sealed ballot or the unmarked ballot the words
3 "Canceled because voter appeared to vote in person." Sealed envelopes so marked
4 shall not be opened. The county clerk shall remove the voter's name from the list of
5 persons who were sent mail-in absentee ballots, and the voter may vote in the
6 precinct in which he or she is properly registered.

7 (8) Any voter qualified for a mail-in absentee ballot who does not receive a requested
8 mail-in absentee ballot within a reasonable amount of time shall contact the county
9 clerk, who shall reissue a second mail-in absentee ballot. The county clerk shall
10 keep a record of the mail-in absentee ballots issued and returned by mail or
11 deposited in a secure ballot drop box described in Section 4 of this Act, the in-
12 person absentee voting, and federal in-person provisional absentee voting that is
13 performed~~[on the voting machine in the county clerk's office or other place~~
14 ~~designated by the county board of elections and approved by the State Board of~~
15 ~~Elections]~~, to verify that only the first voted ballot to be returned by the voter is
16 counted. Upon the return of any mail-in absentee ballot after the first mail-in
17 absentee ballot is returned, the county clerk shall mark on the outer envelope of the
18 sealed ballot the words "Canceled because ballot reissued."

19 (9) Any covered voter as defined in KRS 117A.010 who has received a mail-in
20 absentee ballot but who knows that he or she will be in the county on election day,
21 or who desires to vote in person on election day, and who has not voted pursuant to
22 the provisions of KRS 117.086 shall cancel his or her mail-in absentee ballot and
23 vote in person. The voter shall return the mail-in absentee ballot to the county
24 clerk's office on or before election day. Upon the return of the mail-in absentee
25 ballot, the county clerk shall mark on the outer envelope of the sealed mail-in
26 absentee ballot or the unmarked mail-in absentee ballot the words "Canceled
27 because voter appeared to vote in person." Sealed envelopes so marked shall not be

1 opened. If the covered voter is unable to return the mail-in absentee ballot to the
 2 county clerk's office on or before election day, at the time he or she votes in person,
 3 **the voter**~~[he or she]~~ shall sign a written oath as to his or her qualifications on the
 4 form prescribed by the State Board of Elections pursuant to KRS 117.245. The
 5 county clerk shall remove the voter's name from the list of persons who were sent
 6 mail-in absentee ballots, provide the voter with written authorization to vote at the
 7 precinct, and the voter may vote in the precinct in which he or she is properly
 8 registered.

- 9 (10) Notwithstanding the provisions of the Kentucky Open Records Act, KRS 61.870 to
 10 61.884, the information contained in an application for a mail-in absentee ballot
 11 shall not be made public until after the close of business hours on the election day
 12 for which the application applies. This subsection shall not prohibit at any time the
 13 disclosure, upon request, of the total number of applications for mail-in absentee
 14 ballots that have been filed, or the disclosure to the Secretary of State or the State
 15 Board of Elections, if requested or if otherwise required by law, of any information
 16 in an application for a mail-in absentee ballot.

17 ➔Section 4. KRS 117.086 is amended to read as follows:

- 18 (1) **A voter may return his or her voted mail-in absentee ballot by mail or by deposit**
 19 **in a secure ballot drop box as provided in subsection (3) of this section. A voted**
 20 **mail-in absentee ballot may be deposited in a secure ballot drop box at the request**
 21 **of the voter by the spouse, children, parents, or grandchildren of the voter, or if**
 22 **unavailable, by the brother, sister, niece, nephew, or designee of the voter.**

- 23 (2) (a) **To validate a mail-in absentee ballot** the voter~~[returning his or her absentee~~
 24 ~~ballot by mail]~~ shall:
 25 **1.** Mark his or her ballot;~~[,]~~
 26 **2.** Seal **the voted ballot**~~[it]~~ in the secrecy envelope;
 27 **3.** **Sign the detachable flap and the outer envelope;**~~[, and then]~~

1 4. Seal the outer envelope;~~;~~ and

2 5. Mail it to the county clerk, **or deposit it in a secure ballot drop box,** as
3 provided in this chapter.

4 (b) ~~[The voter shall sign the detachable flap and the outer envelope in order to~~
5 ~~validate the ballot.]~~ A person having power of attorney for the voter~~[and]~~ who
6 signs the detachable flap and outer envelope for the voter shall complete the
7 voter assistance form as required by KRS 117.255. The signatures of two (2)
8 witnesses are required if the voter signs the form with the use of a mark
9 instead of the voter's signature.

10 (c) A resident of Kentucky who is a covered voter as defined in KRS 117A.010
11 who has received an absentee ballot transmitted by facsimile machine or by
12 means of the electronic transmission system established under KRS
13 117A.030(4) shall transmit the voted ballot to the county clerk by mail~~[only]~~,
14 conforming with ballot security requirements that may be promulgated by the
15 State Board of Elections by administrative regulation under KRS Chapter
16 13A, **or by deposit in a secure ballot drop box.**

17 (d) In order to be counted, the **absentee** ballots shall be received by the county
18 clerk by at least the time established by the election laws generally for the
19 closing of the polls, which time shall not include the extra hour during which
20 those voters may vote who were waiting in line to vote at the scheduled poll
21 closing time.

22 (3) (a) **The county clerk shall provide a minimum of one (1) secure ballot drop box**
23 **to receive voted mail-in absentee ballots for each primary, regular election,**
24 **or special election. The secure ballot drop box may be located in the county**
25 **clerk's office. Additional secure ballot drop boxes may be placed in other**
26 **locations provided the additional locations have been approved by the State**
27 **Board of Elections and meet the requirements of this section. Public notice**

1 of all secure ballot drop box locations shall be given in the same manner as
2 provided under subsection (6) of this section, and posted to the Web site of
3 the county clerk; and

4 (b) The State Board of Elections shall establish through administrative
5 regulations promulgated under KRS Chapter 13A security measures and
6 procedures for use of secure ballot drop boxes. These measures and
7 procedures shall include:

8 1. Requirements for acceptable locations;

9 2. Signage requirements;

10 3. That all secure ballot drop boxes shall be locked;

11 4. That all secure ballot drop boxes be monitored in-person or through
12 use of a video security surveillance system;

13 5. That ballots must be removed from a secure ballot drop box by at least
14 two (2) persons with a record of the date and time ballots were
15 removed, and the names of the persons removing them;

16 6. That ballots from a secure ballot drop box shall be returned to the
17 county clerk in locked transport containers and the county clerk shall
18 transfer the ballots upon receipt in accordance with subsection (8) of
19 this section;

20 7. That except for those times ballots are being removed and transported
21 from a secure ballot drop box to the county clerk as provided in this
22 subsection, the county clerk and at least one (1) member of the county
23 board of elections who is not of the same political party as the county
24 clerk shall retain the keys to all secure ballot drop boxes and transport
25 containers in use in the county; and

26 8. The manner of identification and reporting of any evidence of
27 tampering, alteration, or destruction of any secure ballot drop box.

1 **(4)** ~~[(2) Any voter who shall be absent from the county on election day, but who does~~
 2 ~~not qualify to receive a mail in absentee ballot under the provisions of KRS~~
 3 ~~117.085, and]~~All **qualified** voters **who choose**~~[qualified]~~ to vote prior to **any**
 4 **primary or**~~[the]~~ election under the provisions of KRS 117.085, shall vote at the
 5 main office of the county clerk or other place designated by the county board of
 6 elections~~[,]~~ and approved by the State Board of Elections~~[, prior to the day of~~
 7 ~~election]~~. The county clerk may provide for such voting by the voting equipment in
 8 general use in the county~~[either at the precinct, the equipment as may be used to~~
 9 ~~tabulate absentee ballots,]~~ or any other voting equipment approved by the State
 10 Board of Elections for use in Kentucky, except as follows:

- 11 (a) Any voter qualifying to vote~~[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,]~~ who receives assistance to vote shall complete the voter
 14 assistance form required by KRS 117.255;
- 15 (b) Any voter qualifying to vote~~[in the county clerk's office or other place~~
 16 ~~designated by the county board of elections, and approved by the State Board~~
 17 ~~of Elections,]~~ whose qualifications are challenged on grounds other than
 18 inability to provide proof of identification by any clerk or deputy shall
 19 complete an "Oath of Voter" affidavit; and
- 20 (c) Any voter qualifying to vote~~[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,]~~ who is unable to provide proof of identification as defined in
 23 KRS 117.375, may cast an in-person absentee ballot or federal provisional in-
 24 person absentee ballot in accordance with KRS 117.228 or 117.229.

25 **(5)**~~[(3)]~~ When the county clerk uses general voting equipment as provided~~[for]~~ in
 26 subsection **(4)**~~[(2)]~~ of this section, each voter casting his **or her** vote at the county
 27 clerk's office or other place designated by the county board of elections~~[,]~~ and

1 approved by the State Board of Elections, shall sign an "*In-person* Absentee Ballot
2 Signature Roster."

3 ~~(6)~~~~(4)~~ The county clerk shall designate a location within his or her office where the
4 *in-person absentee* ballots shall be cast secretly. The county clerk, with the
5 approval of the State Board of Elections, may establish locations other than his or
6 her main office in which the voters may execute their ballots. Public notice of the
7 locations shall be given pursuant to KRS Chapter 424, and similar notice by mail
8 shall be given to the county chairs of the two (2) political parties whose candidates
9 polled the largest number of votes in the county at the last regular election.

10 ~~(7)~~~~(5)~~ The State Board of Elections shall promulgate administrative regulations
11 under KRS Chapter 13A to provide for casting ballots in accordance with
12 subsection ~~(4)~~~~(2)~~ of this section.

13 ~~(8)~~~~(6)~~ The county clerk shall deposit all of the mail-in absentee ballots in a locked
14 ballot box immediately upon receipt without opening the outer envelope. The ballot
15 box shall be locked with three (3) locks. The keys to the box shall be retained by the
16 three (3) members of the central absentee ballot counting board, if one is appointed,
17 or by the members of the board of elections, and the box shall remain locked until
18 the ballots are counted. All voting equipment on which ballots are cast as permitted
19 in subsection ~~(4)~~~~(2)~~ of this section shall also remain locked and the keys shall be
20 retained by the three (3) members of the central absentee ballot counting board, if
21 one is appointed, or by the members of the board of elections, and the equipment
22 shall remain locked until the ballots are counted.

23 ~~(9)~~~~(7)~~ The county clerk shall keep separate lists for each election of all persons who:
24 (a) Return their *mail-in* absentee ballots ~~by mail~~};
25 (b) Cast their *absentee* ballots *in-person* ~~in the county clerk's office or other place~~
26 ~~designated by the county board of elections and approved by the State Board~~
27 ~~of Elections~~}; and

1 (c) Cast their federal provisional in-person absentee ballots under subsection
2 ~~(4)(2)~~(c) of this section.

3 The county clerk shall send a copy of each list to the State Board of Elections after
4 any primary or election day. Notwithstanding the provisions of the Kentucky Open
5 Records Act, KRS 61.870 to 61.884, each list of all persons who return their
6 absentee ballots by mail or who cast their ballots in the clerk's office or other
7 designated and approved place shall not be made public until after the close of
8 business hours on the primary or election day for which the list applies. The county
9 clerk and the Secretary of State shall keep a record of the number of votes cast by
10 each method listed in paragraphs (a) to (c) of this subsection, which are cast in any
11 primary or election as a part of the official returns of the primary or election.

12 ~~(10)(8)~~ The county board of elections shall report to the State Board of Elections
13 within ten (10) days after any primary or regular election as to the number of
14 rejected absentee ballots, including rejected mail-in absentee ballots and ballots cast
15 under subsection ~~(4)(2)~~ of this section, and the reasons for rejecting the ballots on
16 a form prescribed and furnished by the State Board of Elections in administrative
17 regulations promulgated under KRS Chapter 13A.

18 ➔Section 5. KRS 117.087 is amended to read as follows:

19 (1) The challenge of ~~a~~~~an~~ **mail-in** absentee ballot ~~returned by mail~~ shall be in writing
20 and in the hands of the county clerk before 8 a.m. on **the date set by the county**
21 **board of elections under subsection (3) of this section to begin the processing and**
22 **counting of mail-in absentee ballots**~~[election day].~~

23 (2) The county board of elections shall count the **mail-in** absentee ballots ~~returned by~~
24 ~~mail~~ and the **early** votes cast **in-person** ~~on the voting machine in the county clerk's~~
25 ~~office or other place designated by the county board of elections and approved by~~
26 ~~the State Board of Elections~~. Federal provisional in-person **early** ~~absentee~~ ballots
27 shall be processed in accordance with KRS 117.229. The board may appoint a

1 central ballot counting board of not less than three (3) members, who shall be
 2 qualified voters and no more than two-thirds (2/3) of whom shall be members of the
 3 same political party, to count the ballots at the direction of the county board of
 4 elections.

5 (3) *The county board of elections or central ballot counting board may begin the*
 6 *processing and counting of mail-in absentee ballots up to forty (40) days before*
 7 *any primary, regular election, or special election as the need may require.*
 8 Beginning at 8 a.m. on *each day designated by the county board of elections to*
 9 *begin the processing and counting of mail-in absentee ballots, and beginning at 8*
 10 *a.m. on* election day, the *central ballot counting* board *or the county board of*
 11 *elections* shall meet at the county clerk's office *or other place designated by the*
 12 *county board of elections and approved by the State Board of Elections* to *process*
 13 *and* count the *mail-in* absentee ballots returned~~[by mail]~~ and the *in-person early*
 14 ballots cast~~[on the voting machine in the county clerk's office or other place~~
 15 ~~designated by the county board of elections and approved by the State Board of~~
 16 ~~Elections]~~. Candidates or their representatives shall be permitted to be present. The
 17 county board of elections shall authorize representatives of the news media to
 18 observe the counting of the ballots.

19 (4) (a) The board shall open the boxes containing *mail-in* absentee ballots~~[returned~~
 20 ~~by mail]~~ and remove the envelopes one (1) at a time. As each envelope is
 21 removed, it shall be examined to ascertain whether the outer envelope and the
 22 detachable flap are in proper order and have been signed by the voter.

23 (b) A person having power of attorney for the voter and who signs the detachable
 24 flap and outer envelope for the voter shall complete the voter assistance form
 25 required by KRS 117.255.

26 (c) The signatures of two (2) witnesses are required if the voter signs the form
 27 with the use of a mark instead of the voter's signature.

1 (d) If the inside detachable flap is missing, the mail-in absentee ballot shall be
 2 rejected automatically.

3 (e) If the voted mail-in absentee ballot has not been placed in the secrecy
 4 envelope, or if the seal of the secrecy envelope has evidence of tampering as
 5 determined by at least two (2) members of the county board of elections or
 6 the central ballot counting board who are not members of the same political
 7 party, the ballot shall be rejected automatically. A mail-in absentee ballot
 8 shall not be rejected due to any defect arising out of or relating to the
 9 preparation or mailing of the ballot or envelope that was not reasonably
 10 caused by the voter, such as a torn envelope or missing or insufficient glue
 11 to allow the ballot to be sealed in the secrecy envelope.

12 (f) Any ballot initially rejected under paragraphs (a) to (c) of this subsection or
 13 under subsection (5) of this section shall be processed in accordance with
 14 Section 1 of this Act~~[All unsigned mail-in absentee ballots shall be rejected~~
 15 ~~automatically].~~

16 (5) The chair of the county board of elections or the chair of the central ballot
 17 counting board, if one has been appointed, shall compare the signatures on the
 18 outer envelope ~~and~~^[,] the detachable flap with each other and with the signature of
 19 the voter that appears on the voter's registration card or the voter's identity
 20 document as defined in KRS 186.010. Variations in voter signatures caused by
 21 the substitution of initials for a first name, middle name, or both, or the use of a
 22 common nickname, shall not be grounds to determine that the signatures are
 23 nonconforming. If the outer envelope~~[, and the]~~ detachable flap, and signatures are
 24 found to be in order, the chair shall read aloud the name of the voter. If the vote of
 25 the voter is not rejected on a challenge then made as provided in subsection (6)~~[(4)]~~
 26 of this section, the chair shall remove the detachable flap and place the secrecy
 27 envelope unopened in a ballot box which has been provided for the purpose.

1 ~~(6)~~~~(4)~~ When the name of a voter who cast a mail-in absentee ballot is read aloud by
2 the chair, the vote of the voter may be challenged by any board member or by the
3 written challenge provided in subsection (1) of this section and the challenge may
4 be determined and the vote accepted or rejected by the board as if the voter was
5 present and voting in person; but if the outer envelope and the detachable flap are
6 regular, and each substantially comply with the provisions of this chapter, they shall
7 be considered as showing that the voter is prima facie entitled to vote. If the vote of
8 a voter is rejected pursuant to the challenge, the secrecy envelope shall not be
9 opened, but returned to the outer envelope upon which the chair shall write on the
10 envelope the word "rejected." **If, however, the reason for the rejection is subject to**
11 **cure as provided in Section 1 of this Act, the ballot shall be processed in**
12 **accordance with Section 1 of this Act.**

13 ~~(7)~~~~(5)~~ After the challenges have been made and all the blank secrecy envelopes have
14 been placed in a ballot box, the box shall be thoroughly shaken to redistribute the
15 absentee ballots in the box. The board shall open the ballot box, remove the
16 absentee ballots from the secrecy envelopes, and count the ballots.

17 ~~(8)~~~~(6)~~ The board shall unlock any voting equipment used to cast ballots in the county
18 clerk's office or other place designated by the county board of elections, and
19 approved by the State Board of Elections, as provided for in KRS 117.086, and a
20 total of all ballots shall be made and recorded on the form provided by the State
21 Board of Elections.

22 ~~(9)~~~~(7)~~ The county board of elections, the county clerk, and all individuals permitted
23 to be present for the counting of absentee ballots pursuant to subsection (2) of this
24 section shall not make public the absentee ballot results determined as provided in
25 this section until after 6 p.m. prevailing time.

26 ➔Section 6. KRS 117.088 is amended to read as follows:

27 (1) For purposes of this section, "blind or visually impaired individual" means an

1 individual who:

2 (a) Has a visual acuity of 20/200 or less in the better eye with correcting lenses or
3 has a limited field of vision so that the widest diameter of the visual field
4 subtends an angle no greater than twenty (20) degrees;

5 (b) Has a medically indicated expectation of visual deterioration;

6 (c) Has a medically diagnosed limitation in visual functioning that restricts the
7 individual's ability to read and write standard print at levels expected of
8 individuals of comparable ability;

9 (d) Has been certified as requiring permanent assistance to vote under KRS
10 117.255(5) for reason of blindness; or

11 (e) Qualifies to receive assistance to vote under KRS 117.255(2) for reason of
12 blindness.

13 (2) For purposes of this section, "pilot program" means a program in a county
14 containing a consolidated local government or containing a city of the first class for
15 unassisted voting by blind or visually impaired individuals.

16 (3) A county board of elections in a county containing a consolidated local government
17 or containing a city of the first class may establish a pilot program. As part of this
18 pilot program, the State Board of Elections shall approve the use of voting
19 equipment under KRS 117.379 that is designed to permit blind and visually
20 impaired individuals to vote without assistance, for use beginning in the 2002
21 regular~~general~~ election. No county board of elections in a county containing a
22 consolidated local government or containing a city of the first class shall be required
23 to operate a pilot program.

24 (4) The State Board of Elections, if it approves the voting equipment under KRS
25 117.379, may approve the use of voting equipment designed to permit blind and
26 visually impaired individuals to vote without assistance in as many locations within
27 a county containing a consolidated local government or containing a city of the first

1 class as are designated by the county board of elections.

2 (5) A county board of elections in a county containing a consolidated local government
 3 or containing a city of the first class shall provide a report to the State Board of
 4 Elections after every primary or **regular**~~[general]~~ election regarding the number of
 5 blind or visually impaired individuals that have utilized the voting equipment
 6 during the pilot program.

7 (6) Notwithstanding the provisions of KRS 116.025, or any other statute to the
 8 contrary, a blind or visually impaired voter residing in a county containing a
 9 consolidated local government or containing a city of the first class that is operating
 10 a pilot program shall be permitted to vote at a location outside the precinct of his or
 11 her registration by voting at a location within the county of his or her registration
 12 on~~[a]~~ voting **equipment**~~[machine]~~ designed to permit blind or visually impaired
 13 individuals to vote without assistance~~[, which may include voting at the county~~
 14 ~~clerk's office, or other place designated by the county board of elections, and~~
 15 ~~approved by the State Board of Elections].~~

16 (7) Notwithstanding the provisions of KRS 117.085, 117.086, or 117.0863 or any other
 17 statute to the contrary, a blind or visually impaired individual residing in a county
 18 containing a consolidated local government or containing a city of the first class that
 19 is operating a pilot program shall be permitted to vote in the location within the
 20 county of his or her registration as provided under subsection (6) of this section, on
 21 a voting machine **or using voting equipment** designed to permit blind or visually
 22 impaired individuals to vote without assistance, at any time during which absentee
 23 voting is conducted in the clerk's office or other place designated by the county
 24 board of elections during normal business hours on at least any of the twelve (12)
 25 working days, **including two (2) Saturdays immediately preceding the Sunday**
 26 before **any primary or**~~[the]~~ election, and the county board of elections may permit
 27 the voting to be conducted~~[on a voting machine]~~ for a period longer than the twelve

1 (12) working days before the election prescribed above. An application for those
 2 blind or visually impaired individuals wishing to vote on~~—a~~ voting
 3 equipment~~[machine]~~ approved for use by blind or visually impaired individuals
 4 shall be prescribed by the State Board of Elections and shall include the individual's
 5 sworn statement that the individual is blind or visually impaired.

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

13 (9) Notwithstanding the provisions of KRS 117.255, a blind or visually impaired voter
 14 residing in a county containing a consolidated local government or containing a city
 15 of the first class that is operating a pilot project may cast his or her vote alone and
 16 without assistance on~~—a~~ voting equipment~~[machine]~~ approved for use by blind or
 17 visually impaired individuals. However, the blind or visually impaired voter shall be
 18 instructed by the officers of election, with the aid of the instruction cards and the
 19 model, in the use of the voting equipment~~[machine]~~, if the voter so requests.

20 (10) Nothing in this section shall impair the right of any qualified voter under KRS
 21 117.255 to receive assistance and vote according to the procedures specified in that
 22 section.

23 ➔Section 7. KRS 117.145 is amended to read as follows:

24 (1) At least forty-five(45)~~[fifteen (15)]~~ days before any special election, and at least
 25 fifty (50) days before any primary or regular election, the county clerk of each
 26 county shall cause to be printed and ready for use ballot labels for each candidate
 27 who, and each question which, is entitled to be voted upon in such election. The

1 ballot labels shall be printed on clear white paper or other material which shall be
2 furnished by the printer. They shall be printed in black ink, in plain, clear type
3 clearly legible to a person with normal vision, and shall be of a size to fit the ballot
4 frames. The labels shall include the necessary party designations.

5 (2) Each county clerk shall have printed a sufficient number of paper absentee ballots,
6 voter affirmations, and election official affirmations.~~[The voter affirmation, if
7 applicable, and the absentee ballot shall be used for voting by absent voters; by
8 precinct officers who have been assigned to a precinct other than their own; by
9 members of a county board of elections; by voters so disabled by age, infirmity, or
10 illness as to be unable to appear at the polls; and for voting in an emergency
11 situation.]~~ The ballot stubs shall be consecutively numbered and the county board ***of***
12 ***elections*** shall keep a record, by number, of all absentee ballots used for any
13 ***purpose***~~[of the purposes listed in this subsection].~~

14 (3) Each county clerk shall have printed a sufficient number of federal provisional
15 ballots, which, except for the candidates listed, shall have the same form as the
16 absentee ballots. A federal provisional ballot shall indicate that the ballot is a
17 federal provisional ballot. The federal provisional ballot stubs shall be
18 consecutively numbered, and the county board of elections shall keep a record, by
19 number, of all federal provisional ballots used for votes cast by provisional voters in
20 federal elections.

21 (4) No later than the Friday preceding a special or regular election, the county clerk
22 shall equip the voting machines with the necessary supplies for the purpose of
23 write-in votes. The county clerk shall also attach a pencil or pen to the voting
24 machine for write-in purposes.

25 (5) If supplemental paper ballots have been approved as provided in KRS 118.215, the
26 county clerk shall cause to be printed a sufficient number of paper ballots for the
27 registered voters of each precinct. The paper ballots shall have stubs which are

1 numbered consecutively. The quality of paper on which the supplemental paper
2 ballots are printed shall be determined by administrative regulations promulgated
3 under KRS Chapter 13A by the secretary of the Finance and Administration
4 Cabinet.

5 ➔Section 8. KRS 117.165 is amended to read as follows:

- 6 (1) Upon completing the preparation of the machines in accordance with the provisions
7 of KRS 117.155, and not later than the Thursday preceding the day of the election,
8 the county clerk shall notify the members of the county board of elections that the
9 machines are ready for use. The board shall thereupon convene at the office of the
10 county clerk, not later than the Friday preceding the day of the election, and
11 examine the machines to determine whether the requirements of KRS 117.155 have
12 been met. The county board of elections shall publish notice, in accordance with
13 KRS 424.130(1)(d), at least twenty-four (24) hours in advance of the time when the
14 machines are to be examined by the board. If found in proper order, the members of
15 the county board of elections shall endorse their approval in the book in which the
16 county clerk has entered the numbers of the machines opposite the numbers of the
17 precincts. The clerk shall then deliver all of the keys to the machines to the county
18 board of elections who shall give a receipt for the keys which shall contain
19 identification of the keys. Not later than one (1) hour before the time set for the
20 opening of the polls, the board shall deliver all election supplies including the
21 precinct list, tabulation sheets, and the key to the device covering the registering
22 counters and other keys necessary for the operation of the machine in registering
23 votes, to the election officers of the precinct in which the machine is being used,
24 who shall give the board a receipt containing identification of the keys. The master
25 key and all other keys shall remain in the possession of the county board of
26 elections.
- 27 (2) Not later than four (4) business days preceding the date set by the county board of

1 elections to conduct early~~[absentee]~~ voting in accordance with KRS
 2 117.085~~[(1)(e)]~~, the county clerk shall notify the members of the county board of
 3 elections that the voting machines or voting equipment designated for use during
 4 early~~[absentee]~~ voting are ready for use. The board shall thereupon convene at the
 5 office of the county clerk, not later than three (3) business days preceding the date
 6 set by the county board of elections to conduct early~~[absentee]~~ voting, and examine
 7 the machines to determine whether the requirements of KRS 117.155 have been
 8 met. The county board of elections shall publish notice, in accordance with KRS
 9 424.130(1)(d), at least twenty-four (24) hours in advance of the time when the~~[~~
 10 ~~absentee]~~ voting machines or voting equipment used for early voting are to be
 11 examined by the board. If found in proper order, the members of the county board
 12 of elections shall endorse their approval in the book in which the county clerk has
 13 entered the identification number of the machines or voting equipment designated
 14 for use during early~~[absentee]~~ voting.

15 (3) Any candidate, one (1) representative of each political party having candidates to be
 16 voted for at the election, and representatives of the news media may be present
 17 when the examination of the machines or voting equipment is made by the county
 18 board of elections.

19 ➔Section 9. KRS 117.228 is amended to read as follows:

20 (1) Except as provided in subsection (4) of this section, on the day of a primary, an
 21 election, or during in-person early~~[absentee]~~ voting, if a voter is unable to provide
 22 proof of identification as required under KRS 117.225, and as defined under KRS
 23 117.375, a voter may cast a ballot if the individual:

- 24 (a) Is eligible to vote under KRS 116.025;
- 25 (b) Is entitled to vote in that precinct; and
- 26 (c) In the presence of the election officer, executes a voter's affirmation, on a
 27 form prescribed and furnished by the State Board of Elections pursuant to

- 1 administrative regulations promulgated under KRS Chapter 13A, affirming:
- 2 1. The voter is a citizen of the United States;
 - 3 2. The voter's date of birth to the best of the voter's knowledge and belief;
 - 4 3. The voter is qualified to vote in this precinct under KRS 116.025;
 - 5 4. The voter's name, and that the voter is generally known by that name, or
 - 6 the name is as stated on his or her voter registration card;
 - 7 5. The voter has not voted and will not vote in any other precinct;
 - 8 6. The voter's current residential address, including the street address
 - 9 number and, if different from the voter's current address, the voter's
 - 10 residential address prior to the close of the registration books under KRS
 - 11 116.045, and the date the voter moved;
 - 12 7. The voter understands that making a false statement on the affirmation is
 - 13 punishable under penalties of perjury; and
 - 14 8. The voter has one (1) of the following impediments to procure proof of
 - 15 identification as defined in KRS 117.375:
 - 16 a. Lack of transportation;
 - 17 b. Inability to obtain his or her birth certificate or other documents
 - 18 needed to show proof of identification;
 - 19 c. Work schedule;
 - 20 d. Lost or stolen identification;
 - 21 e. Disability or illness;
 - 22 f. Family responsibilities;
 - 23 g. The proof of identification has been applied for, but not yet
 - 24 received; or
 - 25 h. The voter has a religious objection to being photographed.
 - 26 (2) In addition to the requirements of subsection (1) of this section, to cast a ballot, the
 - 27 voter who is unable to provide proof of identification shall provide to an election

1 officer:

2 (a) The voter's Social Security Card;

3 (b) Any identification card issued by a county in this state which has the name of
4 the voter stated and has been approved in writing by the State Board of
5 Elections pursuant to administrative regulations promulgated under KRS
6 Chapter 13A;

7 (c) Any identification card with the voter's photograph and the name of the voter
8 stated;

9 (d) Any food stamp identification card, electronic benefit transfer card, or
10 supplemental nutrition assistance card, that is issued by this state and has the
11 name of the voter stated; or

12 (e) A credit or debit card with the name of the voter stated.

13 (3) After the election officer obtains the affirmation from the voter required by
14 subsection (1) of this section, and after the voter provides the documents under
15 subsection (2) of this section, the voter shall sign the precinct signature roster and
16 shall proceed to cast his or her vote in a ballot completion area.

17 (4) If the voter is personally known to the election officer, the election officer may
18 execute an election officer affirmation, on a form prescribed and furnished by the
19 State Board of Elections pursuant to administrative regulations promulgated under
20 KRS Chapter 13A, affirming the voter's identification as being personally known to
21 him or her. Once the affirmation is executed by the election officer, the voter shall
22 sign the precinct signature roster and shall proceed to cast his or her vote in a ballot
23 completion area. For purposes of this subsection, "personally known" means that
24 the election officer knows the voter's name and that the voter is a resident of the
25 community.

26 (5) The voter affirmation and the election officer affirmations executed under this
27 section shall be processed in the same manner as an oath of voter affidavit as

1 prescribed by KRS 117.245(3) and (4).

2 ➔Section 10. KRS 117.229 is amended to read as follows:

3 On the day of a primary, an election, or during in-person ~~early~~[absentee] voting when a
4 federal elective office is on the ballot, if a voter is unable to provide proof of
5 identification, as required under KRS 117.225 and as defined under KRS 117.375, or the
6 voter fails to meet the requirements of KRS 117.228, the voter may cast a provisional
7 ballot for the federal elective office of President, Vice President, United States Senator,
8 and United States House of Representative if the individual conforms to the provisional
9 voting requirements in accordance with the Help America Vote Act of 2002.

10 ➔Section 11. KRS 117.235 is amended to read as follows:

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

15 (a) For the purpose of voting;

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

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

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

23 (2) No officer of election shall do any electioneering on election day.

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

1 (b) No person shall electioneer within the interior of a building or affix any
2 electioneering materials to the exterior or interior of a building where the
3 county clerk's office is located, or any building designated by the county board
4 of elections and approved by the State Board of Elections for absentee voting,
5 during the hours absentee voting is being conducted in the building by the
6 county clerk pursuant to KRS 117.085~~[(1)(e)]~~.

7 **(c) No person shall electioneer within one hundred (100) feet of a mail-in**
8 **absentee ballot drop-box.**

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

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

24 (5) Any precinct election officer, county clerk, deputy county clerk, or any law
25 enforcement official may enforce the election laws and maintain law and order at
26 the polls and within one hundred (100) feet of any entrance to the building in which
27 **voting is conducted**~~[the voting machine is located]~~ if that entrance is unlocked and

1 is used by voters. Assistance may be requested of any law enforcement officer.

2 (6) Notwithstanding the provisions of subsection (1) of this section, the State Board of
3 Elections may establish a program designed to instill in school children a respect for
4 the democratic principles of voting by conducting in any county a mock election for
5 school children in conjunction with any primary,~~[-or]~~ regular **election**, or special
6 election. The State Board of Elections shall promulgate administrative regulations
7 regarding the mock elections to **ensure**~~[insure]~~ that the regular voting process will
8 not be impaired.

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

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

18 (1) A voter may, at any regular or special election, cast a write-in vote for any person
19 qualified as provided in subsection (2) or (3) of this section, whose name does not
20 appear upon the ballot label for any office, by writing the name of his or her choice
21 upon the appropriate device for the office being voted on provided on the voting
22 machine as required by KRS 117.125. Any candidate for city, county, urban-county,
23 consolidated local government, charter county government, or unified local
24 government office who is defeated in a partisan or nonpartisan primary shall be
25 ineligible as a candidate for the same office in the regular election. Any voter
26 utilizing a federal provisional ballot, a federal provisional in-person **early**~~[absentee]~~
27 ballot, or a mail-in absentee ballot for a regular or special election may write in a

1 vote for any eligible person whose name does not appear upon the ballot, by writing
2 the name of his or her choice under the office.

3 (2) Write-in votes shall be counted only for candidates for election to office who have
4 filed a declaration of intent to be a write-in candidate with the Secretary of State or
5 county clerk, depending on the office being sought, on or before the fourth Friday in
6 October preceding the date of the regular election and not later than the second
7 Friday before the date of a special election. In the case of a special election
8 administered under KRS 118.730, a declaration of intent to be a write-in candidate
9 shall be filed at least twenty-eight (28) days before the day of the election. The
10 declaration of intent shall be filed no earlier than the first Wednesday after the first
11 Monday in November of the year preceding the year the office will appear on the
12 ballot, and no later than 4 p.m. local time at the place of filing when filed on the last
13 date on which papers may be filed. The declaration of intent shall be on a form
14 prescribed and furnished by the Secretary of State.

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

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

17 (b) If his or her name appears upon the ballot~~[label]~~ for any office, except that
18 the candidate may file a notice of withdrawal prior to filing an intent to be a
19 write-in candidate for office when a vacancy in a different office occurs
20 because of:

21 1. Death;

22 2. Disqualification to hold the office sought;

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

24 4. The nomination of an unopposed candidate.

25 (4) Persons who wish to run for President and Vice-President shall file a declaration of
26 intent to be a write-in candidate, along with a list of presidential electors pledged to
27 those candidates, with the Secretary of State on or before the fourth Friday in

1 October preceding the date of the regular election for those offices. The declaration
 2 of intent shall be filed no earlier than the first Wednesday after the first Monday in
 3 November of the year preceding the year the office will appear on the ballot, and no
 4 later than 4 p.m. local time at the place of filing when filed on the last date on which
 5 papers may be filed. Write-in votes cast for the candidates whose names appear on
 6 the ballot shall apply to the slate of pledged presidential electors, whose names shall
 7 not appear on the ballot.

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

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

13 ➔Section 13. 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 ~~8{6}~~ p.m., prevailing time, has voted. At ~~8{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 ~~8{6}~~ p.m., prevailing time. After the last voter waiting in line at
 25 ~~8{6}~~ 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 the voter~~he~~ has made application for leave

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

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

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

23 ➔Section 14. KRS 14.312 is amended to read as follows:

24 (1) A program participant who is otherwise qualified to vote may register to vote and
 25 apply for and submit a mail-in absentee ballot under this section.

26 (2) Using the authority granted under KRS 14.318(1), the State Board of Elections shall
 27 design a system allowing a county clerk to shield from public view all voting

- 1 records of a program participant, including the name and address of a program
2 participant, and allowing a program participant to vote by mail-in absentee ballot.
3 This authority may be used to modify statutory or regulatory requirements that
4 would lead to disclosure of the program participant's name and address, but shall
5 not include authority to waive or modify any other requirements relative to the
6 program participant's qualifications to vote, including age and geographic residency.
- 7 (3) The program participant may receive mail-in absentee ballots for all elections in the
8 jurisdiction in which that individual resides in the same manner as a person
9 requesting an absentee ballot under KRS 117.085~~[(1)(a)]~~. The county clerk shall
10 transmit a mail-in absentee ballot to the program participant at the address
11 designated by the participant in his or her application.
- 12 (4) Neither the name nor the address of a program participant shall be included in any
13 list of registered voters available to the public, including any list inspected under
14 KRS 116.095.