

1 AN ACT relating to elections.

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

3 ➔Section 1. KRS 118.015 is amended to read as follows:

4 As used in this chapter, unless the context otherwise requires:

- 5 (1) ~~{A-}~~"Political party" ***means***~~{is}~~ an affiliation or organization of electors representing
6 a political policy and having a constituted authority for its government and
7 regulation, and whose candidate received at least twenty percent (20%) of the total
8 vote cast at the last preceding election at which presidential electors were voted for;
- 9 (2) ~~{The word-}~~"Election," ***when*** used in reference to a state, district, county, or city
10 election, includes the decisions of questions submitted to the qualified voters as
11 well as the choice of officers by them;
- 12 (3) ~~{A-}~~"Ballot" or "official ballot" means the official presentation of offices and
13 candidates to be voted for, including write-in candidates, and all public questions
14 submitted for determination, and shall include a voting machine ballot, a paper
15 ballot, an absentee ballot, a federal provisional ballot, a federal provisional absentee
16 ballot, or a supplemental paper ballot which has been authorized for the use of the
17 voters in any primary, regular election, or special election by the Secretary of State
18 or the county clerk;
- 19 (4) "Ballot box" means any box, bag, or other container that can be locked, sealed, or
20 otherwise rendered tamper-resistant, for receiving ballots;
- 21 (5) "Election officer" means any person tasked with election administration within this
22 state, as context dictates the defined role, including but not limited to the Secretary
23 of State and his or her employees, members of the State Board of Elections and
24 staff, members of the county boards of election and staff, precinct election officers,
25 election officials, and poll workers;
- 26 (6) "Voting equipment" means any physical component of a voting system and includes
27 voting machines where voting machines are in operation;

- 1 (7) "Voting machine" or "machine" means a part of a voting system that consists of:
- 2 (a) A direct recording electronic voting machine that:
- 3 1. Records votes by means of a ballot display provided with mechanical or
- 4 electro-operated components that may be actuated by the voter;
- 5 2. Processes the data by means of a computer program;
- 6 3. Records voting data and ballot images in internal and external memory
- 7 components; and
- 8 4. Produces a tabulation of the voting data stored in a removable memory
- 9 component and on a printed copy; or
- 10 (b) One (1) or more electronic devices that operate independently or as a
- 11 combination of a ballot marking device and an electronic or automatic vote
- 12 tabulating device;
- 13 (8) "Voting system" means:
- 14 (a) The total combination of physical, mechanical, electromechanical, or
- 15 electronic equipment, including the software, hardware, firmware, and
- 16 documentation required to program, control, and support that equipment, that
- 17 is used to:
- 18 1. Define ballots;
- 19 2. Cast and count votes;
- 20 3. Report or display election results; and
- 21 4. Maintain and produce any audit trail information; and
- 22 (b) The practices and associated documentation used to:
- 23 1. Identify system components and versions of those components;
- 24 2. Test the system during its development and maintenance;
- 25 3. Maintain records of system errors and defects;
- 26 4. Determine specific system changes to be made to a system after the
- 27 initial qualification of the system; and

- 1 5. Make available any materials to the voter, such as notices, instructions,
2 forms, or paper ballots;
- 3 (9) ~~{The word }~~"Resident," ***when***~~{used}~~ in reference to a candidate in a state, district,
4 county, or city election, ***means an***~~{shall mean}~~ actual resident, without regard to
5 the residence of the spouse of the candidate;
- 6 (10) "Political organization" means a political group not constituting a political party
7 within the meaning of subsection (1) of this section but whose candidate received
8 two percent (2%) or more of the vote of the state at the last preceding election for
9 presidential electors;~~{and}~~
- 10 (11) "Political group" means a political group not constituting a political party or a
11 political organization within the meaning of subsections (1) and (10) of this section;
- 12 ***(12) "Batch elimination" means the simultaneous defeat of multiple candidates for***
13 ***whom it is mathematically impossible to be elected;***
- 14 ***(13) "Continuing ballot" means a ballot that is not an exhausted ballot;***
- 15 ***(14) "Continuing candidate" means a candidate who has not been defeated;***
- 16 ***(15) "Exhausted ballot" means a ballot that does not rank any continuing candidate,***
17 ***contains an overvote at the highest continuing ranking, or contains two (2) or***
18 ***more sequential skipped rankings before its highest continuing ranking;***
- 19 ***(16) "Highest continuing ranking" means the highest ranking on a voter's ballot for***
20 ***a continuing candidate;***
- 21 ***(17) "Last-place candidate" means the candidate with the fewest votes in a round of***
22 ***the ranked-choice vote tallying;***
- 23 ***(18) "Mathematically impossible to be elected," with respect to a candidate, means***
24 ***either:***
- 25 ***(a) The candidate cannot be elected because the candidate's vote total in a***
26 ***round of the ranked-choice voting tabulation plus all votes that could***
27 ***possibly be transferred to the candidate in future rounds from candidates***

1 with fewer votes or an equal number of votes would not be enough to
 2 surpass the candidate with the next-higher vote total in the round; or

3 (b) The candidate has a lower vote total than a candidate described in
 4 paragraph (a) of this subsection;

5 (19) "Office elected by ranked-choice voting" means any member of the General
 6 Assembly, as well as the office of Governor, Lieutenant Governor, Attorney
 7 General, Secretary of State, Auditor, Commissioner of Agriculture, and
 8 Treasurer;

9 (20) "Overvote" means a circumstance in which a voter has ranked more than one (1)
 10 candidate at the same ranking;

11 (21) "Round" means an instance of the sequence of voting tabulation steps
 12 established in Section 4 of this Act;

13 (22) "Skipped ranking" means a circumstance in which a voter has left a ranking
 14 blank and ranks a candidate at a subsequent ranking; and

15 (23) "Under-voted" means when a voter marks or delineates a selection of two (2) or
 16 more candidates, but does not rank the voter's order of preference for the
 17 candidates.

18 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 118 IS CREATED TO
 19 READ AS FOLLOWS:

20 For a regular or special election, candidates who seek an office elected by ranked-
 21 choice voting shall only be elected by ranked-choice voting. Ranked-choice voting shall
 22 not be applicable to primaries.

23 ➔SECTION 3. A NEW SECTION OF KRS CHAPTER 118 IS CREATED TO
 24 READ AS FOLLOWS:

25 (1) For an election for an office elected by ranked-choice voting that has more than
 26 two (2) choices, the ballot shall:

27 (a) Be laid out to allow the voter to rank the candidates for an office in order of

1 preference;

2 (b) Allow for a voter to include one (1) write-in candidate if he or she desires;

3 and

4 (c) Be in a simple and easy to understand format.

5 (2) When ranked-choice voting is used to elect a candidate to elected office:

6 (a) The voter may rank his or her preferences for the candidates for that office,

7 but shall not be required to rank all candidates for that office;

8 (b) A mark or delineation by the voter for only one (1) candidate shall be

9 interpreted as a vote of rank one (1) for that particular candidate, with no

10 other candidate being ranked; and

11 (c) A mark or delineation by the voter for two (2) or more candidates, but

12 which does not rank the voter's order of preference for the candidates, shall

13 not count as votes for any candidates, and shall cause the ballot to be

14 identified as under-voted.

15 (3) If a ballot is considered under-voted and the voter used a paper ballot, the voter

16 may, upon surrendering the ballot, request and vote upon another ballot. The

17 original ballot that is considered under-voted shall be marked as spoiled, and the

18 requirements of KRS 117.385 related to spoiled ballots shall be applicable.

19 ➔SECTION 4. A NEW SECTION OF KRS CHAPTER 118 IS CREATED TO

20 READ AS FOLLOWS:

21 The following procedures shall be used to determine the winner in an election for an

22 office elected by ranked-choice voting:

23 (1) Tallying shall proceed in rounds. In each round, the number of votes for each

24 continuing candidate shall be counted. Each continuing ballot counts as one (1)

25 vote for its highest-ranked continuing candidate for that round. Exhausted

26 ballots shall not be counted for any continuing candidate. The round then ends

27 with one (1) of the following two (2) potential outcomes:

1 (a) If there are two (2) or fewer continuing candidates, the candidate with the
 2 most votes is declared the winner of the election; or

3 (b) If there are more than two (2) continuing candidates, the last-place
 4 candidate is defeated and a new round begins.

5 (2) A tie under this section between candidates for the most votes in the final round
 6 or a tie between last-place candidates in any round shall be decided by lot, and
 7 the candidate chosen by lot is defeated. The result of the tie resolution shall be
 8 recorded and reused in the event of a recount. The drawing of lot shall be in the
 9 presence of not fewer than three (3) other persons and in the manner as the State
 10 Board of Elections directs.

11 (3) Modification of a ballot for ranked-choice voting and tabulation is permitted in
 12 accordance with the following:

13 (a) The number of allowable rankings may be limited to no fewer than six (6);
 14 or

15 (b) Two (2) or more candidates may be defeated simultaneously by batch
 16 elimination in any round of tabulation.

17 (4) For candidates of a political party, political group, or political organization or
 18 candidates who are independents, the number of votes cast is the number of votes
 19 credited to that candidate after the initial counting in the first round as described
 20 in subsection (1) of this section and, if applicable, subsection (2) of this section.

21 ➔Section 5. KRS 117.125 is amended to read as follows:

22 No voting system or voting equipment shall be approved for use after January 1, 2024, by
 23 the State Board of Elections, either upon initial examination or reexamination, and no
 24 voting equipment or voting system shall be purchased after July 14, 2022, unless the
 25 system and equipment has been certified under KRS 117.379 and is so constructed that it
 26 shall:

27 (1) Ensure secrecy to the voter in the act of voting so that no person can see or know for

- 1 whom any other voter has voted or is voting, except for those voters requiring
2 assistance under KRS 117.255;
- 3 (2) Permit votes to be cast for any candidate entitled to have his or her name printed
4 upon the ballots at any primary, regular election, or special election, and for or
5 against any public question entitled to be placed upon the ballots;
- 6 (3) Except at a primary, permit a voter to vote for all the candidates of one (1) party or
7 for one (1) or more candidates of every party having candidates entitled to be voted
8 for, or for one (1) or more independent, political organization, or political group
9 candidates;
- 10 (4) Permit a voter to vote for as many persons for an office as the voter is lawfully
11 entitled to vote for, and no more;
- 12 (5) Prevent a voter from voting for more persons for any office than the voter is entitled
13 to vote for, and from voting for the same person, or for or against the same
14 question, more than once;
- 15 (6) Permit a voter to vote for or against any question the voter may have the right to
16 vote on, but no other;
- 17 (7) Provide for a nonpartisan ballot;
- 18 (8) Be capable of being adjusted for use in a primary so that a voter may not vote for
19 any person except those seeking nomination as candidates of the voter's party, as
20 candidates for a nonpartisan office, or as candidates for an office of the Court of
21 Justice;
- 22 (9) Permit each voter to vote for all the candidates for presidential electors of any party
23 by one (1) operation;
- 24 (10) Permit each voter to vote, in any regular or special election, for any person for
25 whom the voter desires to vote whose name does not appear upon the ballot by
26 providing a method of write-in voting;
- 27 (11) Be safe, efficient, and accurate in the conduct of elections, and correctly register and

- 1 accurately count all votes cast for each person, and for or against each public
2 question;
- 3 (12) (a) Provide each voter an opportunity to verify votes recorded on the permanent
4 paper ballot, either visually or using assistive voting technology, by producing
5 a voter-verified paper audit trail;
- 6 (b) Provide each voter an opportunity to change votes or correct any error before
7 the voter's ballot is cast and counted; and
- 8 (c) Provide a voter who spoils his or her ballot another ballot as provided under
9 this chapter;
- 10 (13) Use an individual, discrete, permanent, paper ballot cast by the voter for tabulating
11 purposes;
- 12 (14) Preserve the paper ballot as an official record available for use in any audit or
13 recount;
- 14 (15) Be suitably designed for the purpose used, constructed of a durable material, and
15 safely transportable;
- 16 (16) Be capable of determining whether the voting equipment has been unlocked and
17 operated or adjusted in any manner after once being locked;
- 18 (17) Have a public counter with a register which is visible from the outside of the
19 counter or device that will show at all times during an election how many persons
20 have voted;
- 21 (18) Have a protective cumulative counter indicating the number of votes cast for each
22 person, and the votes cast for or against each public question which cannot be seen,
23 reset, or tampered with without unlocking a covering device by a key or other
24 security apparatus that cannot unlock any other part of the equipment, and which
25 prevents changes to the cumulative counter once the system has been put into
26 operation on the day of any election;
- 27 (19) Provide for the tabulating of votes at the precinct as required under KRS 117.275;

- 1 (20) Provide locks or other security apparatus by which the operation of the voting
2 equipment may be locked before the time for opening the polls and after the time
3 for closing the polls;
- 4 (21) Permit a voter to readily learn the method of operating it, to expeditiously cast a
5 vote for all candidates and on all questions of the voter's choice, and when operated
6 properly, register and record correctly and accurately every vote cast;
- 7 (22) Bear a number or other unique designation that will distinguish it from any other
8 voting equipment or voting system;
- 9 (23) Produce a real-time audit log record for the voting system, and produce a paper
10 record with a manual audit capacity which shall be available as an official record for
11 any recount conducted related to any primary or election in which the system is
12 used;
- 13 (24) Be accessible for individuals with impairments, including nonvisual accessibility
14 for the blind or visually impaired, in a manner that provides the same opportunity
15 for access and participation, including privacy and independence, as for other
16 voters;
- 17 (25) Prohibit voting equipment that tabulates or aggregates votes used in official results
18 from connecting to any network, including the Internet, or communicating with any
19 device external to the voting system;
- 20 (26) Meet or exceed the standards for a voting system established by the Election
21 Assistance Commission, as amended from time to time, and those approved under
22 KRS 117.379; ~~and~~
- 23 (27) Meet such other requirements as may be established by the State Board of Elections
24 in administrative regulations promulgated under KRS Chapter 13A to reflect
25 changes in technology to ensure the integrity and security of voting systems; and
- 26 **(28) Permit a voter to vote in accordance with ranked-choice voting in a regular**
27 **election for eligible candidates.**

1 ➔Section 6. KRS 117.187 is amended to read as follows:

- 2 (1) The State Board of Elections shall regularly provide special training regarding the
3 election laws and methods of enforcement to all members of county boards of
4 elections, county attorneys, Commonwealth's attorneys, and certain members of the
5 Department of Kentucky State Police.
- 6 (2) The county board of elections shall provide special training before each primary,
7 regular election, and any special election to all election officers, alternates, and
8 certified challengers regarding their duties and the penalties for failure to perform.
9 Election officers, including alternates, and certified challengers shall attend the
10 training session, unless excused by the county board of elections for reason of
11 illness or other emergency. Any person who fails to attend a training session
12 without being excused shall be prohibited from serving as an election officer or
13 challenger for a period of five (5) years. The training provided by the county board
14 of elections shall include but not be limited to the following:
- 15 (a) Operation of the voting equipment, and voting system as applicable;
 - 16 (b) Posting of necessary signs and notices at the polling place;
 - 17 (c) Voter assistance;
 - 18 (d) Maintaining precinct rosters;
 - 19 (e) Confirmation of a voter's identity;
 - 20 (f) Challenge of a voter;
 - 21 (g) Completing changes of address or name at the polling place;
 - 22 (h) Qualifications for voting in a primary;
 - 23 (i) Electioneering and exit polling;
 - 24 (j) Write-in voting procedures;
 - 25 (k) Persons who may be in the voting room;
 - 26 (l) Election violations and penalties;
 - 27 (m) Assistance which may be provided by law enforcement officers;

- 1 (n) Election reports;
- 2 (o) Disability awareness;
- 3 (p) Provisional voting and provisional absentee voting;
- 4 (q) Election emergency contingency plan;
- 5 (r) Elections, voting equipment, and voting systems security plan;
- 6 (s) Proof of identification;~~[-and]~~
- 7 (t) Information concerning the secure online portal to request a mail-in absentee
- 8 ballot; *and*
- 9 **(u) The election process of ranked-choice voting.**

10 (3) The county attorney or the county attorney's designee may attend the training
 11 session for election officers to assist in explaining the duties and penalties for
 12 failure to perform.

13 (4) Compensation in the minimum amount of ten dollars (\$10) for reimbursement of
 14 actual expenses shall be paid by the county to the election officers for attending the
 15 training session.

16 ➔Section 7. KRS 118.425 is amended to read as follows:

17 (1) The State Board of Elections shall issue certificates of election where the successful
 18 candidate was voted for by the state at large, was voted for by a district greater than
 19 one (1) county, or was a candidate for member of Congress or the General
 20 Assembly.

21 (2) Except as provided in subsection (3) of this section, not later than the second
 22 Monday after the election, the county board of elections shall issue certificates of
 23 election where the successful candidate was voted for by the electors of one (1)
 24 county, or of a district less than one (1) county, except members of Congress,
 25 members of the General Assembly, and designated officers filing with the Secretary
 26 of State. The right to contest or recount an election in accordance with KRS Chapter
 27 120 shall not be impaired. The county board of elections of the candidate's

1 residence shall issue certificates of election where the successful candidate was
2 voted for by the electors of a city or school district whose boundaries extend beyond
3 those of a single county. The board shall forward the certificate to the elected
4 candidate. If the board finds that two (2) or more candidates have received the
5 highest and equal number of votes for the same office, the board shall determine by
6 lot which of the candidates is elected.

7 (3) In counties containing cities of the first class, not later than the thirtieth day of
8 December after the election, the county board of elections shall issue certificates of
9 election where the successful candidate was voted for by the electors of the county,
10 except members of Congress, members of the General Assembly, and designated
11 officers filing with the Secretary of State. The right to contest or recount an election
12 in accordance with KRS Chapter 120 shall not be impaired. The county board of
13 elections of the candidate's residence shall issue certificates of election where the
14 successful candidate was voted for by the electors of a city whose boundaries
15 extend beyond those of a single county. The board shall forward the certificate to
16 the elected candidate. If the board finds that two (2) or more candidates have
17 received the highest and equal number of votes for the same office, the board shall
18 determine by lot which of the candidates is elected.

19 (4) In the case of all offices voted for, and in the case of public questions submitted to
20 the vote of the people of the state at large or of a district greater than one (1) county,
21 the county board of elections shall make out duplicate certificates of the total
22 number of votes received by each of the candidates for the office and the total
23 number of votes for and against each of the questions on a form prescribed by the
24 State Board of Elections through the promulgation of administrative regulations in
25 accordance with KRS Chapter 13A. The certificate of the total number of votes
26 shall be certified to the Secretary of State's Office not later than 12 p.m., prevailing
27 time, on the Friday following the election. For special elections the certificate of the

1 total number of votes shall be certified to the Secretary of State's Office not later
2 than 12 p.m., prevailing time, on the day following the election. The clerk shall
3 keep one (1) of the certificates in his or her office. He or she shall not later than
4 three (3) days after receiving the certificate from the board, forward the other
5 certificate by mail to the Secretary of State who shall deliver it to the State Board of
6 Elections.

7 (5) The State Board of Elections shall meet, to count and tabulate the votes received by
8 the different candidates as certified to the Secretary of State no later than the third
9 Monday after the election. The right to contest or recount an election in accordance
10 with KRS Chapter 120 shall not be impaired. A majority of the members of the
11 board shall constitute a quorum and may act. The board shall make out the
12 certificates of election in the office of the board from the returns made. The board
13 shall make out duplicate certificates of election, in writing, over the signatures of its
14 members. The board shall forward the original certificate, by mail, to the elected
15 candidate. The duplicate shall be retained in the office of the board. In the case of
16 the election of a representative in Congress, an additional certificate shall be made
17 and sent, by mail, to the clerk of the House of Representatives.

18 (6) The certificate of election shall be issued to the candidate receiving the highest
19 number of votes in the territory from which the election is to be made. **Except as**
20 **provided for those candidates for office elected by ranked-choice voting as**
21 **prescribed in Sections 2, 3, and 4 of this Act,** if two (2) or more persons are found
22 to have received the highest and an equal number of votes for the same office, the
23 election shall be determined by lot in the manner the board directs, in the presence
24 of not less than three (3) other persons. In the case of elections for electors of
25 President and Vice President of the United States, the board shall issue a certificate
26 of election to each elector of the political party or organization whose candidates for
27 President and Vice President received the highest number of votes and the

1 determination by the board that the candidates of any political party or organization
2 for President and Vice President have received the highest number of votes shall
3 constitute a determination that the electors nominated by that party have been
4 elected.