

CHAPTER 197**(HB 574)**

AN ACT relating to elections and making an appropriation therefor.

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

➔Section 1. KRS 83A.045 is amended to read as follows:

- (1) Except as provided in KRS 83A.047, partisan elections of city officers shall be governed by the following provisions, regardless of the form of government or classification of the city:
 - (a) A candidate for party nomination to city office shall file his or her nomination papers with the county clerk of the county not earlier than the first Wednesday after the first Monday in November of the year preceding the year in which the office will appear on the ballot and not later than the first Friday following the first Monday in January before the day fixed by KRS Chapter 118 for holding a primary for the office sought. Signatures for nomination papers shall not be affixed on the document to be filed prior to the first Wednesday after the first Monday in November of the year preceding the year in which the office will appear on the ballot. All nomination papers shall be filed no later than 4 p.m. local time when filed on the last day on which the papers are permitted to be filed;
 - (b) An independent candidate for nomination to city office shall not participate in a primary, but shall file his or her nomination papers with the county clerk of the county not earlier than the first Wednesday after the first Monday in November of the year preceding the year in which the office will appear on the ballot and not later than the first Tuesday after the first Monday in June before the day fixed by KRS Chapter 118 for holding a regular election for the office. Signatures for nomination papers shall not be affixed on the document to be filed prior to the first Wednesday after the first Monday in November of the year preceding the year in which the office will appear on the ballot. All nomination papers shall be filed no later than 4 p.m. local time when filed on the last day on which the papers are permitted to be filed; and
 - (c) A candidate for city office who is defeated in a partisan primary shall be ineligible as a candidate for the same office in the regular election. However, if a vacancy occurs in the party nomination for which he or she was an unsuccessful candidate in the primary, his or her name may be placed on the ~~ballot-voting machines~~ *ballot* for the regular election as a candidate of that party if he or she has been duly made the party nominee after the vacancy occurs, as provided in KRS 118.105.
- (2) Except as provided in KRS 83A.047, nonpartisan elections of city officers shall be governed by KRS 83A.050, 83A.170, 83A.175, and the following provisions, regardless of the form of government or classification of the city:
 - (a) A candidate for city office shall file his or her nomination papers with the county clerk of the county not earlier than the first Wednesday after the first Monday in November of the year preceding the year in which the office will appear on the ballot and not later than the first Friday following the first Monday in January before the day fixed by KRS Chapter 118 for holding a primary for nominations for the office. Signatures for nomination papers shall not be affixed on the document to be filed prior to the first Wednesday after the first Monday in November of the year preceding the year in which the office will appear on the ballot. All nomination papers shall be filed no later than 4 p.m. local time when filed on the last day on which the papers are permitted to be filed;
 - (b) Any city of the home rule class may by ordinance provide that the nomination and election of candidates for city office in a nonpartisan election shall be conducted pursuant to the provisions of this subsection:
 1. A city may forgo conducting a nonpartisan primary for the nomination of candidates to city office, regardless of the number of candidates running for each office, and require all candidates to file their nomination papers with the county clerk of the county not earlier than the first Wednesday after the first Monday in November of the year preceding the year in which the office will appear on the ballot and not later than the first Tuesday after the first Monday in June before the day fixed by KRS Chapter 118 for holding a regular election for the office. Signatures for nomination papers shall not be affixed on the document to be filed prior to the first

Wednesday after the first Monday in November of the year preceding the year in which the office will appear on the ballot;

2. All nomination papers shall be filed no later than 4 p.m. local time when filed on the last day on which the papers are permitted to be filed;
 3. If a city does not conduct a primary pursuant to this subsection, the election of candidates to city office shall be governed by the provisions of this subsection, KRS 83A.175(2) to (6), and KRS Chapters 116 to 121;
 4. In the absence of a primary pursuant to this subsection, the number of candidates equal to the number of city offices to be filled who receive the highest number of votes cast in the regular election for each city office shall be elected;
 5. Candidates shall be subject to all other applicable election laws pursuant to this chapter and KRS Chapters 116 to 121;
 6. If a vacancy occurs in a candidacy for city office in any city which has not held a primary pursuant to this subsection after the expiration of time for filing nomination papers, or if there are fewer candidates than there are offices to be filled, the vacancy in candidacy shall be filled by write-in voting; and
 7. At the regular election, the voters shall be instructed to vote for one (1) candidate, except when there is more than one (1) candidate for which voters may vote, the instruction "vote for up to candidates" shall be used on the ballot; and
- (c) A candidate for city office who is defeated in a nonpartisan primary shall be ineligible as a candidate for the same office in the regular election.

➔Section 2. KRS 116.045 is amended to read as follows:

- (1) Any person may register as a voter during the period registration is open if he or she possesses, or will possess on the day of the next regular election, the qualifications set forth in KRS 116.025.
- (2) The county clerk shall cause all registration to be closed the fourth Tuesday preceding through the first Monday following any primary or general election, and the twenty-eight (28) days prior to and seven (7) days following any special election. If the last day of registration falls on a state or federal holiday, the period runs until the end of the next day which is not a Saturday or Sunday nor a state or federal holiday. During the period that registration is closed, the county clerk may accept and process registrations. Any voter who registers during the period that registration is closed, except for any registered voter who transfers his or her registration pursuant to KRS 116.085(2) or (3), shall not be permitted to vote in the upcoming election.
- (3) In all counties, the county clerk shall receive registrations, transfers, or changes of party affiliation at branch offices at any place in the county during those periods that the registration books are open except for those transfers pursuant to KRS 116.085(2) or 116.085(3). However, notice in the manner provided by KRS Chapter 424 shall be given at least three (3), but not more than fourteen (14), days in advance of the time and place of any branch registration, and ten (10) days' written notice shall be given to the county executive committee of each major political party in the county in which the branch registration is to be held.
- (4) Any person may register to vote or may change his or her party affiliation in any of the following ways:
 - (a) In person;
 - (b) By mail;
 - (c) By means of the federal post card application, if the person is a resident of Kentucky and a member of the Armed Forces, or a dependent of members of the Armed Forces, or overseas citizen;
 - (d) By mail-in application form prescribed by the *Election Assistance*~~Federal Election~~ Commission pursuant to the National Voter Registration Act of 1993; or
 - (e) By other methods of registration, or reregistration, approved by the State Board of Elections, including the use of voluntary interested groups and political parties, under the proper supervision and directions of the county clerk, which may include door to door canvassing.
- (5) Upon receipt of the form prescribed by the State Board of Elections or the *Election Assistance*~~Federal Election~~ Commission pursuant to the National Voter Registration Act of 1993, properly filled out and signed by the applicant, the county clerk shall register the applicant.

- (6) Any individual or group shall have access to a reasonable number of voter registration forms including the mail-in application form prescribed by the *Election Assistance*~~[Federal Election]~~ Commission pursuant to the National Voter Registration Act of 1993 in the county clerk's office. The individual or group shall act under the proper supervision and directions of the county clerk and shall return these completed forms to the county clerk for official registration by the county clerk.
- (7) No later than December 31, 1994, the Transportation Cabinet shall equip all driver's license agencies to comply with the provisions of the National Voter Registration Act of 1993. The Secretary of State shall provide assistance and interpretation to the Transportation Cabinet in determining the requirements of the National Voter Registration Act of 1993.
- (8) The county clerk shall enter the specific party identification of the voter with a political party, political organization, or political group as defined in KRS 118.015, or independent status, as indicated by the voter on the voter registration form, into the statewide voter registration system. The State Board of Elections shall promulgate regulations under KRS Chapter 13A to provide for tracking of the registration of voters identifying with political organizations and political groups as defined in KRS 118.015, and voters of independent status.

➔Section 3. KRS 116.046 is amended to read as follows:

- (1) The county clerk shall provide voter registration forms *annually* to each principal or assistant principal of every public high school, each area *technology center*~~[vocational school]~~, and~~[upon request,]~~ private schools, *and each school shall have a designated person*~~[who shall designate a person in each school]~~ who shall be responsible for informing students and school personnel of the availability of the registration forms and assist them in properly registering. The completed forms shall be returned to the county clerk, for official registration by the county clerk.
- (2) Any person designated to assist in registration in subsection (1) of this section shall fulfill this responsibility in an impartial and fair manner and shall not recruit a registrant for any particular party.
- (3) The State Board of Education shall implement *annual* programs of public education regarding elections, voting procedures, and election fraud, which shall include an audio-visual presentation for high school juniors and seniors. The State Board of Education, after consultation with the State Board of Elections, shall update the public education programs required by this section as relevant statutory changes occur, as different types of voting *systems*~~[machines]~~ are used, or as more effective methods of presentation shall be developed.

➔Section 4. KRS 116.112 is amended to read as follows:

- (1) The State Board of Elections shall establish a voter registration purge program using the change-of-address information supplied by the United States Postal Service through its licensees or other sources to identify voters whose addresses may have changed.
- (2)
 - (a) If it appears from information provided by the postal service or other sources that a voter has moved to a different address in the same county in which the voter is currently registered, the State Board of Elections shall provide to the county board of elections the information necessary to change the registration records to show the new address and the State Board of Elections shall send to the new address a notice of the change by forwardable mail on a form prescribed by the State Board of Elections and a postage prepaid, pre-addressed return form by which the voter may verify or correct the address information.
 - (b) If the county board of elections requests authorization from the State Board of Elections to send address confirmation notices as provided in this subsection, the State Board of Elections shall grant the request.
- (3)
 - (a) If it appears from information provided by the postal service or other sources that a voter has moved to a different address not in the same county, the State Board of Elections shall send to the address from which the voter was last registered, by forwardable mail, a notice on a form prescribed by the State Board of Elections, with a postage prepaid and pre-addressed return card on which the voter may state his current address.
 - (b) If a county board of elections requests authorization from the state board to send address confirmation notices as provided in this subsection, the state board shall grant the request.
- (4) The state or county boards of elections shall not remove the name of a voter from the registration records on the ground that the voter has changed his residence unless the voter:
 - (a) Confirms in writing that the voter has changed residence to a place outside the county; or

- (b) 1. Has failed to respond to the notice described in subsection (3) of this section; and
- 2. Has not voted or appeared to vote and, if necessary, correct the registration records of the voter's address in an election during the period beginning on the date of the notice and ending on the day after the date of the second general election for Federal office that occurs after the date of the notice.

If a county board of elections requests authorization from the state board to conduct purges of voters in its county in accordance with the provisions of this subsection, the state board shall grant the request.

- (5) The State Board of Elections shall establish an inactive list of all voters who fail to respond to the notice described in subsection (3) of this section and do not vote or appear to vote in an election during the period beginning on the date of the notice and ending on the day after the date of the second general election for ~~federal~~~~Federal~~ office that occurs after the date of the notice. If a county board of elections requests authorization from the state board to establish an inactive list of voters for its county, the state board shall grant the request.
- (6) The State Board of Elections shall complete, not later than ninety (90) days prior to the date of a primary or ~~regular~~~~general~~ election, any program the purpose of which is to systematically remove the names of ineligible voters from the registration records.
- (7) Voters placed on an inactive list are to be counted only for purposes of voting and not for purposes of establishing or modifying precincts, calculating the amount of reimbursement of county clerks by the State Board of Elections for certain election-related expenses, or reporting official statistics, except as provided by the ~~Election Assistance~~~~Federal Election~~ Commission's regulations promulgated pursuant to the National Voter Registration Act of 1993.
- (8) (a) The State Board of Elections and county boards of elections shall maintain for at least two (2) years and shall make available for public inspection and, where available, photocopying at a reasonable cost, all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of the registration records, except to the extent that the records relate to the declination to register to vote or the identity of a voter registration agency through which any particular voter is registered.
- (b) The records maintained pursuant to paragraph (a) of this subsection shall include lists of the names and addresses of all persons to whom notices described in subsection (3) are sent, and information concerning whether each person has responded to the notice as of the date that inspection of the records is made.

➔Section 5. KRS 116.113 is amended to read as follows:

- (1) Upon receipt of notification from the Cabinet for Health and Family Services or other reliable sources of the death of a person, the State Board of Elections shall within five (5) days cause the removal of the name of that person from the voter registration records it maintains, except that no voter's name may be removed during the period of time the registration books are closed for any primary, general, or special election.
- (2) Upon receipt of notification from the circuit clerk that a person has been declared incompetent, the State Board of Elections shall within five (5) days cause the removal of the name of that person from the voter registration records it maintains, except that no voter's name may be removed during the period of time the registration books are closed for any primary, general, or special election.
- (3) Upon receipt of notification from the Administrative Office of the Courts that a person has been convicted of a felony offense, the State Board of Elections shall within five (5) days cause the removal of the name of that person from the voter registration records it maintains, except that no voter's name may be removed during the period of time the registration books are closed for any primary, general, or special election.
- (4) *Upon receipt of notification from a local or state jurisdiction that a voter has registered to vote in the new local or state jurisdiction outside of the Commonwealth, the State Board of Elections shall within five (5) days cause the removal of the name of that person from the voter registration records that it maintains, except that no voter's name may be removed during the period of time the registration books are closed for any primary, regular election, or special election.*
- (5)~~(4)~~ Following the purge of a name from the records of the State Board of Elections, the state board shall notify the clerk of the county in which the voter lived of the action; and the county clerk shall within ten (10) days update the county voter registration files to reflect the necessary change. If a protest is filed by the voter, the county board shall hear it at its next regular monthly meeting. If the county board decides in favor of the

protesting voter, the voter's registration record shall be restored, including his voting record. If the protest is filed while the registration books are closed and the county board decides in favor of the protesting voter, the county board shall issue the voter an "Authorization to Vote" for the upcoming election and the voter's record shall be restored when the registration books open following the election.

➔SECTION 6. A NEW SECTION OF KRS CHAPTER 117 IS CREATED TO READ AS FOLLOWS:

- (1) *No person shall knowingly collect, gain possession of, deliver, or exercise control over a mail-in absentee ballot, except for:*
- (a) *A voter personally casting his or her ballot by means of mail-in absentee ballot;*
 - (b) *An election official engaged in official duties as prescribed in KRS Chapters 116 to 120;*
 - (c) *A United States Postal Service worker or any other person who is allowed by law to transmit United States mail if the worker or other person is engaged in official duties;*
 - (d) *A family member of the voter:*
 - 1. *Who shall be related to the voter as set forth in KRS 6.611(16)(a), or as established by marriage, adoption, or legal guardianship; and*
 - 2. *Who is designated by the voter to assist in the mail-in absentee voting process;*
 - (e) *A person:*
 - 1. *Who shares the same residence of the voter; and*
 - 2. *Is designated by the voter to assist in the mail-in absentee voting process; and*
 - (f) *A caregiver:*
 - 1. *Who provides medical or healthcare assistance to the voter in a residence, nursing care institution, hospice facility, assisted living center, assisted living facility, assisted living home, residential care institution, adult day healthcare facility, or adult foster home; and*
 - 2. *Who is designated by the voter to assist in the mail-in absentee voting process.*
- (2) *For paragraphs (d), (e), and (f) of subsection (1) of this section, the person designated by the voter shall not have been:*
- (a) *Declared mentally disabled by a court of competent jurisdiction, which adjudication has not been set aside; or*
 - (b) *Convicted of an election law offense whose civil rights have not been restored by the Governor.*

➔Section 7. KRS 117.035 is amended to read as follows:

- (1) There shall be a county board of elections, which shall, at the direction and under the supervision of the State Board of Elections, administer the election laws and the registration and purgation of voters within the county.
- (2) (a) The board shall consist of the county clerk, the sheriff, and two (2) members appointed by the State Board of Elections *under paragraph (d) of this subsection. Appointments shall occur not later than July 2021, and every four (4) years thereafter*~~[not later than July 1 following the election of persons to statewide office,]~~ for a term of four (4) years and until their successors are appointed. *All appointments under this paragraph shall be made no later than July 1 of the year in which the term expires.*
- (b) The sheriff shall not serve on the board during any year in which he or she is a candidate, but shall recommend to the board a temporary replacement to serve in his or her place. If the sheriff cannot serve because he or she is sick, injured, or otherwise incapacitated, he or she may recommend a temporary replacement to serve in his or her place until the sheriff may resume his or her duties or a vacancy in office is declared.
- (c) The county clerk may, at his or her option, continue to serve on the board during a year in which he or she is a candidate. If the clerk elects not to serve, he or she shall recommend a temporary replacement to serve in his or her place. If the county clerk cannot serve because he or she is sick, injured, or otherwise incapacitated, he or she may recommend a temporary replacement to serve in his or her place until the county clerk may resume his or her duties or a vacancy in office is declared.

- (d) 1. Notwithstanding the provisions of KRS 61.080, service on the board of elections shall be compatible with the holding of any other county or city office.
2. The members shall be at least twenty-one (21) years of age, qualified voters in the county from which they are appointed, and shall not have been convicted of any election law offense.
3. One (1) member shall be appointed from a list of five (5) names submitted by the county executive committee of each political party as defined in KRS 118.015. If there are two (2) or more contending executive committees of the same political party in any county, the one recognized by the written certificate of the chair of the state central committee of the political party shall be the one authorized to submit the lists.
4. If the State Board of Elections does not receive the list as required by subparagraph 3. of this paragraph for each political party for each county by the deadline established in paragraph (a) of this subsection or within one (1) month of a vacancy, then the chair of the state central committees for the political parties may submit lists of five (5) names of qualified residents from the remaining counties by August 1 ***of the year in which the term expires***~~[following the election of persons to statewide office]~~ or within two (2) months of a vacancy.
5. If the State Board of Elections does not receive a list from either the county executive committee under subparagraph 3. of this paragraph or the chair of the state executive committee under subparagraph 4. of this paragraph, then the State Board of Elections shall appoint a qualified resident from the county at its next regularly scheduled meeting in September ***of the year in which the term expires***~~[following the election of persons to statewide office]~~ or within three (3) months of a vacancy.
6. A member appointed by the State Board of Elections may be removed by the State Board of Elections for cause.
7. A member appointed by the State Board of Elections may be removed by the State Board of Elections upon a request approved by a two-thirds (2/3) vote of the full membership of the county executive committee that submitted the member's name. The county executive ***committee*** shall provide conclusive evidence of the committee's membership and evidence of the committee's two-thirds (2/3) vote before the State Board of Elections removes any member appointed by the State Board of Elections.
8. If an appointee is temporarily unable to act, a temporary appointee shall be named by the State Board of Elections. A temporary appointee shall serve until the original appointee notifies the State Board of Elections that he or she is able to resume his or her term.
9. A member appointed by the State Board of Elections shall not serve on the board if he or she is a candidate for public office, and the member shall resign upon filing papers to become a candidate for public office or shall be removed from office by the State Board of Elections. A member who resigns or is removed because of his or her candidacy shall not resume his or her term following the completion of the candidacy.
10. Vacancies and temporary vacancies shall be filled in the same manner as provided for original appointments, and the person appointed to fill the vacancy or temporary vacancy shall be of the same political party as his or her predecessor.
- (e) Compensation and payment of actual expenses of members shall be set by the fiscal court either as an amount payable on an annual basis, or as an amount payable on a per diem basis of not less than fifteen dollars (\$15) nor more than one hundred dollars (\$100) for each day the board meets.
- (3) A majority of the board shall constitute a quorum. The county clerk shall serve as chair of the meetings and may vote. In case of a tie, the chair may cast an additional vote. Records shall be kept of all proceedings, and the records shall be public and kept at the office of the county clerk.
- (4) The board shall meet as follows:
- (a) During years in which a primary or regular election is scheduled, the board shall meet at least once every other month and may meet more frequently if necessary upon the call of the chair or upon written agreement of two (2) or more members of the board. The call shall provide notice as prescribed by KRS 61.823.

- (b) During years in which no primary or regular election is scheduled, the board shall meet at the call of the chair or upon written agreement of two (2) or more members of the board. The call shall provide notice as prescribed by KRS 61.823.
 - (c) The board shall meet and stay in session on primary, regular election, and special election days to correct clerical errors, to rule on questions regarding voter registration, ~~and~~ proof of identification, **and the curing of signatures relative to mail-in absentee ballots**, and may make to the election officers such certifications as may be necessary. On primary, regular election, and special election days, appeals may be made to a Circuit Judge, but a ruling of the board shall be reversed only upon a finding that it was arbitrary and capricious.
- (5) The board may employ, on a bipartisan basis, a staff sufficient to carry out the duties assigned to the board.

➔Section 8. KRS 117.045 is amended to read as follows:

- (1) (a) The county board of elections shall in the manner prescribed by this section, not later than March 20 each year, except in a year in which no primary and regular elections are scheduled, appoint for each precinct in the county two (2) judges, one (1) clerk and one (1) sheriff of election. They shall serve in all elections held in the county during the year, except for minors seventeen (17) years of age who will become eighteen (18) years of age on or before the day of the regular election who may only serve as election officers for the primary and regular elections as provided in subsection (9) of this section.
 - (b) If a special election is ordered to be held in a year in which no elections are scheduled, the county executive committee of each political party in each county in the territory affected by the special election shall, not later than twenty-eight (28) days preceding the date of the special election, submit a written list of nominees for precinct election officers to serve in the special election in a manner consistent with the provisions of subsection (2) of this section. The county board of elections in each county in the territory affected by the special election shall, not later than twenty-one (21) days preceding the date of the special election, appoint precinct election officers to serve in the special election in a manner consistent with the provisions of subsections (4), (5), and (6) of this section.
 - (c) The State Board of Elections shall promulgate an administrative regulation **under KRS Chapter 13A** establishing evaluation procedures which county boards of elections may use to qualify persons nominated to serve as precinct election officers.
- (2) The county executive committees of the two (2) political parties having representation on the State Board of Elections may, on or before March 15 each year, designate in writing to the county board of elections a list of not less than four (4) names for each precinct; except that, in any precinct where there are not as many as four (4) persons possessing the qualifications of an election officer belonging to the political party filing the list, a lesser number may be designated. If there are two (2) or more contending executive committees of the same party in any county, the one recognized by the written certificate of the ~~chair~~~~chairman~~ of the state central committee of the party shall be the one authorized to submit the lists. The lists shall contain the full name, address, phone number, and Social Security number, if available, of each person listed. The lists shall be accompanied by a signed statement from each person stating that he **or she** is willing to serve, has not failed to serve without excuse in the past, and has not been convicted of an election law offense or any felony, unless the person's civil rights have been restored by the Governor. The State Board of Elections shall prescribe **the form of the list** by administrative regulation **promulgated under KRS Chapter 13A**~~{the form of the list}~~.
- (3) The Attorney General shall notify each party state central committee of the duties of the party.
- (4) (a) If lists are submitted **by the county executive committees under subsection (2) of this section**, the county board of elections shall select one (1) judge at each voting place from each political party's list, and the county board shall select the sheriff from one (1) political party's list and the clerk from the other.
 - (b) If no lists are submitted **by the county executive committees under subsection (2) of this section**, the two (2) members of the county board of elections who are appointed by the State Board of Elections may submit lists; and the county board **of elections** shall select the sheriff and one (1) judge from one (1) list and the clerk and the other judge from the remaining list.
 - (c) If no lists are submitted **by the county executive committees under subsection (2) of this section, or by the county board of elections under paragraph (b) of this subsection**, the county ~~clerk~~~~board~~ shall select the sheriff and one (1) judge from the membership of one (1) party and the clerk and the other

judge from the membership of the remaining party. ***If no members of one (1) of the two (2) political parties are available or willing to serve as a judge, the county clerk shall select any qualified and registered voter within the county to serve as a judge at a voting place.***

- (d) The county board ***of elections*** shall, when possible, also appoint an adequate number of alternate precinct election officers from names on the lists which were submitted but which were not selected by the county board as precinct election officers. If alternate precinct election officers are not appointed from the lists of nominees who were not selected as precinct election officers, the county board of elections shall submit its method of selecting alternate precinct election officers to the State Board of Elections for its approval. ***If no lists are submitted to the county board of elections as provided in this subsection, the county clerk shall select an adequate number of alternate precinct election officers.***
 - (e) ***The names of all precinct election officers and alternate precinct election officers selected by the county clerk shall be submitted to the county board of elections for its approval.***
 - (f) ***Nothing in this subsection shall prevent the selection of any registered and qualified voter who is not registered with either of the two (2) political parties to serve as a precinct election officer in a precinct in which the officer resides or as otherwise provided in this subsection.***
- (5) If, after all reasonable efforts have been made, ***neither*** the county board of elections ***nor the county clerk are able***~~[is unable]~~ to find two (2) qualified officers for each precinct who are affiliated with the two (2) political parties having representation on the State Board of Elections ***or any other qualified and registered voter within the county***, the county board ***of elections*** shall submit a list of emergency election officer appointments to the State Board of Elections. The county board ***of elections*** shall also present, in writing, its efforts to recruit and appoint election officers as prescribed in subsection (4) of this section.~~[The list of emergency appointments may include qualified voters not affiliated with the two (2) parties represented on the state board.]~~ The ***State Board of Elections***~~[state board]~~, after its review, may approve any or all of the emergency appointments submitted by the county board ***of elections*** or may direct the county board to take other action. Any emergency appointment shall be made for the next ensuing election only.
- (6) In addition to precinct election officers appointed under subsection (1) of this section, a county board of elections ***or the county clerk*** may appoint up to two (2) additional precinct election officers per precinct with the approval of the State Board of Elections. The ***State Board of Elections***~~[state board]~~ shall promulgate an administrative regulation ***under KRS Chapter 13A*** establishing conditions under which additional precinct officers may be approved.
- (7) The county board of elections shall, not less than ten (10) days before the next ensuing election, send to each election officer written notice of his ***or her*** appointment. The ***county board of elections*** may direct the sheriff of the county to serve the notice of appointment, if it deems the action is necessary.
- (8) The State Board of Elections may require the county board of elections to submit its list of precinct officers for review. The State Board of Elections may, after a hearing, direct the removal of any election officer who the board finds would not fairly administer the state election laws. ***The State Board of Elections shall provide for the method and manner of the hearing by administrative regulation promulgated under KRS Chapter 13A, and***~~[state board]~~ shall replace any officer so removed.~~[The board shall provide for the method and manner of the hearing by administrative regulation.]~~
- (9) (a) An election officer shall be a qualified voter of the precinct; except that, where no qualified voter of the required political party is available within the precinct, the election officer shall be a qualified voter of the county.
- (b) A minor seventeen (17) years of age who will become eighteen (18) years of age on or before the day of the regular election may serve as an election officer for the primary and regular elections in which he or she is qualified to vote; however, no precinct shall have more than one (1) person serving as an election officer who is a minor seventeen (17) years of age.
- (c) An election officer shall not be a candidate for office during the election year.
- (d) An election officer shall not be the spouse, parent, brother, sister, or child of a candidate who is to be voted for at the election in the precinct in which the election officer will serve on election day.
- (e) An election officer shall not have changed his ***or her*** voter registration party affiliation ***after December 31 immediately preceding***~~[for one (1) year prior to]~~ his ***or her*** appointment ***to serve for the primary, or after the second Tuesday in August to serve for the regular election.***

- (f) An election officer may be removed, for cause, at any time up to five (5) days before an election. Vacancies shall be filled by the county board *of elections or the county clerk* with alternate precinct election officers and *if the vacancy occurs in the appointment of a judge*, the person appointed to fill the vacancy shall be of the same political ~~affiliation~~~~party~~ as the vacating officer, except for emergency appointments made as provided in subsection (5) of this section.
- (10) If the county board of elections *or the county clerk* fails to appoint election officers, or if any officer is not present at the precinct at the time for commencing the election, or refuses to act, and if no alternate is available, the officer in attendance representing the political party of the absentee shall appoint a suitable person to act in his *or her* place for that election. If both representatives of the same political party are absent, qualified voters present affiliating with that party shall elect, viva voce, suitable persons to act in their places.
- (11) Each election officer shall be paid a minimum of sixty dollars (\$60) per election day served, and such an additional amount as compensation as may be determined by the county board of elections, with the approval of the governing body which would be responsible for funding the election officers' pay, for each election in which the election officer serves, to be paid by the county. For delivering the election packets to the polls, the precinct election officers shall *additionally* receive~~in addition~~ the mileage reimbursement provided for state employees, for each mile necessarily traveled in the delivery of the packets to the polls, or a flat fee if the fee equals or exceeds that amount. For delivering election returns, the precinct election judges shall *additionally* receive~~in addition~~ the mileage reimbursement provided for state employees for each mile necessarily traveled *in the*~~from the place of voting to and from the place of~~ delivery *of election returns*, or a flat fee if the fee equals or exceeds that amount. The fee paid to the precinct election judges for delivering election returns shall be paid by the county.

➔Section 9. KRS 117.055 is amended to read as follows:

Subject to KRS 117.0551 to 117.0555:

- (1) Each county shall be divided into election precincts by the county board of elections. Each election precinct shall be composed of contiguous and, as nearly as practicable, compact areas having clearly definable boundaries and wholly contained within any larger district. The county board of elections shall establish precincts so that no boundary of a precinct crosses the boundary of:
- The Commonwealth;
 - A county or urban-county;
 - A congressional district;
 - A state senatorial district;
 - A state representative district;
 - A justice of the peace or county commissioner's district established under KRS Chapter 67; or
 - An aldermanic ward established under KRS 83.440.
- (2) The county board of elections shall have the authority to draw precinct lines so as to enable more than one (1) precinct to vote at one (1) location. The county board of elections shall review election precinct boundaries as often as necessary. Without exception, they shall review the boundaries of all election precincts exceeding seven hundred (700) votes cast in the last regular election prior to each primary election, and the State Board of Elections may require a written report at least sixty (60) days prior to the candidate filing deadline set forth in KRS 118.165(1) and (2) on each election precinct exceeding seven hundred (700) votes cast in the last regular election. Consideration to the division of said election precincts should be based on the anticipated growth factor within the specified boundaries; however, the county board of elections shall not be prohibited from dividing election precincts in excess of seven hundred (700) votes cast in the last regular election or less than seven hundred (700) votes cast in the last regular election if they elect to do so. However, the State Board of Elections may, in its discretion, withhold from a county the expenses of an election under KRS 117.345 for any precinct containing more than one thousand five hundred (1,500) registered voters, excluding those precincts utilizing optical scan voting *equipment*~~machines~~ and those periods of time in which the precinct boundaries have been frozen under KRS 117.056.
- (3) No election precinct shall be created, divided, abolished, or consolidated or the boundaries therein changed prior to any primary~~election~~ to comply with the provisions of KRS 117.055 to 117.0555 and KRS 117.0557 later than the last date prescribed by election law generally for filing notification and declaration forms with

the county clerk or Secretary of State. No election precinct shall be created, divided, abolished, or consolidated or the boundaries therein changed prior to any ~~regular~~~~general~~ election to comply with the provisions of KRS 117.055 to 117.0555 and KRS 117.0557 later than the last date prescribed by election law generally for filing certificates or petitions of nomination with the county clerk or Secretary of State.

- (4) The county board of elections shall designate the name or number and the boundaries of the election precincts. Each precinct shall contain, as nearly as practicable, an equal number of voters, based on the number of registered voters in the county.
- (5) A map and listing of the exact election precinct boundaries shall be filed by the county board of elections with the State Board of Elections, and any changes in boundaries thereafter made shall also be filed with the State Board of Elections. A copy of this map indicating all precinct boundaries within the county shall be included in the election supplies of each precinct.
- (6) If the county board of elections fails to perform any of the duties required by KRS 117.055 to 117.0555 and KRS 117.0557:
 - (a) The State Board of Elections or any citizen and voter of the county may apply to the Circuit Court of the county for a summary mandatory order requiring the board to perform the duty. Appeals may be taken to the Court of Appeals by either party; and
 - (b) The State Board of Elections shall not submit claims for payments to the county under KRS 117.343 and 117.345 until the State Board of Elections determines in writing that the duty has been performed.
- (7) The county board of elections shall coordinate all precinct boundary changes with the affected school board, magisterial, and municipal boundaries.

➔Section 10. KRS 117.066 is amended to read as follows:

- (1) ~~[In the case of a precinct comprised of a small number of registered voters,]~~The county board of elections may, pursuant to KRS 117.055 *and subsection (3) of this section, designate a single voting location for more than one (1) precinct if the voting location is equipped with voting equipment capable of providing or accepting separate ballots without endangering the integrity of the ballots or without violating any other election law* ~~[utilize the facilities of another precinct as a voting location. Additionally, the county board of elections may petition the State Board of Elections to allow the precinct election officers of the larger precinct to serve as precinct election officers for the precinct that is the subject of the petition. The petition shall designate both the smaller precinct and the larger precinct with which it is to be included, the type of voting machine or machines to be used, and whether supplemental paper ballots are to be used. The petition shall contain a full explanation of the reasons why inclusion is desirable].~~
- (2) *If a single voting location for more than one (1) precinct is approved under subsection (3) of this section* ~~[the petition submitted pursuant to subsection (1) of this section is approved by the State Board of Elections],~~ the *primary or* election shall be conducted *as follows* ~~[according to the following provisions]:~~
 - (a) One (1) voting ~~equipment~~ ~~[machine]~~ may be *used* ~~[utilized]~~ *for more than one (1) precinct if ballots are tabulated for each separate precinct, and if* ~~[both precincts if the State Board of Elections certifies that]~~ separate ballots may be placed upon ~~any~~ ~~[the]~~ voting ~~equipment~~ ~~[machine]~~ to be used without endangering the integrity of the ballots or without violating any other election law. Otherwise, separate voting ~~equipment~~ ~~[machines]~~ shall be used for each precinct. In the instance of a precinct which has a small number of voters such that the use of ~~[a]~~ separate voting ~~equipment~~ ~~[machine]~~ would be cost-prohibitive, the county clerk may make application to the State Board of Elections to use supplemental paper ballots under KRS 118.215 to conduct the voting for the small precinct on *any primary or* election day. If the use of supplemental paper ballots is approved by the State Board of Elections, at the close of voting on *any primary or* election day, the locked supplemental paper ballot box shall be transported to the county board of elections along with the federal provisional ballot receptacle, and ballots shall be counted by the county board of elections as provided by KRS 117.275(10) to (14);
 - (b) Separate precinct voter rosters shall be maintained for each precinct, and steps shall be taken to ~~ensure~~ ~~[insure]~~ that voters cast their ballot in their duly authorized precinct; and
 - (c) A separate set of ~~election~~ ~~[elections]~~ forms and reports required by this chapter and the State Board of Elections shall be maintained for each precinct.
- (3) *The county board of elections may petition the State Board of Elections to allow the consolidation of precincts and the consolidation of precinct election officers at any voting location where voters of more*

than one (1) precinct vote. The petition shall be on a form prescribed by the State Board of Elections in administrative regulations promulgated under KRS Chapter 13A and shall include:

- (a) *A list of all precincts designated to vote at the voting location;*
 - (b) *The address and type of facility of the voting location;*
 - (c) *The number and type of voting systems or voting equipment to be used at the voting location;*
 - (d) *The number of registered voters in each precinct designated to vote at the voting location;*
 - (e) *An explanation of the reasons why the consolidation is desirable;*
 - (f) *The plan for additional precinct officers at the voting location, the manner in which they will be assigned, and whether the voting location will be fully staffed with election officials;*
 - (g) *The plan for how the county clerk will publicize the location for where the voting shall occur, in addition to how each location shall be noted conspicuously to residents of the county as a "Vote Center"; and*
 - (h) *The plan for how the voting location will serve as a focal point to meet the needs of a diverse community.*
- (4) *If the petition submitted under subsection (3) of this section is approved by the State Board of Elections, the precinct election officers designated to serve as election officers for more than one (1) precinct shall meet the eligibility requirements of Section 8 of this Act.*

➔Section 11. KRS 117.085 is amended to read as follows:

- (1) (a) *All requests for a mail-in absentee ballot shall be requested through a secure online portal established by the State Board of Elections, except for:*
- 1. *Voters identified in KRS 117.077;*
 - 2. *Disabled voters; and*
 - 3. *Covered voters in paragraph (i) of this subsection;*
- who have the additional option of requesting a mail-in absentee ballot application through the county clerk.*
- (b) *Acquiring a mail-in absentee ballot by means of the online portal shall require the voter to input personally identifiable information for verification.*
 - (c) *For those voters who do not have the means of accessing the online portal, the county clerk shall fulfill a request for a mail-in absentee ballot by taking the voter's information over the telephone or in person and directly inputting that information into the secure online portal.*
 - (d) *The online portal shall have the capacity to ensure the identity of the voter through proof of identification as required under Section 30 of this Act or by means of Section 31 of this Act.*
 - (e) *If a voter qualifies to receive a mail-in absentee ballot, the online portal shall transmit the mail-in absentee ballot request to the county clerk of the county in which the voter is registered to vote.*
 - (f) *The online portal shall not be open or permit any mail-in ballot requests to occur more than forty-five (45) days immediately preceding the day of a primary or an election. The online portal shall close at 11:59 p.m. local time, fourteen (14) days immediately preceding the day of a primary or an election.* ~~*[All requests for an application for a mail in absentee ballot may be transmitted by telephone, facsimile machine, by mail, by electronic mail, or in person. The county clerk shall transmit all applications for a mail in absentee ballot to the voter by mail, electronic mail, or in person at the option of the voter, except as provided in paragraph (b) of this subsection.]*~~
 - (g) *Except as otherwise provided in KRS 117.077, the mail-in absentee ballot*~~*application*~~ *may be requested by the voter or the spouse, parents, or children of the voter, but shall be restricted to the use of the voter.*
 - (h)~~(a)~~ *Except as otherwise provided in KRS 117.077 and covered voters in paragraph (i) of this subsection, a qualified voter may apply to cast his or her vote by mail-in absentee ballot if the*

completed application is received **fourteen (14) days** ~~[not later than the close of business hours seven (7) days]~~ before the election, and if the voter is:

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

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

(j) Any voter who is disabled may use an accessible mail-in absentee ballot portal to request a mail-in absentee ballot, the standards of which shall be set by the State Board of Elections pursuant to administrative regulations promulgated under KRS Chapter 13A.

~~(2)(e)~~ In-person absentee voting shall be conducted in the county clerk's office or other place designated by the county board of elections and approved by the State Board of Elections during normal business hours **on the Thursday, Friday, and Saturday immediately preceding the day of a primary or an election. Any voter who is qualified to vote on election day in the county of his or her residence may choose to cast an in-person absentee ballot while in-person absentee voting is being conducted during the days listed in this subsection.** ~~[for at least the twelve (12) working days before the election. A county board of elections may permit in person absentee voting to be conducted on a voting machine for a period longer than the twelve (12) working days before the election.]~~

~~(d)~~ ~~A qualified voter may, at any time during normal business hours on those days in person absentee voting is conducted in the county clerk's office, make application in person to the county clerk to vote on a voting machine in the county clerk's office or other place designated by the county board of elections and approved by the State Board of Elections.]~~ **The voter who elects to vote in-person absentee shall provide** ~~[if the voter provides]~~ proof of identification as defined in **Section 41 of this Act** ~~[KRS 117.375]~~ or **meet** ~~[meets]~~ the requirements of KRS 117.228 and 117.229 ~~[, and the voter:~~

- ~~1. Is a resident of Kentucky who is a covered voter as defined in KRS 117A.010, who will be absent from the county of his or her residence on any election day;~~
- ~~2. Is a student who temporarily resides outside the county of his or her residence;~~
- ~~3. Has surgery, or whose spouse has surgery, scheduled that will require hospitalization on election day;~~
- ~~4. Temporarily resides outside the state, but is still eligible to vote in this state and will be absent from the county of his or her residence on any election day;~~

5. ~~Is a resident of Kentucky who is a uniformed service voter as defined in KRS 117A.010 confined to a military base on election day, learns of that confinement within seven (7) days or less of an election, and is not eligible for a mail in absentee ballot under this subsection;~~
6. ~~Is in her last trimester of pregnancy at the time she wishes to vote under this paragraph. The application form for a voter under this subparagraph shall be prescribed by the State Board of Elections, which shall contain the woman's sworn statement that she is in fact in her last trimester of pregnancy at the time she wishes to vote;~~
7. ~~Has not been declared mentally disabled by a court of competent jurisdiction and, on account of age, disability, or illness, is not able to appear at the polls on election day; or~~
8. ~~Is not permitted to vote by a mail in absentee ballot under paragraph (a) of this subsection, but who will be absent from the county of his or her residence on election day.~~
- (e) ~~Voters who change their place of residence to a different state while the registration books are closed in the new state of residence before a presidential election shall be permitted to cast an in-person absentee ballot for President and Vice President only, by making application in person to the county clerk to vote on a voting machine in the county clerk's office or other place designated by the county board of elections and approved by the State Board of Elections, up to the close of normal business hours on the day before the election.~~
- (f) ~~Any member of the county board of elections, any precinct election officer appointed to serve in a precinct other than that in which he or she is registered, any alternate precinct election officer, any deputy county clerk, any staff for the State Board of Elections, and any staff for the county board of elections may vote on a voting machine in the county clerk's office or other place designated by the county board of elections, and approved by the State Board of Elections, up to the close of normal business hours on the day before the election. The application form for those persons shall be prescribed by the State Board of Elections and, in the case of application by precinct election officers, shall contain a verification of appointment signed by a member of the county board of elections. If an alternate precinct election officer or a precinct election officer appointed to serve in a precinct other than that in which he or she is registered receives his or her appointment while in-person absentee voting is being conducted in the county, the officer may vote on a voting machine in the county clerk's office or other place designated by the county board of elections, and approved by the State Board of Elections, up to the close of normal business hours on the day before the election. Precinct election officers' verification of appointment shall also contain the date of appointment. The applications shall be restricted to the use of the voter only.~~
- (3)~~(g)~~ The members of the county board of elections or their designees who provide equal representation of both political parties may serve as precinct election officers, without compensation, for all in-person absentee voting *conducted*~~[performed on a voting machine in the county clerk's office or other place designated by the county board of elections and approved by the State Board of Elections]~~. If the members of the county board of elections or their designees serve as precinct election officers for ~~the~~ in-person absentee voting, they shall perform the same duties and exercise the same authority as precinct election officers who serve on the day of an election. If the members of the county board of elections or their designees do not serve as precinct election officers for in-person absentee voting, the county clerk or deputy county clerks shall supervise the in-person absentee voting.
- (4)~~(h)~~ Any individual qualified to appoint challengers for the day of an election may also appoint challengers to observe all in-person absentee voting~~[performed at the county clerk's office or other place designated by the county board of elections, and approved by the State Board of Elections]~~, and those challengers may exercise the same privileges as challengers appointed for observing voting on the day of an election at a regular polling place.
- (5)~~(2)~~ *For those voters who are eligible to receive a mail-in absentee ballot by means other than the secure online portal pursuant to subsection (1) of this section,* the county clerk shall type the name of the voter permitted to vote by mail-in absentee ballot on the mail-in absentee ballot application~~[form]~~ for that person's use and no other. The mail-in absentee ballot application~~[form]~~ shall be in the form prescribed by the State Board of Elections, which shall include the voter affirmation form as prescribed in KRS 117.228(1)(c)~~[-, shall bear the seal of the county clerk,]~~ and shall contain the following information: name, residential address, precinct, party affiliation, statement of the reason the person cannot vote in person on election day, statement of where the voter shall be on election day, statement of compliance with residency requirements for voting in

the precinct, an instructional statement prescribing the requirements for providing a copy of the voter's proof of identification or voter affirmation when applicable, and the voter's mailing address for a mail-in absentee ballot. The mail-in absentee ballot application form shall be verified and signed by the voter, and the voter shall provide a copy of his or her proof of identification, as defined in **Section 41 of this Act**~~[KRS 117.375]~~, or the executed voter affirmation as described in KRS 117.228(1)(c). A notice of the actual penalty provisions in KRS 117.995(2) and (5) shall be printed on the mail-in absentee ballot application form.

- ~~(6)~~~~(3)~~~~(a)~~ **For those voters eligible to receive a mail-in absentee ballot**, if the county clerk finds that the voter **has completed and submitted an application for a mail-in absentee ballot as provided in this section**, is properly registered as stated in his or her mail-in absentee ballot application,~~[form]~~ and qualifies to receive a mail-in absentee ballot by mail, **the county clerk**~~[he or she]~~ shall mail to the voter a mail-in absentee ballot, two (2) official envelopes for returning the mail-in absentee ballot, and instructions for voting.
- ~~(7)~~~~(b)~~ **Mail-in absentee ballots shall be mailed to a voter's residential address located in the county in which the voter is registered, except for:**
- (a) **Qualified voters who apply pursuant to the requirements of paragraph (h)1. to 6. of subsection (1) of this section; or**
- (b) **Qualified voters covered under KRS 117.077.**
- (8) The county clerk shall:
- (a) **Transmit a mail-in absentee ballot to the voter who is eligible to receive a mail-in absentee ballot within four (4) days of receipt or within four (4) days of the ballots being available;**
- (b) **Cause mail-in absentee ballots to be printed fifty (50) days prior to each primary or regular election, and forty-five (45) days prior to a special election; and**
- (c) Complete a postal form for a certificate of mailing for mail-in absentee ballots mailed within the fifty (50) states, and it shall be stamped by the postal service when the mail-in absentee ballots are mailed. **Unless a postal form for a certificate of mailing is required, the county clerk may use methods of tracking the mail-in absentee ballots by means of a printed barcode or other label that is unique to the individual voter issued by the State Board of Elections pursuant to administrative regulations promulgated under KRS Chapter 13A.**
- (9) A mail-in absentee ballot may be transmitted by facsimile machine or by the electronic transmission system established under KRS 117A.030(4) to a covered voter as defined in KRS 117A.010. The covered voter shall be notified of the options for transmittal of the mail-in absentee ballot, and the mail-in absentee ballot shall be transmitted by the method chosen for receipt by the resident of Kentucky who is a covered voter.
- ~~((4))~~ ~~Mail in absentee ballots which are requested prior to the printing of the mail in absentee ballots shall be mailed or otherwise transmitted as provided in subsection (3) of this section by the county clerk to the voter within three (3) days of the receipt of the printed ballots. Mail in absentee ballots requested after the receipt of the ballots by the county clerk shall be mailed or otherwise transmitted as provided in subsection (3) of this section to the voter within three (3) days of the receipt of the request.~~
- ~~(5)~~ ~~The county clerk shall cause mail in absentee ballots to be printed fifty (50) days prior to each primary or regular election, and forty five (45) days prior to a special election.~~
- ~~(10)~~~~(6)~~ The outer envelope **of the mail-in absentee ballot** shall bear the words "Absentee Ballot",~~[and]~~ the address and official title of the county clerk, **a printed barcode or other label that is unique to the individual voter issued by the State Board of Elections**, and **adequate**~~[shall provide]~~ space for the voter's signature, voting address, precinct number, and signatures of two (2) witnesses if the voter signs the form with the use of a mark instead of the voter's signature. A detachable flap on the secrecy envelope shall provide space for the voter's signature, voting address, precinct number, signatures of two (2) witnesses if the voter signs the form with the use of a mark instead of the voter's signature and notice of penalty provided in KRS 117.995(5). The county clerk shall type the voter's address and precinct number in the upper left hand corner of the outer envelope and of the detachable flap on the secrecy envelope immediately below the blank space for the voter's signature. The secrecy envelope shall be blank. **If applicable**, the county clerk shall retain the voter's mail-in ballot application~~[form]~~, which shall include the photographed copy of the voter's proof of identification or the voter affirmation as prescribed by KRS 117.228(1)(c), and the postal form required by subsection ~~(8)~~~~(3)~~ of this section for twenty-two (22) months after the primary or election.

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

~~(12)(8)~~ Any voter qualified for a mail-in absentee ballot who does not receive a requested mail-in absentee ballot within a reasonable amount of time shall contact the county clerk, who shall reissue a second mail-in absentee ballot. The county clerk shall keep a record of the mail-in absentee ballots issued and returned by mail, **hand-delivered, or placed in a secure drop-box or receptacle,** and the in-person absentee voting and federal in-person provisional absentee voting that is **conducted** ~~performed on the voting machine in the county clerk's office or other place designated by the county board of elections and approved by the State Board of Elections~~, to verify that only the first voted ballot ~~to be returned by the voter~~ is counted. Upon the return of any mail-in absentee ballot after the first mail-in absentee ballot is returned, the county clerk shall mark on the outer envelope of the sealed ballot the words "Canceled because ballot reissued."

~~(13)(9)~~ Any covered voter as defined in KRS 117A.010 who has received a mail-in absentee ballot but who knows that he or she will be in the county on election day and who has not voted pursuant to the provisions of KRS 117.086 shall cancel his or her mail-in absentee ballot and vote in person. The voter shall return the mail-in absentee ballot to the county clerk's office on or before election day. Upon the return of the mail-in absentee ballot, the county clerk shall mark on the outer envelope of the sealed mail-in absentee ballot or the unmarked mail-in absentee ballot the words "Canceled because voter appeared to vote in person." Sealed envelopes so marked shall not be opened. If the covered voter is unable to return the mail-in absentee ballot to the county clerk's office on or before election day, at the time he or she votes in person, he or she shall sign a written oath as to his or her qualifications on the form prescribed by the State Board of Elections pursuant to KRS 117.245. The county clerk shall remove the voter's name from the list of persons who were sent mail-in absentee ballots, provide the voter with written authorization to vote at the precinct, and the voter may vote in the precinct in which he or she is properly registered.

(14) The State Board of Elections shall promulgate administrative regulations to:

- (a) Ensure election officials have real-time knowledge of which voters have requested mail-in absentee ballots; and**
- (b) Provide procedures to be followed if a voter attempts to vote more than once at a primary or an election.**

~~(15)(10)~~ Notwithstanding the provisions of the Kentucky Open Records Act, KRS 61.870 to 61.884, **and except for when the identification of the voter is provided to the county board of elections under Section 14 of this Act,** the information contained in an application for a mail-in absentee ballot shall not be made public until after the close of business hours on the election day for which the application applies. **Except for necessary election officials and for election-related duties as prescribed by law, the name of the person who votes by means of a mail-in absentee ballot shall not be disclosed.** This subsection shall not prohibit at any time the disclosure, upon request, of the total number of applications for mail-in absentee ballots that have been filed, or the disclosure to the Secretary of State or the State Board of Elections, if requested or if otherwise required by law, of any information in an application for a mail-in absentee ballot.

➔Section 12. KRS 117.086 is amended to read as follows:

- (1) (a) The voter returning his or her absentee ballot **to the county clerk** by mail, **hand delivery, or to a secure drop-box or receptacle,** shall mark his or her ballot, seal it in the secrecy envelope, and then seal the outer envelope ~~and mail it to the county clerk as provided in this chapter~~.
- (b) The voter shall sign the detachable flap and the outer envelope in order to validate the ballot. A person having power of attorney for the voter and who signs the detachable flap and outer envelope for the voter shall complete the voter assistance form as required by KRS 117.255. The signatures of two (2) witnesses are required if the voter signs the form with the use of a mark instead of the voter's signature.

A resident of Kentucky who is a covered voter as defined in KRS 117A.010 who has received an absentee ballot transmitted by facsimile machine or by means of the electronic transmission system established under KRS 117A.030(4) shall transmit the voted ballot to the county clerk by mail only, conforming with ballot security requirements that may be promulgated by the State Board of Elections by administrative regulation under KRS Chapter 13A. In order to be counted, ***all mail-in absentee***~~the~~ ballots shall be received by the county clerk ***no later than***~~by at least~~ the time established by the election laws generally for the closing of the polls, which time shall not include the extra hour during which those voters may vote who were waiting in line to vote at the scheduled poll closing time.

- (2) (a) ***The county clerk shall provide a minimum of one (1) secure ballot drop-box to receive voted mail-in absentee ballots for each primary, regular election, or special election. Public notice of all secure ballot drop-box locations shall be given in the same manner as provided under subsection (5) of this section, and posted to the Web site of the county clerk.***
- (b) ***The county board of elections may seek the State Board of Elections' approval of a ballot receptacle to receive voted mail-in absentee ballots for each primary, regular election, or special election. Public notice of all secure ballot receptacle locations shall be given in the same manner as provided under subsection (5) of this section, and posted to the Web site of the county clerk. Before any mail-in absentee ballot shall be allowed to be deposited inside a receptacle, the county board of elections shall inform the State Board of Elections of:***
1. ***The number of receptacles to be used;***
 2. ***The type of each receptacle to be used; and***
 3. ***The receptacle location.***
- (c) ***Any drop-box or receptacle located outside of the county clerk's office shall be:***
1. ***Placed in a well-lit and easily accessible location;***
 2. ***Secured to ensure immobility while in use;***
 3. ***Under video surveillance at all times;***
 4. ***Tamper-resistant; and***
 5. ***Conspicuously noted as a mail-in absentee ballot drop-off location.***
- (d) ***A drop-box or receptacle located inside the county clerk's office shall be under direct supervision of the staff of the county clerk at all times and be accessible to the public.***
- (e) ***Each receptacle or drop-box shall be emptied by the county clerk and at least one (1) member of the county board of elections who is not of the same political affiliation as the county clerk at least once each business day or more frequently, as needed, to reasonably secure and accommodate the volume of the voter-delivered mail-in absentee ballots. The ballots deposited in the drop-box or receptacle shall be removed with a record of the date and time ballots were removed, and the names of the persons removing them. If the drop-box or receptacle is located outside the county clerk's office, the ballots shall be returned to the county clerk in locked transport containers, and the county clerk shall transfer the ballots upon receipt in accordance with subsection (7) of this section.***
- (f) ***Except for those times ballots are being removed and transported from a secure ballot drop box to the county clerk as provided in this subsection, the county clerk and at least one (1) member of the county board of elections who is not of the same political affiliation as the county clerk shall retain the keys to all secure ballot drop-boxes, receptacles, and transport containers in use in the county.***
- (g) ***The State Board of Elections may establish additional security measures and procedures for the use of the ballot drop-box or receptacle through administrative regulations promulgated under KRS Chapter 13A.***

- ~~(3)(2)~~ Any voter who shall be absent from the county on election day, but who does not qualify to receive a mail-in absentee ballot under the provisions of KRS 117.085, and all voters qualified to vote prior to the election under the provisions of KRS 117.085, shall vote at the main office of the county clerk or other place designated by the county board of elections, and approved by the State Board of Elections, prior to the day of election ***in accordance with Section 11 of this Act.*** The county clerk may provide for ~~such~~ voting by the voting equipment in general use in the county ~~either at the precinct, the equipment as may be used to tabulate~~

~~absentee ballots,~~] or any other voting equipment approved by the State Board of Elections for use in Kentucky, except as follows:

- (a) Any voter qualifying to vote~~[in the county clerk's office or other place designated by the county board of elections, and approved by the State Board of Elections,]~~ who receives assistance to vote shall complete the voter assistance form required by KRS 117.255;
 - (b) Any voter qualifying to vote~~[in the county clerk's office or other place designated by the county board of elections, and approved by the State Board of Elections,]~~ whose qualifications are challenged on grounds other than inability to provide proof of identification by any clerk or deputy shall complete an "Oath of Voter" affidavit; and
 - (c) Any voter qualifying to vote~~[in the county clerk's office or other place designated by the county board of elections and approved by the State Board of Elections,]~~ who is unable to provide proof of identification as defined in *Section 41 of this Act*~~[KRS 117.375]~~, may cast an in-person absentee ballot or federal provisional in-person absentee ballot in accordance with KRS 117.228 or 117.229.
- ~~(4)~~~~(3)~~ When the county clerk uses general voting equipment as provided for in subsection ~~(3)~~~~(2)~~ of this section, each voter casting his *or her* vote *in-person absentee*~~[at the county clerk's office or other place designated by the county board of elections, and approved by the State Board of Elections,]~~, shall sign an "*In-Person* Absentee Ballot Signature Roster."
- ~~(5)~~~~(4)~~ The county clerk shall designate a location within *the clerk's*~~[his or her]~~ office where the ballots shall be cast secretly. The county clerk, with the approval of the State Board of Elections, may establish locations other than *the clerk's*~~[his or her]~~ main office in which the voters may execute their ballots. Public notice of the locations shall be given pursuant to KRS Chapter 424, and similar notice by mail shall be given to the county chairs of the two (2) political parties whose candidates polled the largest number of votes in the county at the last regular election.
- ~~(6)~~~~(5)~~ The State Board of Elections shall promulgate administrative regulations under KRS Chapter 13A to provide for casting ballots in accordance with subsection ~~(3)~~~~(2)~~ of this section.
- ~~(7)~~~~(6)~~ *Upon receipt of a mail-in ballot*, the county clerk shall *scan the barcode or label that is unique to the individual voter to note the receipt of the mail-in absentee ballot*, and deposit all of the mail-in absentee ballots in a locked ballot box immediately upon receipt without opening the outer envelope. The ballot box shall be locked with three (3) locks. The keys to the box shall be retained by *at least*~~[the]~~ three (3) members of the central absentee ballot counting board, if one is appointed, or by the members of the board of elections, and the box shall remain locked until the ballots are *processed, reviewed or counted under Section 14 of this Act*. All voting equipment on which ballots are cast as permitted in subsection ~~(3)~~~~(2)~~ of this section shall also remain locked and the keys shall be retained by *at least*~~[the]~~ three (3) members of the central absentee ballot counting board, if one is appointed, or by the members of the board of elections, and the equipment shall remain locked until the ballots are counted.
- ~~(8)~~~~(7)~~ The county clerk shall keep separate lists for each election of all persons who:
- (a) Return their *mail-in* absentee ballots~~[by mail]~~;
 - (b) Cast their *in-person absentee* ballots~~[in the county clerk's office or other place designated by the county board of elections and approved by the State Board of Elections,]~~; and
 - (c) Cast their federal provisional in-person absentee ballots under subsection ~~(3)~~~~(2)~~(c) of this section.
- The county clerk shall send a copy of each list to the State Board of Elections after any primary or election day. Notwithstanding the provisions of the Kentucky Open Records Act, KRS 61.870 to 61.884, each list of all persons who return their *mail-in* absentee ballots~~[by mail]~~ or who cast their ballots in the clerk's office or other designated and approved place shall not be made public until after the close of business hours on the primary or election day for which the list applies, *except when provided to the county board of elections under Section 14 of this Act*. The county clerk and the Secretary of State shall keep a record of the number of votes cast by each method listed in paragraphs (a) to (c) of this subsection, which are cast in any primary or election as a part of the official returns of the primary or election.
- ~~(9)~~~~(8)~~ The county board of elections shall report to the State Board of Elections within ten (10) days after any primary or regular election as to the number of rejected absentee ballots, including rejected mail-in absentee ballots and ballots cast under subsection ~~(3)~~~~(2)~~ of this section, and the reasons for rejecting the ballots on a

form prescribed and furnished by the State Board of Elections in administrative regulations promulgated under KRS Chapter 13A.

➔Section 13. KRS 117.0863 is amended to read as follows:

- (1) Except for those voters who have been certified as requiring assistance in voting on a permanent or annual basis, any person voting by means of a mail-in absentee ballot or *in-person absentee ballot* ~~on the voting machine in the county clerk's office or other place designated by the county board of elections, and approved by the State Board of Elections, as provided in this chapter~~ who receives assistance in voting shall be required to complete the voter assistance form required by KRS 117.255.
- (2) Any person who assists another person in voting by use of an mail-in absentee ballot or *in-person absentee ballot* ~~on a voting machine in the county clerk's office or other place designated by the county board of elections, and approved by the State Board of Elections,~~ shall complete the voter assistance form required by KRS 117.255.
- (3) The detachable flap on all mail-in absentee ballot envelopes shall have printed upon it the voter assistance form required by KRS 117.255, ~~as well as a~~ notice of the penalty for failure to complete the form, **and notice of the penalty under KRS 117.0865.**
- (4) The State Board of Elections shall promulgate by administrative regulations under KRS Chapter 13A a voter assistance form which shall be in a form acceptable to the Attorney General.

➔Section 14. KRS 117.087 is amended to read as follows:

- (1) The challenge of **a mail-in** ~~an~~ absentee ballot ~~returned by mail~~ shall be in writing and in the hands of the county clerk before 8 a.m. on **the day preceding any primary, regular election, or special** election day.
- (2) The county board of elections ~~shall count the absentee ballots returned by mail and the votes cast on the voting machine in the county clerk's office or other place designated by the county board of elections and approved by the State Board of Elections. Federal provisional in person absentee ballots shall be processed in accordance with KRS 117.229. The board~~ may appoint a central ballot counting board of not less than three (3) members, who shall be qualified voters and no more than two-thirds (2/3) of whom shall be members of the same political party, to **process, review, and** count the ballots at the direction of the county board of elections.
- (3)
 - (a) Beginning at 8 a.m. on **any primary, regular election, or special** election day, the **county board of elections or central counting board** shall meet at the county clerk's office to **process and review** ~~count~~ the **mail-in** absentee ballots returned ~~by mail and the ballots cast on the voting machine in the county clerk's office or other place designated by the county board of elections and approved by the State Board of Elections~~. Candidates or their representatives shall be permitted to be present. **The county board of elections or central counting board may meet up to fourteen (14) days prior to the day of a primary or election to review and process the mail-in absentee ballots cast in the county. No person shall publicize any tallies or counts of these ballots, or any partial election results, until 6 p.m. local time, on the day of a primary or an election. The county board of elections or central counting board shall meet as often as necessary during these fourteen (14) days to process and review returned mail-in absentee ballots, including expediting any signature cures.**
 - (b) **The county board of elections or counting board chair or the chair's designee shall provide each board member with a list of all voters who have returned a mail-in absentee ballot by mail. If a list of all voters who have returned a mail-in absentee ballot by mail is not provided to the board, the name of each voter who cast an absentee ballot by mail shall be read aloud.** The county board of elections shall authorize representatives of the news media to observe the **processing and review** ~~counting~~ of the ballots **to determine their acceptance or rejection.**
 - (c) **Acceptance or rejection of the mail-in absentee ballots shall be determined as follows:**
 1. The **county board of elections or the central counting board** shall open the boxes containing absentee ballots returned by mail, **hand delivered, or deposited in a drop box or receptacle**, and remove the envelopes one (1) at a time. **All mail-in absentee ballots returned shall have their barcode or unique label scanned to note official receipt;** ~~;~~
 2. As each envelope is removed, it shall be examined to ascertain whether the outer envelope and the detachable flap are in proper order and have been signed by the voter, **except if:** ~~;~~

- a. ~~[A person having power of attorney for the voter and who signs.]~~ The detachable flap and outer envelope for the voter **have been signed by a person having power of attorney for the voter, and that person has completed** ~~[shall complete]~~ the voter assistance form required by KRS 117.255; ~~or~~ ~~[.]~~
 - b. **The voter has signed the detachable flap and outer envelope with the use of a mark instead of the voter's signature, the county board of elections or the central counting board shall verify that the mark was made in the presence** ~~[signatures]~~ of two (2) witnesses; ~~[are required if the voter signs the form with the use of a mark instead of the voter's signature.]~~
3. **Ballots with unsigned detachable flaps or outer envelopes** ~~[All unsigned mail-in absentee ballots]~~ shall be rejected automatically; ~~[.]~~
 4. **Ballots that have not been sent by the county clerk to a qualified voter, but are received by the county board of elections or the central counting board shall be rejected automatically;**
 5. The **members** ~~[chair]~~ of the county board of elections, **or the members of the central counting board**, shall compare the signatures on the outer envelope **and** ~~[.]~~ the detachable flap with the signature of the voter that appears on the **voter's signature of record, which record shall include the signature on the voter's identity document as defined in KRS 186.010, the voter's mail-in absentee ballot application, or the voter's registration card. If a signature match cannot be made, the county board of elections, central counting board, or the county clerk shall make a reasonable effort to contact the voter and provide notice to the voter with a timeframe and manner in which the voter may cure his or her signature relative to the mail-in absentee ballot signature. All signature cures shall be completed before the closing of the polls on the day of a primary or an election;**
 6. If the outer envelope and the detachable flap are found to be in order, the **members of the county board of elections or the members of the central counting board shall verify the voter's name from the list of persons who were sent mail-in absentee ballots, but if a list has not been provided to the board, the name of the voter shall be read aloud;** ~~[chair shall read aloud the name of the voter.]~~
 7. If the vote of the voter is not rejected on a challenge ~~[then made]~~ as provided in **subparagraph 8. of this paragraph or as otherwise provided in this subsection** ~~[subsection (4) of this section]~~, the **members of the county board of elections or the members of the central counting board** ~~[chair]~~ shall remove the detachable flap and place the secrecy envelope unopened in a ballot box which has been provided for the purpose; ~~[.]~~
 8. ~~[(4)]~~ When the name of a voter who cast a mail-in absentee ballot is **processed and reviewed** ~~[read aloud]~~ by the **members of the county board of elections or the members of the central counting board** ~~[chair]~~, the vote of the voter may be challenged by any board member or by the written challenge provided in subsection (1) of this section and the challenge may be determined and the vote accepted or rejected by the board as if the voter was present and voting in person; but if the outer envelope and the detachable flap are regular, and each substantially comply with the provisions of this chapter, they shall be considered as showing that the voter is prima facie entitled to vote. If the vote of a voter is rejected pursuant to the challenge, the secrecy envelope shall not be opened, but returned to the outer envelope upon which the chair **or member** shall write on the envelope the word "rejected"; ~~[.]~~
 9. **If irregularities are discovered in the review and processing of the mail-in absentee ballot, the county board of elections or the central counting board shall immediately report to the county attorney or the Office of the Attorney General; and**
 10. **The ballot box into which all accepted mail-in absentee ballots are placed shall be locked with three (3) locks and the keys to the box shall be retained by at least three (3) members of the central counting board, if one (1) has been appointed, or by the members of the county board of elections. The box shall remain locked until the ballots are counted.**
- (d) **The State Board of Elections shall promulgate administrative regulations under KRS Chapter 13A establishing the form of the notice required under this subsection for the curing of signatures.**

- (4) (a) *Beginning at 8 a.m. local time on any primary, regular election, or special election day, the county board of elections or a central counting board shall meet in the county clerk's office to:*
1. *Review and process any mail-in absentee ballots returned using the procedures in subsection (3) of this section; and*
 2. *Count, or the county board of elections may oversee the count by the central counting board, the accepted mail-in absentee ballots and total and record the in-person absentee votes cast.*
- (b) *During the review, processing, and counting of the absentee ballots and votes, candidates or their representatives shall be permitted to be present, and the county board of elections shall authorize representatives of the news media to observe.*
- (c) *No person shall publicize any tallies or counts of these ballots, or any partial election results, until 6 p.m. local time, on the day of a primary or an election.*
- (5) After the challenges have been made and all the blank secrecy envelopes have been placed in a ballot box, the box shall be thoroughly shaken *or shuffled* to redistribute the absentee ballots in the box *to ensure secrecy of the vote*. The board shall open the ballot box, remove the absentee ballots from the secrecy envelopes, and count the ballots.
- (6) The board shall unlock any voting equipment used to cast *in-person absentee* ballots ~~in the county clerk's office or other place designated by the county board of elections, and approved by the State Board of Elections~~, as provided for in KRS 117.086, and a total of all *in-person absentee* ballots shall be made and recorded on the form provided by the State Board of Elections.
- (7) The county board of elections, the county clerk, and all individuals permitted to be present for the counting of absentee ballots pursuant to subsection (4)~~(2)~~ of this section shall not make public the absentee ballot results determined as provided in this section until ~~after~~ 6 p.m. prevailing time *on the day of a primary or an election*.

➔Section 15. KRS 117.088 is amended to read as follows:

- (1) For purposes of this section, "blind or visually impaired individual" means an individual who:
- (a) Has a visual acuity of 20/200 or less in the better eye with correcting lenses or has a limited field of vision so that the widest diameter of the visual field subtends an angle no greater than twenty (20) degrees;
 - (b) Has a medically indicated expectation of visual deterioration;
 - (c) Has a medically diagnosed limitation in visual functioning that restricts the individual's ability to read and write standard print at levels expected of individuals of comparable ability;
 - (d) Has been certified as requiring permanent assistance to vote under KRS 117.255(5) for reason of blindness; or
 - (e) Qualifies to receive assistance to vote under KRS 117.255(2) for reason of blindness.
- (2) For purposes of this section, "pilot program" means a program in a county containing a consolidated local government or containing a city of the first class for unassisted voting by blind or visually impaired individuals.
- (3) A county board of elections in a county containing a consolidated local government or containing a city of the first class may establish a pilot program. As part of this pilot program, the State Board of Elections shall approve the use of voting equipment under KRS 117.379 that is designed to permit blind and visually impaired individuals to vote without assistance, for use beginning in the 2002 general election. No county board of elections in a county containing a consolidated local government or containing a city of the first class shall be required to operate a pilot program.
- (4) The State Board of Elections, if it approves the voting equipment under KRS 117.379, may approve the use of voting equipment designed to permit blind and visually impaired individuals to vote without assistance in as many locations within a county containing a consolidated local government or containing a city of the first class as are designated by the county board of elections.
- (5) A county board of elections in a county containing a consolidated local government or containing a city of the first class shall provide a report to the State Board of Elections after every primary or *regular* ~~general~~ election

regarding the number of blind or visually impaired individuals that have utilized the voting equipment during the pilot program.

- (6) Notwithstanding the provisions of KRS 116.025, or any other statute to the contrary, a blind or visually impaired voter residing in a county containing a consolidated local government or containing a city of the first class that is operating a pilot program shall be permitted to vote at a location outside the precinct of his or her registration by voting at a location within the county of his or her registration on ~~—a—~~ voting **equipment**~~{machine}~~ designed to permit blind or visually impaired individuals to vote without assistance, which may include voting at the county clerk's office, or other place designated by the county board of elections, and approved by the State Board of Elections.
- (7) Notwithstanding the provisions of KRS 117.085, 117.086, or 117.0863 or any other statute to the contrary, a blind or visually impaired individual residing in a county containing a consolidated local government or containing a city of the first class that is operating a pilot program shall be permitted to vote in the location within the county of his or her registration as provided under subsection (6) of this section, on ~~—a—~~ voting **equipment**~~{machine}~~ designed to permit blind or visually impaired individuals to vote without assistance, at any time during which absentee voting is conducted ~~{ in the clerk's office or other place designated by the county board of elections during normal business hours on at least any of the twelve (12) working days before the election, and The county board of elections may permit the voting to be conducted on a voting machine for a period longer than the twelve (12) working days before the election prescribed above. An application for those blind or visually impaired individuals wishing to vote on a voting machine approved for use by blind or visually impaired individuals shall be prescribed by the State Board of Elections and shall include the individual's sworn statement that the individual is blind or visually impaired.}~~.
- (8) ~~{Notwithstanding the requirements of KRS 117.381, or any other statute to the contrary,}~~ The State Board of Elections may certify, as a part of the pilot project of a county containing a consolidated local government or containing a city of the first class, voting equipment which utilizes audio recordings, voice-activated technology, or vocal recognition technology to record a vote, and may require such accommodations as would permit a blind or visually impaired voter to cast a vote in secret, **provided the voting equipment produces a voter-verified paper audit trail.**
- (9) Notwithstanding the provisions of KRS 117.255, a blind or visually impaired voter residing in a county containing a consolidated local government or containing a city of the first class that is operating a pilot project may cast his or her vote alone and without assistance on ~~—a—~~ voting **equipment**~~{machine}~~ approved for use by blind or visually impaired individuals. However, the blind or visually impaired voter shall be instructed by the officers of election, with the aid of the instruction cards and the model, in the use of the **equipment**~~{machine}~~, if the voter so requests.
- (10) Nothing in this section shall impair the right of any qualified voter under KRS 117.255 to receive assistance and vote according to the procedures specified in that section.

➔Section 16. KRS 117.105 is amended to read as follows:

- (1) The ~~{fiscal court of any county}~~ **legislative body of any county, urban-county government, charter county, consolidated local government, or unified local government** shall purchase or lease, from available funds or from the proceeds of bonds which may be issued for that purpose, voting **systems**~~{machines, including extra or reserve machines.}~~ for use in **primaries, regular elections, and special**~~{and primary}~~ elections. ~~{The fiscal court may, prior to any election, authorize the use of additional voting machines in any particular precinct.}~~
- (2) **Any voting system purchased, leased, or otherwise acquired by the legislative body of any county, urban-county government, charter county, consolidated local government, or unified local government on or after the effective date of this Act shall comply with the requirements of Section 18 of this Act.**
- (3) **Nothing in this section shall prohibit a county board of elections from performing maintenance on voting equipment that has been previously certified by the State Board of Elections and is in use on the effective date of this Act.**

➔Section 17. KRS 117.115 is amended to read as follows:

The **legislative body**~~{fiscal court}~~ of any county, **urban-county government, charter county, consolidated local government, or unified local government** may select, in its discretion, any type and make of voting **system**~~{machine}~~ that complies with the specifications and requirements of this chapter. The **legislative body**~~{fiscal court}~~ may employ

engineers and other skilled persons to advise and aid in the selection of *voting systems*~~[the machines]~~ and in determining *compliance with* the specifications *and requirements of this chapter*~~[thereof]~~.

→Section 18. KRS 117.125 is amended to read as follows:

Except for voting equipment that has been certified and in use on or before the effective date of this Act, no ~~make of~~ *voting system*~~[machine]~~ shall be approved for use *after the effective date of this Act by the State Board of Elections, either upon initial examination or reexamination, unless the system has been certified under Section 43 of this Act and* ~~it~~ *is so constructed that it shall:*

- (1) *Ensure*~~[It will insure]~~ secrecy to the voter in the act of voting *so that no person can see or know for whom any other voter has voted or is voting, except for those voters requiring assistance under Section 34 of this Act*~~;~~;
- (2) ~~[It provides facilities that will]~~ Permit votes to be cast for any candidate entitled to have his *or her* name printed upon the ballots at any *primary, regular election, or special*~~[or primary]~~ election, and for or against any public question entitled to be placed upon the ballots~~;~~;
- (3) ~~[It will]~~ Except at a *primary*~~[elections]~~, permit a voter to vote for all the candidates of one (1) party or for one (1) or more candidates of every party having candidates entitled to be voted for, or for one (1) or more independent, *political organization, or political group* candidates~~;~~;
- (4) ~~[It will]~~ Permit a voter to vote for as many persons for an office as *the voter*~~[he]~~ is lawfully entitled to vote for, and no more~~;~~;
- (5) ~~[It will]~~ Prevent a voter from voting *for more persons for any office than the voter is entitled to vote for, and from voting* for the same person, or for or against the same question, more than once~~;~~;
- (6) ~~[It will]~~ Permit a voter to vote for or against any question *the voter*~~[he]~~ may have the right to vote on, but no other~~;~~;
- (7) *Provide for a nonpartisan ballot;*
- ~~(8)~~~~(7)~~ *Be capable of being*~~[It may be]~~ adjusted for use in a *primary*~~[elections]~~ so that a voter may not vote for any person except those seeking nomination as candidates of *the voter's*~~[his]~~ party, *as candidates for a nonpartisan office*, or as candidates for an office of the Court of Justice~~;~~;
- ~~(9)~~~~(8)~~ *Permit each voter to vote for all the candidates for presidential electors of any party by one (1) operation;*
- (10) *Permit each voter to vote, in any regular or special election, for any person for whom the voter desires to vote whose name does not appear upon the ballot by providing a method of write-in voting;*
- (11) *Be safe, efficient, and accurate in the conduct of elections, and*~~[It will]~~ correctly register and accurately count all votes cast for each person, and for or against each public question~~;~~;
- (12) (a) *Provide each voter an opportunity to verify votes recorded on the permanent paper ballot, either visually or using assistive voting technology, by producing a voter-verified paper audit trail;*
 (b) *Provide each voter an opportunity to change votes or correct any error before the voter's ballot is cast and counted; and*
 (c) *Provide a voter who spoils his or her ballot another ballot as provided under this chapter;*
- (13) *Use an individual, discrete, permanent, paper ballot cast by the voter for tabulating purposes;*
- (14) *Preserve the paper ballot as an official record available for use in any audit or recount;*
- (15) *Be suitably designed for the purpose used, constructed of a durable material, and safely transportable;*
- ~~(9)~~ ~~[It can]~~ *Be capable of determining*~~[determined]~~ whether the *voting equipment*~~[machine]~~ has been unlocked and operated *or adjusted in any manner* after once being locked~~;~~;
- ~~(17)~~~~(10)~~ *Have a public counter with a register which is visible from the outside of the counter or device that*~~[it]~~ will show at all times during an election how many persons have voted; ~~[by a device hereinafter referred to as a public counter.]~~
- ~~(18)~~~~(11)~~ *Have a protective cumulative*~~[The]~~ counter indicating the number of votes cast for each person, *and the votes cast*~~[and]~~ for or against each public question *which* cannot be seen, *reset*, or tampered with without unlocking a covering device~~[that cannot be unlocked]~~ by a key *or other security apparatus* that *cannot*

~~unlock~~~~{unlocks}~~ any other part of the *equipment, and which prevents changes to the cumulative counter once the system has been put into operation on the day of any election;~~{machine. When such counters are so exposed the machine can no longer be placed into condition for operation without the use of a special key, which key shall not have been in the possession of the election officers at the polling places; but if this requirement has the effect of eliminating from consideration any other make of machine such requirement shall not apply.}~~*

- (19) *Provide for the tabulating of votes at the precinct as required under Section 36 of this Act;*
- (20)~~{(12)}~~ *Provide locks or other security apparatus by which the operation of the voting equipment*~~{The operating device and operating mechanism}~~ may be locked before the time for opening the polls and after the time for closing the polls;~~{}~~
- (21)~~{(13)}~~ *Permit a voter to readily learn the method of operating it, to expeditiously cast a vote for all candidates and on all questions of the voter's choice, and when operated properly, register and record correctly and accurately every vote cast;*~~{It is accompanied by a mechanical model illustrating the manner of voting on the machine, suitable for the instruction of voters.}~~
- ~~(14) It will permit a voter to vote for all the candidates for presidential electors of any party by one (1) operation.~~
- ~~(15) It will permit a voter to vote, in any regular or special election, for any person desired to be voted for whose name does not appear upon the voting machine.}~~
- (22)~~{(16)}~~ *Bear*~~{It bears}~~ a number *or other unique designation* that will distinguish it from any other *voting equipment or voting system;*
- (23) *Produce a real-time audit log record for the voting system, and produce a paper record with a manual audit capacity which shall be available as an official record for any recount conducted related to any primary or election in which the system is used;*
- (24) *Be accessible for individuals with impairments, including nonvisual accessibility for the blind or visually impaired, in a manner that provides the same opportunity for access and participation, including privacy and independence, as for other voters;*
- (25) *Meet or exceed the standards for a voting system established by the Election Assistance Commission, as amended from time to time, and those approved under Section 43 of this Act; and*
- (26) *Meet such other requirements as may be established by the State Board of Elections in administrative regulations promulgated under KRS Chapter 13A to reflect changes in technology to ensure the integrity and security of voting systems*~~{machine.}~~
- ~~(17) The frames in which ballot labels are placed shall be constructed with transparent protective devices, in order that the names thereon cannot be mutilated or altered.}~~

➔Section 19. KRS 117.135 is amended to read as follows:

When voting *equipment* ~~is~~~~{machines are}~~ acquired by any county, *the voting equipment*~~{they}~~ shall be immediately placed in the custody of the county clerk, and shall remain in his *or her* custody at all times except when in use at an election or when in the custody of a court or court officer during contest proceedings. The clerk shall see that the *voting equipment* ~~is~~~~{machines are}~~ properly protected and preserved from damage or unnecessary deterioration, and shall not permit any unauthorized person to tamper with the *voting equipment*~~{machines}~~.

➔Section 20. KRS 117.145 is amended to read as follows:

- (1) At least *forty-five (45)*~~{fifteen (15)}~~ days before any special election, and at least fifty (50) days before any primary or regular election, the county clerk of each county shall cause to be printed and ready for use *ballots listing*~~{ballot labels for}~~ each candidate who, and each question which, is entitled to be voted upon in such *primary or* election. The *ballots*~~{ballot labels}~~ shall be printed on clear white paper or other material,~~{which shall be furnished by the printer. They shall be printed}~~ in black ink, in plain, clear type clearly legible to a person with normal vision, and~~{ shall be of a size to fit the ballot frames. The labels}~~ shall include the necessary party designations. *The quality of the paper and the size of the ballots shall be established by the State Board of Elections in administrative regulations promulgated under KRS Chapter 13A.*
- (2) Each county clerk shall have printed a sufficient number of paper absentee ballots, voter affirmations, and election official affirmations.~~{ The voter affirmation, if applicable, and the absentee ballot shall be used for voting by absent voters; by precinct officers who have been assigned to a precinct other than their own; by~~

~~members of a county board of elections; by voters so disabled by age, infirmity, or illness as to be unable to appear at the polls; and for voting in an emergency situation.]~~ The *ballots*~~[ballot stubs]~~ shall be consecutively numbered and the county board shall keep a record, by number, of all absentee ballots used for any of the purposes listed in this subsection.

- (3) Each county clerk shall have printed a sufficient number of federal provisional ballots, which, except for the candidates listed, shall have the same form as the absentee ballots. A federal provisional ballot shall indicate that the ballot is a federal provisional ballot. The federal provisional ballot stubs shall be consecutively numbered, and the county board of elections shall keep a record, by number, of all federal provisional ballots used for votes cast by provisional voters in federal elections.
- (4) ***Each county clerk shall have printed a sufficient number of paper ballots to be used for voting for any primary or election. The methods of securing the integrity of the ballots from the time of certification of each candidate and each question to be voted upon in any primary or election until the conclusion of the primary or election, and the method of tracking all voted, unvoted, or spoiled ballots shall be established by the State Board of Elections in administrative regulations promulgated under KRS Chapter 13A.***
- ~~(5)(4)~~ No later than the Friday preceding a special or regular election, the county clerk shall equip the voting *equipment*~~[machines]~~ with the necessary supplies for the purpose of write-in votes. The county clerk shall also ~~provide~~~~[attach]~~ a pencil, ~~or~~ pen, ***or ballot marking device for***~~[to]~~ the voting *equipment*~~[machine]~~ for write-in purposes.
- ~~(6)(5)~~ If supplemental paper ballots have been approved as provided in KRS 118.215, the county clerk shall cause to be printed a sufficient number of ***supplemental*** paper ballots for the registered voters of each precinct. The ***supplemental*** paper ballots shall have stubs which are numbered consecutively.~~[The quality of paper on which the supplemental paper ballots are printed shall be determined by administrative regulations promulgated under KRS Chapter 13A by the secretary of the Finance and Administration Cabinet.]~~

➔Section 21. KRS 117.155 is amended to read as follows:

~~[Upon receiving the printed ballot labels,]~~The county clerk shall place ***all ballots required to be placed upon voting equipment***~~[them in the ballot frames upon the machines,]~~ in such a manner as will most nearly conform to the plan of arrangement prescribed by the Secretary of State ~~[in the manner prescribed in]~~ KRS 118.215. ***The county clerk***~~[He]~~ shall then see that the counters referred to in subsections ***(17) and (18) of Section 18 of this Act***~~[(10) and (11) of KRS 117.125]~~ are set at zero, and shall lock the operating device and mechanism and the devices protecting the counters and ~~*ballots*~~~~[ballot labels]~~. ***The county clerk***~~[He]~~ shall then enter in an appropriate book, opposite the number of each precinct the distinguishing number of the ***voting equipment or the unique designation***~~[machine]~~ to be used in that precinct.

➔Section 22. KRS 117.165 is amended to read as follows:

- (1) Upon completing the preparation of the ***voting systems, including any voting equipment***~~[machines]~~ ***in operation***, in accordance with~~[the provisions of]~~ KRS 117.155, and not later than the Thursday preceding the day of the election, the county clerk shall notify the members of the county board of elections that the ***voting equipment is***~~[machines are]~~ ready for use. The board shall thereupon convene at the office of the county clerk, not later than the Friday preceding the day of the election, and examine the ***voting equipment***~~[machines]~~ to determine whether the requirements of KRS 117.155 have been met. The county board of elections shall publish notice, in accordance with KRS 424.130(1)(d), at least twenty-four (24) hours in advance of the time when the ***voting equipment is***~~[machines are]~~ to be examined by the board. If found in proper order, the members of the county board of elections shall endorse their approval in the book in which the county clerk has entered the numbers ***or the unique designation*** of the ***voting equipment***~~[machines]~~ opposite the numbers of the precincts. The clerk shall then deliver all of the keys to the ***voting equipment***~~[machines]~~ to the county board of elections who shall give a receipt for the keys which shall contain identification of the keys. Not later than one (1) hour before the time set for the opening of the polls, the board shall deliver all election supplies including the precinct list, tabulation sheets, and the key to the device covering the registering counters and other keys necessary for the operation of the ***voting equipment***~~[machine]~~ in registering votes, to the election officers of the precinct in which the ***voting equipment***~~[machine]~~ is being used, who shall give the board a receipt containing identification of the keys. The master key and all other keys shall remain in the possession of the county board of elections.
- (2) Not later than four (4) business days preceding the date set~~[by the county board of elections]~~ to conduct ***in-person*** absentee voting in accordance with KRS 117.085~~[(1)(e)]~~, the county clerk shall notify the members of the county board of elections that the voting ***equipment***~~[machines]~~ designated for use during ***in-person***

absentee voting are ready for use. The board shall thereupon convene at the office of the county clerk, not later than three (3) business days preceding the date set ~~by the county board of elections~~ to conduct absentee voting, and examine the **voting equipment** ~~{machines}~~ to determine whether the requirements of KRS 117.155 have been met. The county board of elections shall publish notice, in accordance with KRS 424.130(1)(d), at least twenty-four (24) hours in advance of the time when the absentee voting **equipment is** ~~{machines are}~~ to be examined by the board. If found in proper order, the members of the county board of elections shall endorse their approval in the book in which the county clerk has entered **the unique designation or** the identification number of the **voting equipment** ~~{machines}~~ designated for use during **in-person** absentee voting.

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

➔Section 23. KRS 117.175 is amended to read as follows:

The county clerk shall, with the county attorney, prepare a sufficient number of instruction cards containing ~~the front of the voting machine as it will appear on the day of the election,~~ instructions as to the proper method of voting by the use of the **voting equipment** ~~{machine}~~, and instructions as to the proper method of casting a write-in vote. For federal provisional ballots and supplemental paper ballots, if approved as provided in KRS 118.215, the instruction cards shall indicate the offices, candidates, and questions which will appear on the **federal provisional or** supplemental paper ballots, the offices that will appear on the federal provisional **or supplemental** ballot, the instructions for marking and depositing the **federal provisional or** supplemental paper ballots, instructions for filling out the federal provisional **or supplemental** ballot, and instructions on how to properly execute the voter affirmations. The **instruction** cards shall be examined and approved by the county board of elections at the time the **voting equipment is** ~~{machines are}~~ examined and approved. The **instruction** cards shall be delivered to each election clerk by the county clerk at the time that other election supplies are delivered and the election clerk shall post the **instruction** card at the polling place.

➔Section 24. KRS 117.187 is amended to read as follows:

- (1) The State Board of Elections shall regularly provide special training regarding the election laws and methods of enforcement to all members of county boards of elections, county attorneys, Commonwealth's attorneys, and certain members of the Department of Kentucky State Police.
- (2) The county board of elections shall provide special training before each primary, ~~and~~ regular election, and any special election ~~held during a year in which no elections are scheduled,~~ to all election officers, alternates, and certified challengers regarding their duties and the penalties for failure to perform. Election officers, including alternates, and certified challengers shall attend the training session, unless excused by the county board of elections for reason of illness or other emergency. Any person who fails to attend a training session without being excused shall be prohibited from serving as an election officer or challenger for a period of five (5) years. The training provided by the county board of elections shall include but not be limited to the following:
- (a) Operation of the **voting equipment, and voting system as applicable** ~~{machine or ballot cards}~~;
 - (b) Posting of necessary signs and notices at the polling place;
 - (c) Voter assistance;
 - (d) Maintaining precinct rosters;
 - (e) Confirmation of a voter's identity;
 - (f) Challenge of a voter;
 - (g) Completing changes of address or name at the polling place;
 - (h) Qualifications for voting in a primary;
 - (i) Electioneering and exit polling;
 - (j) Write-in voting procedures;
 - (k) Persons who may be in the voting room;
 - (l) Election violations and penalties;

- (m) Assistance which may be provided by law enforcement officers;
 - (n) Election reports;
 - (o) Disability awareness;
 - (p) Provisional voting and provisional absentee voting;
 - (q) Election emergency contingency plan;
 - (r) Elections, *voting equipment*, and voting ~~systems~~~~equipment~~ security plan; ~~and~~
 - (s) Proof of identification; *and*
 - (t) *Information concerning the secure online portal to request a mail-in absentee ballot.*
- (3) The county attorney *or the county attorney's designee may*~~shall~~ attend the training session for election officers to assist in explaining the duties and penalties for failure to perform.
- (4) Compensation in the minimum amount of ten dollars (\$10) for reimbursement of actual expenses shall be paid by the county to the election officers for attending the training session.

➔Section 25. KRS 117.195 is amended to read as follows:

- (1) At least one (1) hour prior to the opening of the polls, the county clerk shall deliver *the voting equipment*~~each machine~~, with the operating device and mechanism and the device covering the registering counters securely locked, to the clerk of the precinct in which it is to be used, and shall take a receipt indicating the distinguishing number *or the unique designation* of the *voting equipment*~~machine~~. The clerk of the precinct shall cause *any voting equipment*~~the machine~~ to be arranged in the voting place so that the front of the *equipment*~~machine~~, on which ~~appear~~ the *ballots appear, if applicable*~~ballot labels~~ and the operating devices, will not be visible, when being operated, to any person other than the voter.
- (2) In polling places in which *voting equipment*~~machines~~ for multiple precincts are located, the county clerk shall post a sign near *the voting equipment*~~each machine~~ identifying the precinct for which the *voting equipment*~~machine~~ has been designated.
- (3) For federal provisional ballots, and supplemental paper ballots if approved as provided in KRS 118.215, the county clerk shall, at least one (1) hour prior to the opening of the polls, deliver *or confirm that there is available*:
- (a) A sufficient number of ballots, and supplemental paper ballots if approved, for the registered voters of each precinct;
 - (b) A sufficient number of voting booths for voting federal provisional ballots, and supplemental paper ballots if approved;
 - (c) A sufficient amount of string and rubber stamps for marking "Spoiled" and "Unused" ballots;
 - (d) A locked ballot box or receptacle for federal provisional ballots, and a separate locked ballot box for supplemental paper ballots if approved, for each precinct; and
 - (e) A sufficient number of federal provisional voter ballots, voter affirmations, and election official affirmations.

The county clerk shall take a receipt for the number of federal provisional ballots, and supplemental paper ballots if approved, issued and the ballot boxes or ballot receptacles for each precinct. The county clerk shall retain the keys to all ballot boxes and ballot receptacles.

➔Section 26. KRS 117.205 is amended to read as follows:

Before the polls are open, and before permitting any person to vote on the day of the election, the election officers shall examine the *voting equipment*~~machine~~ to ascertain whether it has been operated since the counters referred to in subsections (17) and (18) of Section 18 of this Act~~(10) and (11) of KRS 117.125~~ were set at zero, and to ascertain whether the *ballots*~~ballot labels~~ are arranged as *previously* specified ~~on the printed instruction cards~~. If the *voting equipment*~~machine~~ indicates that it has been operated or if the *ballots*~~ballot labels~~ are not *properly*~~so~~ arranged, the officers shall not unlock the operating device or mechanism, but shall immediately secure the attendance of the county clerk and one (1) member of the county board of elections other than the county clerk, who shall reset the counters at zero and relock the device covering the counters, or properly arrange the *ballots*~~ballot labels~~, as the case may be, in the presence of the election officers. If the attendance of members of the board of

elections cannot be obtained before the opening of the polls or within one (1) hour thereafter, the election officers shall notify the county clerk of the foregoing facts and obtain from the county clerk ~~[-a]~~ reserve voting ~~equipment[machine]~~, and proceed to conduct the election. Any reserve ~~voting equipment[machine]~~ shall have been certified for use at the election by the county board of elections and prepared for use at the election by the election officers in the precinct in the same manner as the original ~~voting equipment[machine]~~ was prepared for the election. The ~~voting equipment[machine]~~ found to have been so operated shall be returned immediately to the custody of the county clerk, whose duty it shall be to promptly repair same ~~so[~~in order~~]~~ that it may be used as ~~[-a]~~ reserve ~~voting equipment[machine]~~ in the election if needed.

➔Section 27. KRS 117.215 is amended to read as follows:

- (1) If, during the conduct of an election, ~~[-a]~~ **voting equipment, or any part of a voting system, no longer operates** ~~[machine becomes in a state of disrepair so that it cannot be operated]~~ in a manner that will comply with the provisions of this chapter, the election officers shall lock or seal the ~~voting equipment[machine in such a manner as]~~ to prevent further voting thereon and record the numbers shown by the public counter. Then the election officers shall secure from the county clerk ~~[-a]~~ reserve voting ~~equipment[machine]~~, ~~[- which shall be]~~ prepared and made ready for use as provided in KRS 117.205, and ~~[-thereupon]~~ proceed to conduct the election. When the polls are closed both the original and reserve voting ~~equipment[machines]~~ shall be examined and the votes thereon registered shall be counted as provided in KRS 117.275, and the aggregate number of votes cast on **all voting equipment** ~~[both machines]~~ for each candidate and on each question shall be certified as the result of the **primary or** election in that precinct.
- (2) If an emergency should arise due to the malfunction of the voting ~~equipment[machine]~~, the county clerk shall provide ~~[-a]~~ backup voting ~~equipment, [machine] or [supplemental]~~ paper ballots for use at the precinct and a ballot box in which to deposit the voted ballots. The ballot box shall be locked with two (2) locks and the judges of the precinct shall each hold the key to one (1) lock. At the close of voting, the **paper** ballots shall be counted at the precinct or a central counting center and added to the votes cast **using voting equipment** ~~[by machine]~~. The aggregate of these votes shall be certified as the result of the election in that precinct.

➔Section 28. KRS 117.225 is amended to read as follows:

- (1) Any person desiring to vote on election day shall give his or her name and address to the clerk of the election and shall provide proof of identification as defined in **Section 41 of this Act** ~~[KRS 117.375]~~.
- (2) A voter who votes in person at a precinct polling place that is located at a state-licensed care facility where the voter resides is not required to provide proof of identification, as defined in **Section 41 of this Act** ~~[KRS 117.375]~~, before voting in a primary or an election.
- (3) If the voter's name is listed on the precinct list furnished by the State Board of Elections as provided in KRS 117.025, the voter provides proof of identification, the voter is exempt pursuant to subsection (2) of this section, or the voter otherwise satisfies the requirements of KRS 117.228, and if no challenge is made, then he or she shall sign his or her name on the precinct list in the space opposite his or her printed name. The voter's signature shall constitute the voter's verification that the voter is a properly registered and qualified voter. The voter shall then retire alone to cast his or her vote on the **ballot provided** ~~[voting machine]~~. The county board of elections may provide to each precinct the original registration form of each voter entitled to vote in that precinct. These forms shall be used to compare signatures in those precincts to which the forms are provided.
- (4) If supplemental paper ballots are used, as provided in KRS 118.215, after voting **using the voting equipment**, ~~[on the voting machine]~~ the voter shall take the supplemental paper ballot with the stub intact and retire alone to the voting booth provided for voting paper ballots. After voting the supplemental paper ballot, the voter shall remove the numbered stub, hand the stub to an election officer and deposit the voted **supplemental paper** ballot in the locked supplemental paper ballot box in the presence of a precinct election officer.

➔Section 29. KRS 117.235 is amended to read as follows:

- (1) No person, other than the election officers, challengers, person assisting voters in accordance with KRS 117.255(3), and a minor child in the company of a voter, shall be permitted within the voting room while the vote is being polled, except as follows:
 - (a) For the purpose of voting;
 - (b) By authority of the election officers to keep order and enforce the law;

- (c) With the express approval of the county board of elections to repair or replace voting equipment that is malfunctioning, and to provide additional voting equipment; or
 - (d) At the voter's discretion, a minor child in the company of a voter may accompany the voter into a voting booth or other private area provided for casting a vote.
- (2) No officer of election shall do any electioneering on election day.
- (3) (a) No person shall electioneer at the polling place on the day of any election, as established in KRS 118.025, **or** within a distance of one hundred (100) feet of any entrance to a building in which ~~a~~ voting ~~machine~~ is **conducted**~~located~~ if that entrance is unlocked and is used by voters on **any primary or** election day.
- (b) No person shall electioneer within the interior of a building or affix any electioneering materials to the exterior or interior of a building where the county clerk's office is located, or any building designated by the county board of elections and approved by the State Board of Elections for **in-person** absentee voting, during the hours **in-person** absentee voting is being conducted in the building ~~by the county clerk pursuant to KRS 117.085(1)(c)~~.
- (c) **No person shall electioneer within one hundred (100) feet of a mail-in absentee drop-box or drop-receptacle.**
- ~~(d)(e)~~ Electioneering shall include the displaying of signs, the distribution of campaign literature, cards, or handbills, the soliciting of signatures to any petition, or the solicitation of votes for or against any bona fide candidate or ballot question in a manner which expressly advocates the election or defeat of the candidate or expressly advocates the passage or defeat of the ballot question, but shall not include exit polling, bumper stickers affixed to a person's vehicle while parked within or passing through a distance of one hundred (100) feet of any entrance to a building in which ~~a~~ voting ~~machine~~ is **conducted**~~located~~, private property as provided in subsection (7) of this section, or other exceptions established by the State Board of Elections through the promulgation of administrative regulations **under KRS Chapter 13A.**
- (4) No voter shall be permitted to converse with others while in any room in which voting, including **in-person** absentee voting, is conducted concerning their support or nonsupport of any candidate, party, or issue to be voted on, except as provided in KRS 117.255.
- (5) Any precinct election officer, county clerk, deputy county clerk, or any law enforcement official may enforce the election laws and maintain law and order at the polls and within one hundred (100) feet of any entrance to the building in which **voting is conducted**~~the voting machine is located~~ if that entrance is unlocked and is used by voters. Assistance may be requested of any law enforcement officer.
- (6) Notwithstanding the provisions of subsection (1) of this section, the State Board of Elections may establish a program designed to instill in school children a respect for the democratic principles of voting by conducting in any county a mock election for school children in conjunction with any primary, ~~or~~ regular, or special election. The State Board of Elections shall promulgate administrative regulations **under KRS Chapter 13A** regarding the mock elections to **ensure**~~insure~~ that the regular voting process will not be impaired.
- (7) Notwithstanding the provisions of subsection (3) of this section, nothing in this section shall prohibit the displaying of political campaign signs on private property or private establishments by a person having a leased or ownership interest in that private property or private establishment within the campaign-free zone, regardless of the distance from the polling place. In the case of a polling location being on private property that is leased or otherwise under contract for the purpose of serving as a polling location, the provisions of subsection (3) of this section shall be applicable to that leased or contracted-for private property.

➔Section 30. KRS 117.227 is amended to read as follows:

Except as otherwise provided, election officers shall confirm the identity of each voter by proof of identification as defined in **Section 41 of this Act**~~[KRS 117.375]~~. The election officer confirming the identity shall sign the precinct voter roster and list the method of proof of identification.

➔Section 31. KRS 117.228 is amended to read as follows:

- (1) Except as provided in subsection (4) of this section, on the day of a primary, an election, or during in-person absentee voting, if a voter is unable to provide proof of identification as required under KRS 117.225, and as defined under **Section 41 of this Act**~~[KRS 117.375]~~, a voter may cast a ballot if the individual:

- (a) Is eligible to vote under KRS 116.025;
- (b) Is entitled to vote in that precinct; and
- (c) In the presence of the election officer, executes a voter's affirmation, on a form prescribed and furnished by the State Board of Elections pursuant to administrative regulations promulgated under KRS Chapter 13A, affirming:
 - 1. The voter is a citizen of the United States;
 - 2. The voter's date of birth to the best of the voter's knowledge and belief;
 - 3. The voter is qualified to vote in this precinct under KRS 116.025;
 - 4. The voter's name, and that the voter is generally known by that name, or the name is as stated on his or her voter registration card;
 - 5. The voter has not voted and will not vote in any other precinct;
 - 6. The voter's current residential address, including the street address number and, if different from the voter's current address, the voter's residential address prior to the close of the registration books under KRS 116.045, and the date the voter moved;
 - 7. The voter understands that making a false statement on the affirmation is punishable under penalties of perjury; and
 - 8. The voter has one (1) of the following impediments to procure proof of identification as defined in *Section 41 of this Act* ~~[KRS 117.375]~~:
 - a. Lack of transportation;
 - b. Inability to obtain his or her birth certificate or other documents needed to show proof of identification;
 - c. Work schedule;
 - d. Lost or stolen identification;
 - e. Disability or illness;
 - f. Family responsibilities;
 - g. The proof of identification has been applied for, but not yet received; or
 - h. The voter has a religious objection to being photographed.
- (2) In addition to the requirements of subsection (1) of this section, to cast a ballot, the voter who is unable to provide proof of identification shall provide to an election officer:
 - (a) The voter's Social Security Card;
 - (b) Any identification card issued by a county in this state which has the name of the voter stated and has been approved in writing by the State Board of Elections pursuant to administrative regulations promulgated under KRS Chapter 13A;
 - (c) Any identification card with the voter's photograph and the name of the voter stated;
 - (d) Any food stamp identification card, electronic benefit transfer card, or supplemental nutrition assistance card, that is issued by this state and has the name of the voter stated; or
 - (e) A credit or debit card with the name of the voter stated.
- (3) After the election officer obtains the affirmation from the voter required by subsection (1) of this section, and after the voter provides the documents under subsection (2) of this section, the voter shall sign the precinct signature roster and shall proceed to cast his or her vote in a ballot completion area.
- (4) If the voter is personally known to the election officer, the election officer may execute an election officer affirmation, on a form prescribed and furnished by the State Board of Elections pursuant to administrative regulations promulgated under KRS Chapter 13A, affirming the voter's identification as being personally known to him or her. Once the affirmation is executed by the election officer, the voter shall sign the precinct

signature roster and shall proceed to cast his or her vote in a ballot completion area. For purposes of this subsection, "personally known" means that the election officer knows the voter's name and that the voter is a resident of the community.

- (5) The voter affirmation and the election officer affirmations executed under this section shall be processed in the same manner as an oath of voter affidavit as prescribed by KRS 117.245(3) and (4).

➔Section 32. KRS 117.229 is amended to read as follows:

On the day of a primary, an election, or during in-person absentee voting when a federal elective office is on the ballot, if a voter is unable to provide proof of identification, as required under KRS 117.225 and as defined under **Section 41 of this Act**~~[KRS 117.375]~~, or the voter fails to meet the requirements of KRS 117.228, the voter may cast a provisional ballot for the federal elective office of President, Vice President, United States Senator, and United States House of Representative if the individual conforms to the provisional voting requirements in accordance with the Help America Vote Act of 2002.

➔Section 33. KRS 117.245 is amended to read as follows:

- (1) The fact that a person is registered constitutes only prima facie evidence of his or her right to vote and does not prevent the officers of any election from refusing to allow him or her to vote for cause.
- (2) When the officers of an election disagree as to the qualifications of a voter or if his or her right to vote is disputed by a challenger, other than for failure to provide proof of identification as defined in **Section 41 of this Act**~~[KRS 117.375]~~, the voter shall sign a written oath as to his or her qualifications before he or she is permitted to vote. The oath shall be in such form prescribed and furnished by the State Board of Elections pursuant to administrative regulations promulgated under KRS Chapter 13A. Twenty (20) printed copies of these oaths shall be included in the election supplies of each precinct.
- (3) The subscribed oaths shall be returned to the county clerk who shall deliver them to the Commonwealth's attorney.
- (4) The Commonwealth's attorney and county attorney shall investigate each of the oaths and cause to be summoned before the grand jury the witnesses they or either of them, deem proper, and the grand jury shall make a thorough investigation of all votes so cast, and return indictments against all persons illegally voting. The foreman of the grand jury shall return to the county clerk all of the oaths upon which no indictments are found. The county clerk shall safely keep them as a part of the records of his or her office, and shall produce any or all of them, when required, to any subsequent grand jury.

➔Section 34. KRS 117.255 is amended to read as follows:

- (1) The voter shall be instructed by the officers of election, with the aid of the instruction cards and *any*~~[the]~~ model *if applicable*, in the use of the *voting equipment*~~[machine]~~, if the voter so requests.
- (2) Except for those voters who have been certified as requiring assistance on a permanent basis **under this section**, no voter shall be permitted to receive any assistance in voting at the polls unless the voter makes and signs an oath that, because of blindness, other physical disability, or an inability to read English, the voter is unable to vote without assistance. **The voter shall indicate in the oath the specific reason that requires the voter to receive assistance.** The oath shall be upon a voter assistance form prescribed and furnished by the State Board of Elections pursuant to administrative regulations promulgated under KRS Chapter 13A. Any person assisting a voter shall complete the voter assistance form.
- (3) Upon making and filing the oath with the precinct clerk, the voter requiring assistance shall retire to the voting **booth**~~[machine]~~ or ballot completion area with the precinct judges, and one (1) of the judges shall, in the presence of the other judge and the voter,~~[operate the machine or]~~ complete the ballot as the voter directs. A voter requiring assistance in voting may, if the voter prefers, be assisted by a person of the voter's own choice who is not an election officer, except that the voter's employer, an agent of the voter's employer, or an officer or agent of the voter's union shall not assist a voter.
- (4) The precinct election clerk shall swear a person assisting a voter in voting to~~[operate the voting machine or]~~ complete the ballot in accordance with the directions of the voter, and the person sworn shall enter the voting booth or ballot completion area and~~[operate the machine or]~~ complete the ballot for the voter as the voter directs.
- (5) A voter who requires voting assistance on a permanent basis because of blindness or other physical disability may apply to the county board of elections for certification. Application may be made when registering to vote or completing the voter assistance form by indicating that the reason for obtaining assistance is permanent.

The county board of elections shall determine whether the applicant requires assistance on a permanent basis. The county board of elections shall notify the county clerk of persons certified as requiring permanent voting assistance and the county clerk shall enter the certification on the voter's registration record. The State Board of Elections shall indicate on the precinct roster of voters those voters who are certified to receive assistance permanently without signing the voter assistance form at the precinct.

- (6) ~~["Voting booth" or "ballot completion area" means an area in which a voter casts his or her vote or completes his or her ballot which is designed to insure the secrecy of the vote. No voter shall be assisted under this subsection unless the judges and the sheriff of election are satisfied of the truth of the facts stated in the oath. The voter shall state in his or her oath the specific reason that requires him or her to receive assistance.~~
- ~~(7)~~ No voter shall be permitted to occupy the voting *booth or ballot completion area*~~{machine}~~ more than *four* ~~(4)~~~~{two (2)}~~ minutes if other voters are waiting to use it, except that those voters who because of a disability need extra time to cast a ballot shall be given a reasonable amount of time to vote.
- ~~(7)~~~~(8)~~ In primaries, before a voter is permitted to use the voting *equipment*~~{machine}~~, a judge of the election shall adjust the *voting equipment*~~{machine}~~ so that the voter will only be able to vote for the persons for whom the voter is qualified to vote.
- ~~(8)~~~~(9)~~ If the *voting equipment*~~{machine}~~ is so constructed as to require adjustment after one (1) person has voted before another person may vote, the judges of election shall adjust it after each person has voted.
- ~~(9)~~~~(10)~~ The election officers shall constantly maintain a watch in order to prevent any person from voting more than once.
- ~~(10)~~~~(11)~~ For voters voting as federal provisional voters, or if supplemental paper ballots have been approved as provided in KRS 118.215, the voter shall vote his or her federal provisional or supplemental ballot in privacy in a voting booth provided for that purpose by the county clerk. If the voter spoils his or her *federal provisional or supplemental* ballot, the voter shall return the spoiled *federal provisional or supplemental* paper ballot to an election officer who shall stamp the ballot "Spoiled," initial, and place the spoiled *federal provisional or supplemental* ballot in an envelope provided for that purpose. The voter shall be issued a second federal provisional or supplemental paper ballot. Upon completion of voting, the voter shall remove the numbered stub from the *federal provisional or supplemental* ballot, hand the stub to an election officer and deposit the voted *federal provisional or supplemental* ballot in the appropriate locked ballot box or locked receptacle in the presence of an election officer.
- ~~(11)~~~~(12)~~ The election sheriff shall be responsible for reporting violations of this section.

➔Section 35. KRS 117.265 is amended to read as follows:

- (1) A voter may, at any regular or special election, cast a write-in vote for any person qualified as provided in subsection (2) or (3) of this section, whose name does not appear upon the ballot~~{label}~~ for any office, by writing the name of his or her choice upon the appropriate *ballot*~~{device}~~ for the office being voted on~~{provided on the voting machine}~~ as required by KRS 117.125. Any candidate for city, county, urban-county, consolidated local government, charter county government, or unified local government office who is defeated in a partisan or nonpartisan primary shall be ineligible as a candidate for the same office in the regular election. Any voter utilizing a federal provisional ballot, a federal provisional in-person absentee ballot, or a mail-in absentee ballot for a regular or special election may write in a vote for any eligible person whose name does not appear upon the ballot, by writing the name of his or her choice under the office.
- (2) Write-in votes shall be counted only for candidates for election to office who have filed a declaration of intent to be a write-in candidate with the Secretary of State or county clerk, depending on the office being sought, on or before the fourth Friday in October preceding the date of the regular election and not later than the second Friday before the date of a special election. In the case of a special election administered under KRS 118.730, a declaration of intent to be a write-in candidate shall be filed at least twenty-eight (28) days before the day of the election. The declaration of intent shall be filed no earlier than the first Wednesday after the first Monday in November of the year preceding the year the office will appear on the ballot, and no later than 4 p.m. local time at the place of filing when filed on the last date on which papers may be filed. The declaration of intent shall be on a form prescribed and furnished by the Secretary of State.
- (3) A person shall not be eligible as a write-in candidate:
- (a) For more than one (1) office in a regular or special election; or

- (b) If his or her name appears upon the ballot ~~[label]~~ for any office, except that the candidate may file a notice of withdrawal prior to filing an intent to be a write-in candidate for office when a vacancy in a different office occurs because of:
1. Death;
 2. Disqualification to hold the office sought;
 3. Severe disabling condition which arose after the nomination; or
 4. The nomination of an unopposed candidate.
- (4) Persons who wish to run for President and Vice-President shall file a declaration of intent to be a write-in candidate, along with a list of presidential electors pledged to those candidates, with the Secretary of State on or before the fourth Friday in October preceding the date of the regular election for those offices. The declaration of intent shall be filed no earlier than the first Wednesday after the first Monday in November of the year preceding the year the office will appear on the ballot, and no later than 4 p.m. local time at the place of filing when filed on the last date on which papers may be filed. Write-in votes cast for the candidates whose names appear on the ballot shall apply to the slate of pledged presidential electors, whose names shall not appear on the ballot.
- (5) The county clerk shall provide to the precinct election officers certified lists of those persons who have filed declarations of intent as provided in subsections (2) and (3) of this section. Only write-in votes cast for qualified candidates shall be counted.
- (6) Two (2) election officers of opposing parties shall upon the request of any voter instruct the voter on how to cast a write-in vote.

➔Section 36. KRS 117.275 is amended to read as follows:

- (1) At the count of the votes in any precinct, any candidate or slate of candidates and any representatives to witness and check the count of the votes therein, who are authorized to be appointed as is provided in subsection (9) of this section, shall be admitted and ~~[be]~~ permitted to be present and witness the count.
- (2) As soon as the polls are closed, and the last voter has voted, the judges *at that time* shall immediately lock and seal the voting equipment so that the voting and counting *mechanisms* ~~[mechanism]~~ will be prevented from *operating* ~~[operation]~~, and they shall sign a certificate stating:
- (a) That the voting equipment has been locked against voting and sealed;
 - (b) The number of voters, as shown on the public counters;
 - (c) The number registered on the protective or *cumulative* ~~[accumulative]~~ counter or device ~~[, if any]~~; and
 - (d) The number or other designation of the voting equipment. ~~[,]~~
- ~~The~~ ~~[Which]~~ certificate, *with any additional certificate previously prepared under Section 7 of this Act*, shall be returned by the judges of election to the officials authorized by law to receive it. The judges shall compare the number of voters, as shown by the counter of the voting equipment, with the number of those who have voted as shown by the protective or *cumulative* ~~[accumulative]~~ counter or device ~~[, if any]~~.
- (3) Where voting equipment is used which does not print the candidates' names along with the total votes received on a general return sheet or record for that equipment, the procedure to be followed shall be as follows:
- (a) The judges, in the presence of the representatives mentioned in subsection (1) of this section, if any, and of all other persons who may be lawfully within the polling place, shall give full view of all the counter numbers;
 - (b) The judges shall enter, in ink, the total votes cast for each candidate, and slate of candidates, and for and against each question on the return sheets; and
 - (c) Each precinct election officer shall sign the return sheets, and a copy of the return sheets shall be posted on the precinct door.
- (4) Where voting equipment is used that prints the candidates' names along with the total votes received on a return sheet or record for that equipment, the precinct election officers shall sign the return sheets or record for the voting equipment, which shall be posted on the door of the precinct.

- (5) If any officer shall decline to sign the return sheets, he or she shall state the reason in writing, and a copy thereof, signed by the officer, shall be enclosed with the return sheets.
- (6) Each of the return sheets, if applicable, and the record of the voting equipment shall be enclosed in an envelope. One (1) copy of the return sheets, if applicable, one (1) copy of the record of the voting equipment, and the write-in roll, if any write-in votes were cast in the precinct, shall be directed to the county board of elections of the county in which the election is being held. One (1) copy of the return sheets or record of the voting equipment shall be given to the county clerk of the county in which the election is being held and to each of the local governing bodies of the two (2) dominant political parties, but a local governing body of a dominant political party may decline a copy of the precinct election return by filing a written declination with the county board of elections prior to the election, and upon this declination, a printed copy shall not be issued to the political party so declining. The declination on file shall be effective for that election and any subsequent elections until revoked by the local governing body of a dominant political party by filing a written revocation with the county board of elections. The envelope shall have endorsed thereon a certificate of the election officers, stating the number *or unique designation* of the *voting equipment*~~{machine}~~, the precinct where it has been used, the number on the seal, and the number on the protective or *cumulative*~~{accumulative}~~ counter or device at the close of the polls.
- (7) Following the tabulation of all votes cast in the election, including absentee votes and write-in votes, the county board shall mail a copy of the precinct-by-precinct summary of the tabulation sheets showing the results from each precinct to the State Board of Elections and the county clerk shall mail or deliver the precinct signature rosters from each precinct to the State Board of Elections during the period established by KRS 117.355(3).
- (8) As soon as possible after the completion of the count, the two (2) judges shall return to the county board of elections the keys to the voting *equipment*~~{machine}~~ received and receipted for by them, and the county clerk in which the precinct is located shall have the voting *equipment*~~{machine}~~ properly boxed or securely covered and removed to a proper and secure place of storage.
- (9) In primaries, each candidate or group of candidates may designate to the county board of elections a representative to witness and check the vote count. In regular elections, the governing authority of each political party, each candidate for member of board of education, nonpartisan candidate, *political group candidate, political organization candidate*, independent candidate, or independent ticket may designate a representative to the county board of elections to witness and check the vote count. The county board of elections shall authorize representatives of the news media to witness the vote count.
- (10) For all federal provisional ballots, if applicable, and supplemental paper ballots if approved as provided in KRS 118.215, after the polls are closed, the two (2) judges shall return to the county clerk's office the locked federal provisional ballot receptacle and the supplemental paper ballot box, all ballot stubs, spoiled ballots, and unvoted ballots at the same time as the tabulation of votes from the voting *equipment*~~{machine}~~ is delivered. The county clerk shall issue a receipt for the number of ballot stubs, unvoted ballots, spoiled ballots, and the ballot boxes or ballot receptacle.
- (11) The county board of elections, or its designee, shall count and tally the supplemental paper ballots *that have not been tabulated by automatic tabulating equipment at the precinct, either* manually or with the use of tabulating equipment *that has been certified by the State Board of Elections for use for that purpose in the county clerk's office*~~{which does not involve an additional voting system}~~. The results of the vote tally shall be certified by the county board of elections to the county clerk and to the Secretary of State.
- (12) The county board of elections shall tabulate the valid federal provisional ballots. The results of the vote tally shall be certified by the county board of elections to the county clerk and to the Secretary of State. The county board shall mail a copy of the precinct-by-precinct summary of the valid federal provisional ballot tabulation sheets showing the results from each precinct to the State Board of Elections.
- (13) The county board of elections shall authorize the candidates, slates of candidates, or their representatives, and representatives of the news media to be present during the counting of the supplemental and federal provisional paper ballots.
- (14) Except as otherwise required in this chapter, *all*~~{that certain}~~ records and papers relating to specified elections *shall* be retained for twenty-two (22) months, the county clerk shall retain the voted federal provisional ballots, voter affirmations, election official affirmations, and the supplemental paper ballots for twenty-two (22) months and the unvoted federal provisional ballots, the voter affirmations, election official affirmations, and

the supplemental paper ballots for sixty (60) days after each election day, after which time they shall be destroyed in a manner to render them unreadable by the county board of elections if no contest or recount action has been filed.

➔Section 37. KRS 117.295 is amended to read as follows:

- (1) For a period of ten (10) days following any primary ~~election~~, and for a period of thirty (30) days following any **regular** ~~general~~ or special election, the voting **equipment** ~~machine~~ shall remain locked against voting and the ballot boxes containing all paper ballots shall remain locked, except that the voting **equipment** ~~machines~~ and the ballot boxes may be opened and all the data and figures therein examined:~~;~~
 - (a) Upon the order of any court of competent jurisdiction, or judge thereof; ~~or~~
 - (b) By direction of any legislative committee *or board* authorized and empowered to investigate and report upon contested elections;~~;~~
 - (c) *By a county board of elections under the direction of the State Board of Elections pursuant to a risk-limiting audit; or*
 - (d) *As required to conduct a recount under Section 80 of this Act.* ~~and~~

All the data and figures shall be examined by the court, judge, *county board of elections, State Board of Elections*, or committee in the presence of the officer having the custody of the **voting equipment, ballots** ~~machine~~ and ballot boxes. In the event of a contest of election, the court in which the contest is pending or the committee before which the contest is being heard may, upon motion of any party to the contest, issue an order requiring that the voting **equipment, ballots** ~~machines~~ and ballot boxes shall remain continuously locked for further time as may be reasonable or necessary, with due regard for the preparation of the **voting equipment** ~~machines~~ for a succeeding primary, regular **election**, or special election, but in no event shall the order compel that the **voting equipment** ~~machines~~ remain locked to a time within thirty (30) days next preceding any approaching primary, regular **election**, or special election.

- (2) During the period when the **voting equipment** ~~machine~~ and the ballot boxes are required to be kept locked, the keys thereto shall remain in the possession of the county board of elections. After that period, it shall be the duty of the county board of elections to return the keys to the custody of the county clerk.

➔Section 38. KRS 117.305 is amended to read as follows:

- (1) The canvass and returns provided for in KRS 117.275 shall constitute the official returns of the precinct, unless before 4 p.m. on the Tuesday following a primary or regular election, or before 4 p.m. on the day following a special election held for the purpose of filling a vacancy, the county clerk or county board of elections takes notice of a discrepancy in the tally of votes cast in any precinct or number of precincts, or a candidate makes a written request to the county board of elections in the case of a candidate who has filed with the county clerk, or the Secretary of State in the case of a candidate who has filed with the Secretary of State, to check and recanvass the voting **equipment** ~~machines~~, valid federal provisional ballots, valid federal provisional absentee ballots, and absentee ballots of any precinct or any number of precincts involving *the candidate's* ~~his or her~~ race. *A candidate's written request for a recanvass shall be insufficient to compel the recanvass unless the difference between the number of votes received by the requesting candidate and the number of votes received by any other candidate or candidates for the same office is less than one percent (1%) of the total votes which were cast for such office.*
- (2) *The county board of elections shall, immediately upon notice of any discrepancy as described in subsection (1) of this section, or upon receipt of a request for a recanvass, notify each candidate for the office of the time and place of the recanvass. At the recanvass, each political party represented on the board may appoint a representative there to be its governing body, and also each candidate to be voted for may be present, either in person or by a representative or both. The county board of elections shall authorize representatives of the news media to observe the recanvass of the voting equipment in each precinct.*
- (3) After ~~the~~ ~~this~~ time period has elapsed and notice is taken *as provided under subsections (1) and (2) of this section*, the county board of elections shall assemble at 9 a.m. on the Thursday following the filing deadline to request a recanvass *under this section*, and not sooner, and recheck and recanvass *the voting equipment* ~~each machine~~ and make a proper return thereof to the county clerk, and the canvass and return shall become the official returns for the **primary or** election. In making the recanvass, the board shall make a record of the number of the seal *or the unique designation* upon the voting **equipment** ~~machine~~ and, without unlocking the **voting equipment** ~~machine against voting~~, recanvass the vote cast ~~thereon~~.

- (4) If, after a canvass, it is found that the original canvass of the returns has been correctly made from the **voting equipment**~~[machine]~~, and that there still remains a discrepancy unaccounted for, this discrepancy shall be noted. If, upon canvass, it appears that the original canvass of the returns by the election officers was incorrect, the returns and all papers being prepared by the board shall be corrected accordingly. ~~The county board of elections shall, immediately upon receipt of a request for a canvass, notify each candidate for the office of the time and place of the canvass. At the canvass, each political party represented on the board may appoint a representative there to be its governing body, and also each candidate to be voted for may be present, either in person or by a representative or both. The county board of elections shall authorize representatives of the news media to observe the canvass of the votes cast on the voting machine in each precinct.~~ Nothing in this section shall prohibit an individual from requesting, in addition to a canvass, a recount as authorized by KRS Chapter 120.
- (5)~~(2)~~ The State Board of Elections shall prescribe and furnish *the* forms to be used by county boards of election to report all canvassed votes. The form, *promulgated through administrative regulations under KRS Chapter 13A*, shall include the following information:
- (a) The name of the county in which the canvass was conducted;
 - (b) The date of the report;
 - (c) The date of the *primary or* election;
 - (d) The office for which the canvass was conducted;
 - (e) The names of each candidate for the office being canvassed; and
 - (f) The~~[machine]~~ votes *cast at the polls*, absentee votes, valid federal provisional votes, valid federal provisional absentee votes, and vote totals for each candidate, as well as write-in votes cast in a regular or special election for candidates whose names did not appear on the ballot.

The report shall be signed by each member of the county board of elections.

- (6)~~(3)~~ The county board of elections shall file its canvass report as prescribed in administrative regulations promulgated by the State Board of Elections in conformity with KRS Chapter 13A.

- (7)~~(4)~~ The State Board of Elections shall promulgate administrative regulations in accordance with KRS Chapter 13A to establish the proper procedures for conducting a canvass for each type of voting system approved by the State Board of Elections and in use in Kentucky.

➔Section 39. KRS 117.345 is amended to read as follows:

- (1) The cost of all elections held in any county shall be allowed by the fiscal court *or legislative body of any urban-county government, charter county, consolidated local government, or unified local government* and paid by the county treasurer, except as otherwise provided by law.
- (2) When the cost of any election has been allowed by the fiscal court *or legislative body of any urban-county government, charter county, consolidated local government, or unified local government* and paid by the county treasurer,~~and~~ within sixty (60) days following the date of the election, the county treasurer shall certify a statement of the number of precincts in the county, the date, and kind of election to the State Board of Elections, including an election that was delayed or postponed in accordance with KRS 39A.100. The certification shall be filed within ninety (90) days after the election. Upon receipt of the certification and upon being satisfied as to the correctness thereof, the State Board of Elections shall issue its warrant upon the State Treasurer in favor of the county treasurer for the amount of two hundred fifty-five dollars (\$255) for each precinct in the county.
- (3) Payments to any county under the provisions of subsection (2) of this section shall be terminated if and whenever it fails to renew a lease, contract, or lease and option with the *Finance and Administration Cabinet*~~State Property and Buildings Commission~~ executed in connection with the acquisition of voting *systems*~~[machines]~~ by the *cabinet*~~[commission]~~ for the use of the county; and payments to any county shall be terminated whenever the county fails to pay any part of the rentals required for any effective period of the lease or if a county board of elections fails to provide training to precinct election officers required by KRS 117.187(2). *As used in this subsection, "county" includes urban-county government, charter county government, consolidated local government, and unified local government.*

➔Section 40. KRS 117.355 is amended to read as follows:

- (1) Within three (3) days after any primary or general election, the precinct election sheriff shall file a report with the ~~chair~~~~chairman~~ of the county board of elections and with the local grand jury. The report shall include any irregularities observed and any recommendations for improving the election process.
- (2) Within ten (10) days after any primary or general election, the county board of elections shall file a report with the State Board of Elections and the local grand jury. The report shall include any irregularities of which the county board has knowledge and any recommendations for improving the election process. The report shall also include a breakdown by precinct of the number of voters requiring assistance to vote and the reasons therefor; the number of special ballots cast by category; and any other information required by the state board.
- (3) Within thirty (30) days after any primary or general election, the county board of elections shall transmit the information required by KRS 117.275(4) to (7).
- (4) The State Board of Elections shall issue administrative regulations *under KRS Chapter 13A* to prescribe the forms required by this section.

➔Section 41. KRS 117.375 is repealed, reenacted, amended, and renumbered as KRS 117.001 to read as follows:

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

- (1) ***"Audit log" means a detailed record of all actions and events that have occurred on the voting system, including:***
 - (a) ***Log-in attempts with username and time stamp;***
 - (b) ***Election definition and setup;***
 - (c) ***Ballot preparation and results processing;***
 - (d) ***Diagnostics of any type; and***
 - (e) ***Error and warning messages and operator response;***

~~["Electronic or electromechanical voting system" means a system of casting votes by use of marking devices and tabulating ballots employing automatic tabulating equipment or data processing equipment.]~~

- (2) "Automatic tabulating equipment" means apparatus necessary to automatically examine and count votes as designated on ballots and data processing machines which can be used for counting ballots and tabulating results;~~[-]~~
- (3) ~~["Voting device" means either an apparatus in which paper ballots or ballot cards are used in connection with an implement by which a voter registers his or her votes with ink or other substance or by punching, or an apparatus by which such votes are registered electronically, so that in either case the votes so registered may be computed and tabulated by means of automatic tabulating equipment.~~
- (4) ~~"Ballot card" means a tabulating card on which votes may be recorded by a voter by use of a voting punch device or by marking with a pen or special marking device.~~
- (5) ~~"Ballot label" means the cards, papers, booklet, pages or other material on which appear the names of candidates and the questions to be voted on by means of ballot cards or voting machines.~~
- (6) ~~]"Ballot" or "official ballot" means the *official presentation of offices and candidates to be voted for, including write-in candidates, and all public questions submitted for determination, and shall include a voting machine ballot*~~[label, ballot cards], a paper ballot~~~~[ballots], an absentee ballot, a federal provisional ballot, a federal provisional absentee ballot, or a supplemental paper ballot which has been authorized for the use of voters in any primary,~~~~[-or]~~ *regular election*, or special election by the Secretary of State or the county clerk;~~[-]~~~~
- (7) ~~"Voting punch device" means an apparatus in which ballots or ballot cards are inserted for the piercing of ballots by the voter. The hole may be in the form of a round dot, rectangle, square, or any other shape that will clearly indicate the intent of the voter.]~~
- (4) ***"Ballot box" means any box, bag, or other container that can be locked, sealed, or otherwise rendered tamper-resistant, for receiving ballots;***
- (5)~~(8)]~~ ***"Ballot*~~[Vote]~~ marking device" means any approved device for marking a**~~[paper]~~ **ballot**~~[with ink or other substance]~~ **which will enable the ballot to be tabulated *manually or* by means of automatic tabulating equipment;~~[-]~~**

- (6) *"Election" or "elections" means any primary, regular election, or special election;*
- (7) *"Federal provisional voter" means a person:*
- (a) *Who does not appear to be registered to vote;*
 - (b) *Whose name does not appear on the precinct roster;*
 - (c) *Who has not provided proof of identification to the precinct election officer before voting in a federal election; and*
 - (d) *Who elects to proceed with voting a federal provisional ballot under Section 32 of this Act;*
- (8) *"Federal provisional ballot" or "federal provisional absentee ballot" means ballots which have been authorized by the Secretary of State or the county clerk to be used by federal provisional voters in any federal primary or election;*
- (9) *"Inner envelope" or "secrecy" ~~Secrecy~~ envelope" means the envelope provided ~~handed~~ to the voter with a ~~his or her~~ ballot into which the voter shall place his or her voted ballot; ~~cards.~~*
- (10) *"Political group" has the same meaning as in Section 47 of this Act;*
- (11) *"Political organization" has the same meaning as in Section 47 of this Act;*
- (12)~~(10)~~ *"Precinct ballot counter" means an automatic tabulating device used at the precinct to tabulate and process ballots; ~~;~~*
- (13) *"Proof of identification" means a document that was issued by:*
- (a) *The United States or the Commonwealth of Kentucky, and the document contains:*
 1. *The name of the individual to whom the document was issued; and*
 2. *A photograph of the individual to whom the document was issued;*
 - (b) *The United States Department of Defense, a branch of the uniformed services, the Merchant Marine, or the Kentucky National Guard, and the document contains:*
 1. *The name of the individual to whom the document was issued; and*
 2. *A photograph of the individual to whom the document was issued;*
 - (c) *A public or private college, university, or postgraduate technical or professional school located within the United States, and the document contains:*
 1. *The name of the individual to whom the document was issued; and*
 2. *A photograph of the individual to whom the document was issued; or*
 - (d) *Any city government, county government, urban-county government, charter county government, consolidated local government, or unified local government, which is located within this state, and the document contains:*
 1. *The name of the individual to whom the document was issued; and*
 2. *A photograph of the individual to whom the document was issued;*
- (14) *"Risk-limiting audit" means an audit protocol that makes use of statistical principles and methods and is designed to limit to acceptable levels the risk of certifying a preliminary election outcome that constitutes an incorrect outcome;*
- (15) *"Voting booth" or "ballot completion area" means an area in which a voter casts his or her vote or completes his or her ballot which is designed to ensure the secrecy of the vote;*
- (16) *"Vote center" means a consolidated precinct of the county;*
- (17) *"Voting equipment" means any physical component of a voting system and includes voting machines where voting machines are in operation;*
- (18)~~(11)~~ *"Voting machine" or "machine" means a part of a voting system that consists of:*
- (a) *A direct recording electronic voting machine that:*

1. *Records votes by means of a ballot display provided with mechanical or electro-operated components that may be actuated by the voter;*
 2. *Processes the data by means of a computer program;*
 3. *Records voting data and ballot images in internal and external memory components; and*
 4. *Produces a tabulation of the voting data stored in a removable memory component and on a printed copy; or*
- (b) *One (1) or more electronic devices that operate independently or as a combination of a ballot marking device and an electronic or automatic vote tabulation device;*
- (19) *"Voting system" means:*
- (a) *The total combination of physical, mechanical, electromechanical, or electronic equipment, including the software, hardware, firmware, and documentation required to program, control, and support that equipment, that is used to:*
 1. *Define ballots;*
 2. *Cast and count votes;*
 3. *Report or display election results; and*
 4. *Maintain and produce any audit trail information; and*
 - (b) *The practices and associated documentation used to:*
 1. *Identify system components and versions of those components;*
 2. *Test the system during its development and maintenance;*
 3. *Maintain records of system errors and defects;*
 4. *Determine specific system changes to be made to a system after the initial qualification of the system; and*
 5. *Make available any materials to the voter, such as notices, instructions, forms, or paper ballots; and*
- (20) *"Voter-verified paper audit trail" means a contemporaneous paper record of a ballot printed for the voter to confirm his or her votes before the voter casts his or her ballot that:*
- (a) *Allows the voter to verify the voter's ballot choices before the casting of the voter's ballot;*
 - (b) *Is not retained by the voter;*
 - (c) *Does not contain individual voter information;*
 - (d) *Is produced on paper that is sturdy, clean, and resistant to degradation; and*
 - (e) *Is readable in a manner that makes the voter's ballot choices obvious to the voter or any person without the use of computer or electronic code*~~[shall include lever machines and, as far as applicable, any electronic or electromechanical unit and supplies utilized or relied upon by a voter in casting and recording his votes in an election.~~
- ~~(12) "Proof of identification" means a document that was issued by:~~
- ~~(a) The United States or the Commonwealth of Kentucky, and the document contains:~~
 - ~~1. The name of the individual to whom the document was issued; and~~
 - ~~2. A photograph of the individual to whom the document was issued;~~
 - ~~(b) The United States Department of Defense, a branch of the uniformed services, the Merchant Marines, or the Kentucky National Guard, and if the document contains:~~
 - ~~1. The name of the individual to whom the document was issued; and~~
 - ~~2. A photograph of the individual to whom the document was issued;~~
 - ~~(c) A public or private college, university, or postgraduate technical or professional school located within the United States, and contains:~~

1. ~~The name of the individual to whom the document was issued; and~~
 2. ~~A photograph of the individual to whom the document was issued; or~~
- (d) ~~Any city government, county government, urban county government, charter county government, consolidated local government, or unified local government, which is located within this state, and the document contains:~~
1. ~~The name of the individual to whom the document was issued; and~~
 2. ~~A photograph of the individual to whom the document was issued.~~
- (13) ~~"Federal provisional voter" means a person:~~
- (a) ~~Who is registered to vote;~~
 - (b) ~~Whose name appears on the precinct roster;~~
 - (c) ~~Who has not provided proof of identification to the precinct election officer before voting in a federal election; and~~
 - (d) ~~Who elects to proceed with voting a federal provisional ballot under KRS 117.229.~~
- (14) ~~"Federal provisional ballot" or "federal provisional absentee ballot" means ballots which have been authorized by the Secretary of State or the county clerk to be used by federal provisional voters in any federal primary or election.~~

➔Section 42. KRS 117.377 is amended to read as follows:

- (1) The *legislative body*~~{fiscal court}~~ of any county,~~[-or any]~~ urban-county *government, charter county government, consolidated local government, or unified local government*, may acquire by purchase or lease or lease-purchase agreement, or *may* abandon, any *voting equipment or voting system* covered by this chapter, if the *voting equipment or voting system* has been approved by the State Board of Elections. The *legislative body*~~{fiscal court}~~ shall notify the State Board of Elections that *new voting equipment or* a new voting system is being installed in the county.
- (2) The county clerk of any county may petition the State Board of Elections to allow *new voting equipment or* a new voting system in the county if an emergency exists. The petition must state the reasons why the present *voting equipment or voting system* is inadequate. Within sixty (60) days of the receipt of the petition the State Board of Elections shall notify the county clerk whether the permission to obtain *new voting equipment or* a new voting system is granted or denied. The letter of approval shall be presented to the *legislative body*~~{fiscal court}~~ for its approval before any new *voting equipment or* voting system is acquired.

➔Section 43. KRS 117.379 is amended to read as follows:

- (1) Any person or corporation owning, manufacturing, or selling any~~{electronic}~~ voting system, may request the State Board of Elections to examine the *voting* system. Before requesting an examination or reexamination, any person, persons, or corporation shall pay to the State Treasurer *a nonrefundable deposit*~~{an examination fee}~~ of five hundred dollars (\$500) and submit a test report from an independent testing authority approved by the State Board of Elections. The report shall demonstrate that the *voting* system meets all *Election Assistance*~~{Federal Election}~~ Commission voting system standards. *Notwithstanding any other provision of law to the contrary, if these voting system standards have been amended less than thirty-six (36) months prior to the request for examination under this subsection, the State Board of Elections may approve and certify a voting system that meets the prior standards after determining:*
 - (a) *The effect that such approval would have on the integrity and security of elections; and*
 - (b) *The procedure and cost involved to bring the voting system into compliance with the amended standards.*

The State Board of Elections may, at any time, reexamine any *voting* system already approved. The State Board of Elections shall approve or disapprove any voting system within sixty (60) days after the date of its initial submission. *Any or all costs associated with the voting system being examined or reexamined shall be paid to the State Treasurer by the person or corporation once the approval or disapproval of the voting machine is complete.*

- (2) Upon receipt of a request for examination or reexamination of a ~~an electronic~~ voting system, the State Board of Elections shall require that such **voting** system be examined or reexamined by three (3) examiners. The State Board of Elections shall appoint one (1) examiner who is an expert in computer science or ~~electronic~~ voting systems; ~~and~~ one (1) person who is knowledgeable in election procedures, **election security**, and **election law** in Kentucky; ~~and~~ and one (1) person who is a present or former county clerk. The three (3) examiners shall submit one (1) written report on each **voting** system examined or reexamined to the State Board of Elections. The members of the State Board of Elections shall also examine or reexamine the **voting** system. A **voting** system shall be approved **and certified** if the examiners' report states that the **voting** system meets all the requirements of **Section 18 of this Act and applicable federal law**, ~~[KRS 117.381]~~ and the State Board of Elections finds that the **voting** system meets all of the requirements of **Section 18 of this Act and applicable federal law** ~~[KRS 117.381]~~. The report and a letter of approval shall be filed in the office of the State Board of Elections.
- (3) Any ~~electronic~~ voting system not approved by the State Board of Elections shall not be used at any **primary or** election.
- (4) When a ~~an electronic~~ voting system has been approved, any improvement or changes in the **voting** system shall render necessary the examination or approval of such **voting** system or improvement.
- (5) Neither the members of the State Board of Elections, nor any examiner appointed by the State Board of Elections, nor any member of a county board of elections shall have any pecuniary interest in any ~~electronic~~ voting system.
- (6) Each examiner appointed by the State Board of Elections shall receive fair compensation to be established by the State Board of Elections.

➔Section 44. KRS 117.383 is amended to read as follows:

The State Board of Elections shall ~~prescribe rules and~~ promulgate administrative regulations under KRS Chapter 13A which shall ~~include but not be limited to the following:~~

- ~~(1) Achieve and~~ maintain the maximum degree of correctness, impartiality, and efficiency of the procedures of voting **and shall provide methods to:** ~~;~~
 - ~~(1)(2)~~ Count, tabulate, and record votes;
 - ~~(2)(3)~~ **Place** ~~Establish a method for placing~~ items on **any ballot** ~~the electronic voting device,~~ which shall, as closely as possible, follow the requirements pertaining to **ballots** ~~ballot labels~~;
 - ~~(3)(4)~~ Design the **ballots to include a** ~~ballot cards and federal provisional ballot cards, including a numerical~~ system to ensure an accurate record of all voting activities;
 - ~~(4)(5)~~ Instruct voters in the use of the voting **system, including any ballot marking** device;
 - ~~(5)(6)~~ Provide for checking the accuracy of the **voting system** ~~equipment~~;
 - ~~(6)(7)~~ Provide necessary supplies, including those necessary for a write-in vote, **to ensure** ~~and secrecy envelopes for punch cards or data processing cards to insure~~ voter privacy;
 - ~~(7)(8)~~ As part of the official canvass, provide for a manual recount of randomly selected precincts representing three percent (3%) to five percent (5%) of the total ballots cast in each election;
 - ~~(8)(9)~~ **Provide for the conducting and review of an audit of any component of a voting system or any voting equipment, and a review of any audit log;**
 - ~~(9)~~ **Provide for the conducting and review of an election audit, including a risk-limiting audit, and risk-limiting audit pilot program;**
 - ~~(10)~~ Provide a method for maintaining sufficient documents, **including ballots** and records, so that votes can be recounted; ~~Such documents and records shall include any material other than a ballot card which is imprinted with the names of candidates and issues voted upon. Records shall be maintained in such a manner that a specific piece of printed material listing issues and candidates can be matched with the specific ballot cards which were marked in reliance upon such printed material.~~
 - ~~(11)~~ Except as otherwise required in this chapter, **all** ~~that certain~~ records and papers relating to specified elections be retained for twenty-two (22) months, such documents and records shall be maintained for thirty (30) days following an election; and

~~(12)~~~~(10)~~ Unless contrary to the Help America Vote Act of 2002, ensure that all federal provisional voting shall be conducted in a manner as prescribed by KRS Chapters 116 to 120.

➔Section 45. KRS 117.385 is amended to read as follows:

~~{(1)}~~ A voter who spoils or defaces a ballot~~{-card}~~ or marks it erroneously shall return the *ballot*~~{-card}~~ to an election officer. The election officer shall deliver to the voter another ballot~~{-card}~~, but no voter may receive more than three (3) *ballots*~~{-ballot cards}~~ including the one originally delivered to the voter. Upon return of a defective ballot~~{-card}~~, an election officer shall cancel it by writing in ink on the back the word "spoiled." The canceled ballot~~{-card}~~ shall be placed with spoiled ballots to be returned with the election returns.

~~{(2)}~~ (a) ~~After marking the ballot card, the voter shall place it inside the secrecy envelope and return it to an election officer, who shall deposit the ballot in the appropriate ballot box.~~

~~(b) When precinct ballot counters are used, the voter, unless voting a federal provisional ballot, may either:~~

- ~~1. Insert his or her ballot contained in the secrecy envelope provided and deposit the emptied ballot container envelope with the election officer presiding over the ballot counter; or~~
- ~~2. Deposit the ballot in the ballot box;~~

~~for processing by a precinct election officer after the polls close.}~~

➔Section 46. KRS 117.995 is amended to read as follows:

- (1) Any person appointed to serve as an election officer but who shall knowingly and willfully fail to serve and who is not excused by the county board of elections for the reasons specified in this chapter shall be guilty of a violation and shall be ineligible to serve as an election officer for a period of five (5) years.
- (2) Any county clerk or member of the county board of elections who knowingly and willfully violates any of the provisions of this chapter, including furnishing applications for absentee ballots, *applications for*~~{-and}~~ federal provisional absentee ballots, *and mail-in absentee ballots* to persons other than those specified by the provisions of this chapter, and failure to type the name of the voter on the application form as required by the provisions of this chapter, shall be guilty of a Class D felony.
- (3) Any officer who willfully fails to prepare or furnish *ballots*~~{-ballot labels}~~, federal provisional ballots, federal provisional absentee ballots, or absentee ballots or fails to allow a qualified voter to cast his or her vote *using voting equipment*~~{-on the machine}~~ as required of the voter by this chapter shall be guilty of a Class A misdemeanor.
- (4) Any election officer who knowingly and willfully violates any of the provisions of this chapter, including failure to enforce the prohibition against electioneering established by KRS 117.235, shall be guilty of a Class A misdemeanor for the first offense and a Class D felony for each subsequent offense.
- (5) Any person who *violates Section 6 of this Act, or who* signs a name other than his or her own on an application for an absentee ballot, the verification form for the ballot, an emergency absentee ballot affidavit, a voter or election official affirmation, or any person who votes an absentee ballot other than the one issued in his or her name, or any person who applies for the ballot for the use of anyone other than himself or herself or the person designated by the provisions of this chapter, or any person who makes a false statement on an application for an absentee ballot or on an emergency absentee ballot affidavit shall be guilty of a Class D felony.
- (6) Any person who violates any provision of KRS 117.235 or 117.236 related to prohibited activities during absentee voting or on election day, after he or she has been duly notified of the provisions by any precinct election officer, county clerk, deputy county clerk, or other law enforcement official, shall, for each offense, be guilty of a Class A misdemeanor.
- (7) Any person who knowingly and willfully prepares or assists in the preparation of an inaccurate or incomplete voter assistance form or fails to complete a voter assistance form when required shall be guilty of a Class A misdemeanor for the first offense and a Class D felony for each subsequent offense; however, if a voter has been permanently certified as requiring voting assistance, there shall be no offense for the failure of the voter to complete the form.
- (8) The members of a county board of elections who fail to provide the training to precinct election officers required by KRS 117.187(2) shall be subject to removal by the State Board of Elections.

- (9) Any local or state election official, including the Secretary of State, employees of the Secretary, and members of the State Board of Elections and their staff, who knowingly and willfully uses the voter registration roster in violation of KRS 117.025(3)(a) shall, for each offense, be guilty of a Class A misdemeanor.

➔Section 47. KRS 118.015 is amended to read as follows:

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

- (1) A "political party" is an affiliation or organization of electors representing a political policy and having a constituted authority for its government and regulation, and whose candidate received at least twenty percent (20%) of the total vote cast at the last preceding election at which presidential electors were voted for;
- (2) The word "election" used in reference to a state, district, county, or city election, includes the decisions of questions submitted to the qualified voters as well as the choice of officers by them;
- (3) A "ballot" or "official ballot" means the *official presentation of offices and candidates to be voted for, including write-in candidates, and all public questions submitted for determination, and shall include a voting machine ballot*~~[label, ballot cards]~~, a paper *ballot*~~[ballots]~~, an absentee ballot, a federal provisional ballot, a federal provisional absentee ballot, or a supplemental paper ballot which has been authorized for the use of the voters in any primary,~~or~~ regular *election*, or special election by the Secretary of State or the county clerk;
- (4) *"Ballot box" means any box, bag, or other container that can be locked, sealed, or otherwise rendered tamper-resistant, for receiving ballots;*
- (5) *"Voting equipment" means any physical component of a voting system and includes voting machines where voting machines are in operation*~~["Ballot label" means the cards, papers, booklet, pages, or other material on which appear the names of candidates and the questions to be voted on by means of ballot cards or voting machines;~~
- ~~(5) "Ballot card" means a tabulating card on which votes may be recorded by a voter by use of a voting punch device or by marking with a pen or special marking device;~~
- (6) "Voting machine" or "machine" *means a part of a voting system that consists of:*
 - (a) *A direct recording electronic voting machine that:*
 1. *Records votes by means of a ballot display provided with mechanical or electro-operated components that may be actuated by the voter;*
 2. *Processes the data by means of a computer program;*
 3. *Records voting data and ballot images in internal and external memory components; and*
 4. *Produces a tabulation of the voting data stored in a removable memory component and on a printed copy; or*
 - (b) *One (1) or more electronic devices that operate independently or as a combination of a ballot marking device and an electronic or automatic vote tabulating device*~~[shall include lever machines and, as far as applicable, any electronic or electromechanical unit and supplies utilized or relied upon by a voter in casting and recording his or her votes in an election];~~
- (7) *"Voting system" means:*
 - (a) *The total combination of physical, mechanical, electromechanical, or electronic equipment, including the software, hardware, firmware, and documentation required to program, control, and support that equipment, that is used to:*
 1. *Define ballots;*
 2. *Cast and count votes;*
 3. *Report or display election results; and*
 4. *Maintain and produce any audit trail information; and*
 - (b) *The practices and associated documentation used to:*
 1. *Identify system components and versions of those components;*
 2. *Test the system during its development and maintenance;*

3. *Maintain records of system errors and defects;*
4. *Determine specific system changes to be made to a system after the initial qualification of the system; and*
5. *Make available any materials to the voter, such as notices, instructions, forms, or paper ballots;*

(8) The word "resident" used in reference to a candidate in a state, district, county, or city election shall mean actual resident, without regard to the residence of the spouse of the candidate;

~~(9)(8)~~ "Political organization" means a political group not constituting a political party within the meaning of subsection (1) of this section but whose candidate received two percent (2%) or more of the vote of the state at the last preceding election for presidential electors; and

~~(10)(9)~~ "Political group" means a political group not constituting a political party or a political organization within the meaning of subsections (1) and ~~(9)(8)~~ of this section.

➔Section 48. KRS 118.025 is amended to read as follows:

- (1) Except as otherwise provided by law, voting in all primaries and elections shall be by secret *paper* ballot ~~on voting machines~~.
- (2) The general laws applying to primaries, regular *elections*, and special elections shall apply to primaries, regular *elections*, and special elections conducted with the use of voting *equipment* ~~machines~~, and all provisions of the general laws applying to the custody of ballot boxes shall apply, as far as applicable, to the custody of the voting *system or voting equipment* ~~machine~~.
- (3) ~~A primary~~ *Primaries* for the nomination of candidates to be voted for at the next regular election shall be held on the first Tuesday after the third Monday in May of each year.
- (4) The election of all officers of all governmental units shall be held on the first Tuesday after the first Monday in November.
- (5) If the law authorizes the calling of a special election on a day other than the day of the regular election in November, the election shall be held on a Tuesday.
- (6) If the law requires that a special election be held within a period of time during which the voting *equipment* ~~machines~~ must be locked as required by KRS 117.295, the special election shall be held on the fourth Tuesday following the expiration of the period during which the voting *equipment is* ~~machines are~~ locked.

➔Section 49. KRS 118.105 is amended to read as follows:

- (1) Except as provided in subsections (3) and (4) of this section and in KRS 118.115, every political party shall nominate all of its candidates for elective offices to be voted for at any regular election at a primary held as provided in this chapter, and the governing authority of any political party shall have no power to nominate any candidate for any elective office or to provide any method of nominating candidates for any elective office other than by a primary as provided in this chapter.
- (2) Any political organization not constituting a political party as defined in KRS 118.015 may make its nominations as provided in KRS 118.325.
- (3) If a vacancy occurs in the nomination of an unopposed candidate or in a nomination made by the primary before the certification of candidates for the regular election made under KRS 118.215, because of death, *withdrawal*, disqualification to hold the office sought, or severe disabling condition which arose after the nomination, the governing authority of the party may provide for filling the vacancy, but only following certification to the governing authority, by the Secretary of State, that a vacancy exists for a reason specified in this subsection. When such a nomination has been made, the certificate of nomination shall be signed by the chair and secretary of the governing authority of the party making it, and shall be filed in the same manner as certificates of nomination at a primary.
- (4) If a vacancy occurs in the nomination of an unopposed candidate or in a nomination made by the primary before the certification of candidates for the regular election, and if that party's nominee was the only political party candidate for the office sought, the governing authority of each party may nominate a candidate for the

regular election, provided that no person has sought that party's nomination by filing a notification and declaration.

- (5) If a vacancy occurs in the nomination of a candidate under the conditions of subsection (3) or (4) of this section prior to September 15 preceding the day of the regular election, certificates of nomination for replacement candidates shall be filed in the same manner as provided in subsections (3) and (4) not later than 4 p.m. ten (10) days after the vacancy occurs, excluding weekends and legal holidays. If a vacancy occurs in the nomination of a candidate under the conditions of subsection (3) or (4) of this section on or after September 15 preceding the date of the regular election, certificates of nomination for replacement candidates shall be filed in the same manner as provided in subsections (3) and (4) not later than 4 p.m. five (5) days after the vacancy occurs, excluding weekends and legal holidays.
- (6) If a vacancy in candidacy described in subsection (5) of this section occurs later than the second Thursday preceding the date of the regular election, no certificates of nomination shall be filed and any candidate whose name does not appear on the ballot may seek election by write-in voting pursuant to KRS 117.265.
- (7) This section does not apply to candidates for members of boards of education, or presidential electors, nor to candidates participating in nonpartisan elections. However, regardless of the number of days served by a judge acting as a Senior Status Special Judge, a judge who elected to retire as a Senior Status Special Judge in accordance with KRS 21.580 shall not become a candidate for any elected office during the five (5) year term prescribed in KRS 21.580(1)(a)1.

➔Section 50. KRS 118.215 is amended to read as follows:

- (1) After the order of the names has been determined as provided in KRS 118.225, the Secretary of State shall certify, to the county clerks of the respective counties entitled to participate in the nomination or election of the respective candidates, the name, place of residence, and party of each candidate or slate of candidates for each office, as specified in the nomination papers or certificates and petitions of nomination filed with him or her, and shall designate the device with which the candidate groups, slates of candidates, or lists of candidates of each party shall be printed, in the order in which they are to appear on the ballot, with precedence to be given to the party that polled the highest number of votes at the preceding election for presidential electors, followed by the political party which received the second highest number of votes, with the order of any other political parties and independents to be determined by lot. Candidates for county offices and local state offices shall be listed in the following order: Commonwealth's attorney, circuit clerk, property valuation administrator, county judge/executive, county attorney, county clerk, sheriff, jailer, county commissioner, coroner, justice of the peace, and constable. The names of candidates for President and Vice President shall be certified in lieu of certifying the names of the candidates for presidential electors. The names shall be certified as follows:
 - (a) Not later than the second Monday after the filing deadline for the primary as established in KRS 83A.045, 118.165, and 118A.060;
 - (b) Not later than the second Monday following the filing deadline for the regular election, except as provided in paragraph (c) of this subsection; and
 - (c) Not later than the Monday after the Friday following the first Tuesday in September preceding a regular election, for those years in which there is an election for President and Vice President of the United States.
- (2) Except as otherwise provided in subsection (3) of this section, all independent candidates or slates of candidates whose nominating petitions are filed with the county clerk or the Secretary of State shall be listed under the title and device designated by them as provided in KRS 118.315, or if none is designated, under the word "independent," and shall be placed on the ballot in a separate column or columns or in a separate line or lines according to the office which they seek. The order in which independent candidates or slates of candidates shall appear on the ballot shall be determined by lot by the county clerk. If the same device is selected by two (2) groups of petitioners, it shall be given to the first selecting it and the county clerk shall permit the other group to select a suitable device. This section shall not apply to candidates for municipal offices which come under subsection (3) of this section.
- (3) The ballots used at any election in which city officers are to be elected as provided in subsection (2) of this section shall contain the names of candidates for the city offices grouped according to the offices they seek, and the candidates shall be immediately arranged with and designated by the title of office they seek. The order in which the names of the candidates for each office are to be printed on the ballot shall be determined

by lot. Each group of candidates for each separate office for which the candidates are to be elected shall be clearly separated from other groups on the ballot and spaced to avoid confusion on the part of the voter.

- (4) The Secretary of State shall not knowingly certify to the county clerk of any county the name of any candidate or slate of candidates who has not filed the required nomination papers, nor knowingly fail to certify the name of any candidate or slate of candidates who has filed the required nomination papers.
- (5) If the county clerk determines that the number of certified candidates or slates of candidates cannot be placed on a ballot which can be accommodated by the voting *equipment*~~(machines)~~ currently in use by the county, he or she shall so notify the State Board of Elections not later than the last Tuesday in February preceding the primary or the last Tuesday in August preceding the regular election. The State Board of Elections shall meet within five (5) days of the notice, review the ballot conditions, and determine whether supplemental paper ballots are necessary for the election. Upon approval of the State Board of Elections, supplemental paper ballots may be used for nonpartisan candidates or slates of candidates for an office or offices and public questions submitted for a yes or no vote. All candidates or slates of candidates for any particular office shall be placed either on the ~~(machine)~~ ballot or on the *supplemental* paper ballot. Supplemental paper ballots may also be used to conduct the voting, in the instance of a small precinct as provided in KRS 117.066.
- (6) The ballot position of a candidate or slate of candidates shall not be changed after the ballot position has been designated by the county clerk.

➔Section 51. KRS 118.225 is amended to read as follows:

- (1) For the purpose of determining the order in which the names of candidates or slates of candidates to be voted for by the electors of the entire state shall be certified and printed on the ballots with the designation of the respective offices, the Secretary of State shall prepare lists of the counties of each congressional district of the state. The Secretary of State shall arrange the surnames of all candidates or slates of candidates for each office in alphabetical order for the First Congressional District, and the names shall be certified in this order to the county clerks of all the counties comprising that district. For each succeeding congressional district, taken in numerical order, the name appearing first for each office in the last preceding district shall be placed last, and the name appearing second in the last preceding district shall be placed first, and each other name shall be moved up one (1) place. The lists shall be certified accordingly.
- (2) For all other offices for which nomination papers and petitions are filed with the Secretary of State, the order of names of candidates for each office shall be determined by lot at a public drawing to be held in the office of the Secretary of State at 2 p.m., standard time, on the Thursday following the filing deadline for the primary as established in KRS 83A.045, 118.165, and 118A.060 or the Thursday following the first Tuesday after the first Monday in June preceding the regular election.
- (3) For all offices for which nomination papers and petitions are filed in the office of the county clerk, the order in which the names of candidates for each office are to be printed on the ballot shall be determined by lot at a public drawing in the office of the county clerk at 2 p.m., standard time, on the Thursday following the filing deadline for the primary as established in KRS 83A.045, 118.165, and 118A.060 or the Thursday following the first Tuesday after the first Monday in June preceding the regular election.
- (4) For all offices for which the deadline for filing nomination papers and petitions is governed by KRS 83A.165(4)(c) or 118.375(2), the order in which the names of candidates for each office are to be printed shall be determined by lot at a public drawing in the office at the place of filing at 2 p.m., standard time, on the Thursday following the second Tuesday in August preceding the regular election.
- (5) If the number of certified candidates or slates of candidates cannot be placed on a ballot which can be accommodated on voting *equipment*~~(machines)~~ currently in use in the county, the county clerk shall notify the State Board of Elections, as provided in KRS 118.215.

➔Section 52. KRS 118.305 is amended to read as follows:

- (1) Except as provided in KRS 118.345, and subject to the provisions of subsections (2), (3), and (4) of this section, the county clerk of each county shall cause to be printed ***on all ballots, including***~~for the voting machines and on~~ the absentee ballots, for the regular election the names of the following persons:
 - (a) Candidates of a political party, as defined in KRS 118.015, who have received certificates of nomination at the preceding primary, or certificates of nomination under KRS 118.185, and whose certificates of nomination have been filed with the Secretary of State or the appropriate county clerk;

- (b) Candidates of a political party, as defined in KRS 118.015, who have been nominated for an unexpired term in a manner determined by the governing authority of the party, as provided in KRS 118.115, and whose evidences of nomination have been filed with the Secretary of State or the appropriate county clerk within the time prescribed in this chapter;
 - (c) Candidates of a political party, as defined in KRS 118.015, who have been nominated by the governing authority of the party to fill a vacancy in the candidacy of a person nominated at the preceding primary, as provided in KRS 118.105, and whose certificates of nomination have been filed with the Secretary of State or the appropriate county clerk, by at least the date provided by the election law generally for such filing;
 - (d) Candidates who have been nominated by a political organization as provided in KRS 118.325 and whose certificates or petitions of nomination have been filed with the Secretary of State or the appropriate county clerk within the time prescribed in this chapter;
 - (e) Independent candidates who have been nominated by petition as provided in KRS 118.315, and whose petitions of nomination have been filed with the Secretary of State or the appropriate county clerk within the time prescribed in this chapter;
 - (f) Successful nominees of all nonpartisan primaries which shall have been conducted;
 - (g) Candidates who have filed a petition of candidacy as shall be required to fill a vacancy which shall appear on the ballot;
 - (h) The county clerk shall determine whether the name of any replacement candidate who has been nominated as provided in KRS 118.105(5) may be placed on the ~~the~~ ~~machine~~ ballot ~~or ballot cards~~ and whether *any* ~~the~~ voting *equipment* ~~machine~~ may be reprogrammed to count the votes cast for that candidate, or whether the ballot ~~or ballot cards~~ must be reprinted to accommodate votes cast for any replacement candidate, and shall take the appropriate action to accommodate the replacement of any candidate. If the county clerk determines that the name of any replacement candidate cannot be accommodated on the existing ballot ~~or ballot cards~~ and if there is insufficient time before the election to reprint the entire ballot, the county clerk shall request approval to use supplemental paper ballots for voting for that office only in the same manner as permitted for other situations ~~as provided~~ in KRS 118.215(5), and, if approved, shall have an adequate number of supplemental paper ballots printed for voting for that office and only votes cast for that office by means of the supplemental paper ballots shall be tabulated and recorded by the precinct election officers and county board of elections. All actions by a county clerk, the State Board of Elections, and the Secretary of State which are necessary to provide for voting at a regular election for candidates nominated pursuant to KRS 118.105(5) shall be carried out with all possible speed. When a candidate has been replaced as provided in KRS 118.105(5) after absentee and federal provisional absentee ballots have been printed and distributed for the regular election, neither the precinct election officers nor the county board of elections shall tabulate or record any absentee or federal provisional absentee votes cast for the candidate who was replaced. If ballots are reprinted or supplemental paper ballots are printed, or if voting *equipment* ~~machines~~ must be reprogrammed to count the votes cast for a replacement candidate, the costs for the printing and reprogramming shall be paid by the political party who has nominated a replacement candidate, or proportionately by each political party if each party nominates a replacement candidate;
 - (i) Candidates for President and Vice President of the United States, of those political parties and organizations who have nominated presidential electors as provided in KRS 118.325, if the certificate of nomination of the electors has been filed with the Secretary of State within the time prescribed in this chapter;
 - (j) Candidates for soil and water district supervisors who have been nominated by petition as provided in KRS 262.210; and
 - (k) Candidates for city office for which no nonpartisan primary has been conducted in a city which requires nonpartisan city elections.
- (2) Any candidate for city office who is defeated in a partisan or nonpartisan primary shall be ineligible as a candidate for the same office in the regular election.
- (3) Candidates for members of boards of education shall have their names printed on *ballots, including* ~~ballot labels and~~ absentee ballots, for the regular election only after filing as provided in KRS 160.220.

- (4) Except as provided in KRS 118.105 and 118.115, no candidate's name shall be printed upon **any ballots, including**~~the ballot labels,~~ federal provisional ballots, federal provisional absentee ballots, and absentee ballots for any regular election as the nominee of any political party, as defined in KRS 118.015, or under the emblem of any political party, as so defined, except those candidates who have been duly and regularly nominated as nominees of that party at a primary held as provided in this chapter.
- (5) No county clerk shall knowingly cause to be printed, upon the **ballots**~~ballot labels,~~ federal provisional ballots, federal provisional absentee ballots, or absentee ballots for any regular election, the name of any candidate of a political party, as defined in KRS 118.015, who has not been nominated in the manner provided in the laws governing primaries or the name of any candidate who is not in compliance with the restrictions concerning party registration and candidacy provided in of KRS 118.315(1).
- (6) The names of candidates for President and Vice President shall be certified in lieu of certifying the names of the candidates for presidential electors.
- (7) When a vacancy occurs in an elective office which is required by law to be filled temporarily by appointment, the officer or body designated by law to make the appointment, or in the case of an office to be filled by appointment from a list of nominations, the officer or body designated by law to make the nominations, shall immediately notify in writing both the county clerk and Secretary of State of the vacancy.
- (8) A judge who elected to retire as a Senior Status Special Judge in accordance with KRS 21.580 shall not become a candidate or a nominee for any elected office during the five (5) year term prescribed in KRS 21.580(1)(a)1., regardless of the number of days served by the judge acting as a Senior Status Special Judge.

➔Section 53. KRS 118.325 is amended to read as follows:

- (1) Any political organization not constituting a political party within the meaning of KRS 118.015 but whose candidate received two percent (2%) of the vote of the state at the last preceding election for presidential electors may nominate, by a convention or primary held by the party in accordance with its constitution and bylaws, candidates for any offices to be voted for at any regular election, except the office of member of a board of education, for which nominations shall be made as provided in KRS 160.220. Any political party, as defined in KRS 118.015, and any political organization not constituting such a political party but whose candidate received two percent (2%) of the vote of the state at the last preceding election for presidential electors, may nominate, by a convention or primary held by the party or organization in accordance with its constitution and bylaws, as many electors of President and Vice President of the United States as this state is entitled to elect.
- (2) The certificate of nomination by such a convention or primary shall be in writing, shall contain the name of each person nominated, his or her residence, and the office to which he or she is nominated, and shall designate a title for the party or principle that such convention or primary represents, together with any simple figure or device by which its list of candidates may be designated on the **ballots**~~voting machines~~. The certificate shall be signed by the presiding officer and secretary of the convention, or by the chair and secretary of the county, city, or district committee, who shall add to their signatures their respective places of residence, and acknowledge the same before an officer duly authorized to administer oaths. A certificate of the acknowledgment shall be appended to the certificate of nomination. In the case of electors of President and Vice President of the United States the certificate of nomination shall state the names of the candidates of the party for President and Vice President.
- (3) Any person desiring to become a candidate for an office, the nomination to which is to be made by a convention pursuant to subsections (1) and (2) of this section, except for the office of elector of President and Vice President of the United States, shall file a statement with the official designated in KRS 118.165 with whom notification and declaration forms are filed for the office. The form of the statement shall be prescribed by the State Board of Elections. Such statement shall be filed as prescribed by KRS 118.365.
- (4) If the certificate of nomination of any state convention requests that the figure or device selected by such convention be used to designate the candidates of such party on the **ballots**~~voting machines~~ for all elections throughout the state, that figure or device shall be used until changed by request of a subsequent state convention of the same party. The device may be any appropriate symbol other than the coat of arms or seal of this state or of the United States, the national flag, or any other emblem common to the people at large.
- (5) In case of death, resignation, or removal of any such candidate subsequent to nomination and before the certification of candidates for the regular election made under KRS 118.215, the chair of the state, county, or city district committee shall fill the vacancy, unless a supplemental certificate or petition of nomination is

filed. In the case of electors of President and Vice President of the United States, a vacancy may be filled by the chair of the state committee at any time before the meeting of the electors, whether the vacancy occurs before or after the election.

- (6) If any political party entitled to nominate by convention fails to do so, the names of all nominees by petition for any office who are designated in their petition as members and candidates of that party shall be printed under the device and title on the **ballots**~~[voting machines]~~ as if nominated by a convention. If two (2) or more persons who have filed certificates of nomination under this section claim to be the nominee of the same political party, the governing authority of that party shall designate to the Secretary of State and county clerk, in writing, which of the candidates is entitled to the party emblem. If there are two (2) or more contending executive committees of the same party in the county or district, the county or district executive committee that is recognized by the state governing authority of the party, by the written certificate of its chair, shall be recognized by the Secretary of State and county clerk.
- (7) A judge who elected to retire as a Senior Status Special Judge in accordance with KRS 21.580 shall not become a candidate or a nominee for any elected office during the five (5) year term prescribed in KRS 21.580(1)(a)1., regardless of the number of days served by the judge acting as a Senior Status Special Judge.

➔Section 54. KRS 118.345 is amended to read as follows:

- (1) No candidate who has been defeated for the nomination for any office in a primary~~[election]~~ shall have his **or her** name placed on **ballots**~~[voting machines]~~ in the succeeding regular election as a candidate for the same office for the nomination to which he **or she** was a candidate in the primary~~[election]~~, except that if a vacancy occurs in the party nomination for which he **or she** was a candidate in the primary~~[election]~~ his **or her** name may be placed on **the ballots**~~[voting machines]~~ for the regular election as a candidate of that party if he **or she** has been duly made such party nominee after the vacancy occurs as provided in KRS 118.105.
- (2) No person who was a candidate for nomination for any office in a primary~~[election]~~ and who, before the succeeding regular election, is declared by the judgment of any court of competent jurisdiction to have violated, in the primary~~[election]~~, any provision of KRS Chapter 121, or to be responsible for such violation by others, shall have his **or her** name placed on **ballots**~~[voting machines]~~ for any office to be voted for in the succeeding regular election.
- (3) This section does not apply to presidential preference primary candidates.

➔Section 55. KRS 118.405 is amended to read as follows:

No candidate's name shall appear on any **ballot, including any**~~[voting machine,]~~ federal provisional ballot, federal provisional absentee ballot, or absentee ballot more than once, except that a candidate's name may appear twice if he or she is a candidate for a primary or a regular election and also a candidate to fill a vacancy in the same office required to be filled at a special election, when the special election to fill a vacancy is scheduled for the regular election day.

➔Section 56. KRS 118.415 is amended to read as follows:

- (1) The General Assembly may state the substance of the amendment proposed to the Constitution of Kentucky in the form of a question in a manner calculated to inform the electorate of the substance of the amendment. When an amendment to the Constitution has been proposed by the General Assembly, the Secretary of State shall cause the question calculated to inform the electorate of the substance of the amendment which is prepared by the General Assembly or the Attorney General to be published at least one (1) time in a newspaper of general circulation published in this state, and shall also cause to be published at the same time and in the same manner the fact that the amendment will be submitted to the voters for their acceptance or rejection at the next regular election at which members of the General Assembly are to be voted for. The publication shall be made not later than the first Tuesday in August preceding the election at which the amendment is to be voted on.
- (2) The Attorney General shall, if the General Assembly has not already done so, state the substance of an amendment to the Constitution of Kentucky which has been proposed by the General Assembly in the form of a question in a manner calculated to inform the electorate of the substance of the amendment, and, not later than fourteen (14) days preceding the first Tuesday in August preceding the next regular election at which members of the General Assembly are to be chosen, shall certify the question to the Secretary of State to be placed on the **ballots**~~[voting machine]~~.
- (3) The Secretary of State, not later than the second Monday after the second Tuesday in August preceding the next regular election at which members of the General Assembly are to be chosen in a year in which there is

not an election for President and Vice President of the United States, or not later than the Thursday after the first Tuesday in September preceding a regular election in a year in which there is an election for President and Vice President of the United States, shall certify the substance of the amendment, as stated and certified by the General Assembly or by the Attorney General, to the county clerk of each county, and the county clerk shall have the substance of the amendment, as so certified, indicated on the **ballots**~~[voting machines]~~.

- (4) The votes cast for and against the amendment shall be counted, canvassed, and certified to the Secretary of State in the same manner as the votes cast for any officer elective by the votes of the whole state. If a majority of the votes cast on the question are for the amendment, it shall become a part of the Constitution.
- (5) The expenses of the publications provided for in this section shall be paid as are the expenses of other publications that the Secretary of State is required to make in connection with elections.

➔Section 57. KRS 118A.010 is amended to read as follows:

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

- (1) "Ballot" or "official ballot" means the **official presentation of offices and candidates to be voted for, including write-in candidates, and all public questions submitted for determination, and shall include a voting machine ballot**~~[label, ballot cards]~~, a paper **ballot**~~[ballots]~~, an absentee ballot, a special ballot, or a supplemental paper ballot which has been authorized for the use of the voters in any primary, **regular election**~~[general]~~, or special election by the Secretary of State or the county clerk;
- (2) ~~["Ballot card" means a tabulating card on which votes may be recorded by a voter by use of a voting device or by marking with a pen or special marking device;~~
- ~~(3) "Ballot label" means the cards, papers, booklet, pages, or other material on which appear the names of candidates and the questions to be voted on by means of ballot cards or voting machines;~~
- ~~(4) "Election" refers only to elections for offices of the Court of Justice;~~
- (3) **"Voting equipment" means any physical component of a voting system and includes voting machines where voting machines are in operation;**~~[and]~~
- (4)~~(5)~~ "Voting machine" or "machine" **means a part of a voting system that consists of:**
 - (a) **A direct recording electronic voting machine that:**
 1. **Records votes by means of a ballot display provided with mechanical or electro-operated components that may be actuated by the voter;**
 2. **Processes the data by means of a computer program;**
 3. **Records voting data and ballot images in internal and external memory components; and**
 4. **Produces a tabulation of the voting data stored in a removable memory component and on a printed copy; or**
 - (b) **One (1) or more electronic devices that operate independently or as a combination of a ballot marking device and an electronic or automatic vote tabulating device; and**
- (5) **"Voting system" means:**
 - (a) **The total combination of physical, mechanical, electromechanical, or electronic equipment, including the software, hardware, firmware, and documentation required to program, control, and support that equipment, that is used to:**
 1. **Define ballots;**
 2. **Cast and count votes;**
 3. **Report or display election results; and**
 4. **Maintain and produce any audit trail information; and**
 - (b) **The practices and associated documentation used to:**
 1. **Identify system components and versions of those components;**
 2. **Test the system during its development and maintenance;**

3. *Maintain records of system errors and defects;*
4. *Determine specific system changes to be made to a system after the initial qualification of the system; and*
5. *Make available any materials to the voter, such as notices, instructions, forms, or paper ballots*~~{ shall include lever machines and, as far as applicable, any electronic or electromechanical unit and supplies utilized or relied upon by a voter in casting his vote in an election}~~.

No provisions of KRS Chapter 118 existing on March 10, 1976, except KRS 118.015 through 118.045 shall apply to such elections. All other provisions of the election laws not inconsistent with this chapter shall be applicable thereto.

➔Section 58. KRS 118A.060 is amended to read as follows:

- (1) Except as provided in KRS 118A.100, no person's name shall appear on a ballot, **including an**~~{ label or}~~ absentee ballot, for an office of the Court of Justice without first having been nominated as provided in this section.
- (2) Each candidate for nomination shall file a petition for nomination with the Secretary of State not earlier than the first Wednesday after the first Monday in November of the year preceding the year in which the office will appear on the ballot and not later than the first Friday following the first Monday in January preceding the day fixed by law for holding the primary for the office. The petition shall be sworn to before an officer authorized to administer an oath by the candidate and by not less than two (2) registered voters from the district or circuit from which he or she seeks nomination. Signatures for nomination papers shall not be affixed on the document to be filed prior to the first Wednesday after the first Monday in November of the year preceding the year in which the office will appear on the ballot. The petition shall be filed no later than 4 p.m. local time at the place of filing when filed on the last date on which the papers are permitted to be filed.
- (3) The petition for nomination shall be in the form prescribed by the State Board of Elections. The petition shall include a declaration sworn to by the candidate, that he or she possesses all the constitutional and statutory requirements of the office for which the candidate has filed. Titles, ranks, or spurious phrases shall not be accepted on the petition and shall not be printed on the ballots as part of the candidate's name; however, nicknames, initials, and contractions of given names may be acceptable as the candidate's name.
- (4) The Secretary of State shall examine the petition of each candidate to determine whether it is regular on its face. If there is an error, the Secretary of State shall notify the candidate by certified mail within twenty-four (24) hours of filing. The order of names on the ballot for each district or circuit, and numbered division if divisions exist, shall be determined by lot at a public drawing to be held in the office of the Secretary of State at 2 p.m., standard time, on the Thursday following the filing deadline for the primary as established in this section and in KRS 83A.045 and 118.165.
- (5) Not later than the date set forth in KRS 118.215(1)(a) preceding the primary, and after the order of names on the ballot has been determined as required in subsection (4) of this section, the Secretary of State shall:
 - (a) Certify to the county clerks of the respective counties entitled to participate in the election of the various candidates, the name and place of residence of each candidate for each office, by district or circuit, and numbered division if divisions exist, as specified in the petitions for nomination filed with him or her; and
 - (b) Designate for the county clerks the office of the Court of Justice with which the names of candidates shall be printed and the order in which they are to appear on the ballot.
- (6) The ballot position of a candidate shall not be changed after the ballot position has been designated by the Secretary of State.
- (7) The county clerks of each county shall cause to be printed on the~~{ ballot labels for the voting machines and on the special}~~ ballots for the primary the names of the candidates for offices in the Court of Justice.
- (8) The names of the candidates shall be placed on the **ballots**~~{ voting machine}~~ in a separate column or columns or in a separate line or lines and identified by the words "Judicial Ballot." The words "Vote for one," or "Vote for one in each division," shall be printed on the ballot in an appropriate location. The office, numbered division if divisions exist, and the candidates shall be clearly labeled. No party designation or emblem of any kind, nor any sign indicating any candidate's political belief or party affiliation, shall be used on ~~the~~~~{ voting machines or special}~~ ballots.

- (9) The two (2) candidates receiving the highest number of votes for nomination for justice or judge of a district or circuit, or numbered division if divisions exist, shall be nominated. Certificates of nomination shall be issued as provided in KRS 118A.190.
- (10) If it appears after expiration of the time for filing petitions for nomination that there are not more than two (2) candidates who have filed the necessary petitions for a place on the ballot in the regular election, no drawing for ballot position shall be held and the Secretary of State shall immediately issue and file in the Secretary's office certificates of nomination, and send copies to the candidates.

➔Section 59. KRS 118A.090 is amended to read as follows:

- (1) For the regular election, the order of names on the ballot for each district or circuit, and numbered division if divisions exist, shall be determined by lot at a public drawing to be held in the office of the Secretary of State at 2 p.m., standard time, on the Thursday following the first Tuesday after the first Monday in June preceding the regular election, except as provided in KRS 118A.100(6).
- (2) Not later than the date set forth in KRS 118.215(1)(b) after the filing deadline for the regular election in a year in which there is no election for President and Vice President of the United States, or not later than the date set forth in KRS 118.215(1)(c) preceding a regular election in a year in which there is an election for President and Vice President of the United States, and after the order of names on the ballot has been determined as required in subsection (1) of this section, the Secretary of State shall:
 - (a) Certify to the county clerks of the respective counties entitled to participate in the election of the various candidates, the name and place of residence of each candidate for each office, by district or circuit, and numbered division if divisions exist, as certified under KRS 118A.060; and
 - (b) Designate for the county clerks the office of the Court of Justice with which the names of candidates shall be printed and the order in which they are to appear on the ballot.
- (3) The ballot position of a candidate shall not be changed after the ballot position has been designated by the Secretary of State. The county clerks of each county shall cause to be printed on the ~~ballot labels for the voting machines and on the special~~ ballots for the regular elections the names of the candidates for offices of the Court of Justice.
- (4) The names of the candidates shall be placed on the ~~ballots~~ **ballots** ~~[voting machine]~~ in a separate column or columns or in a separate line or lines and identified by the words "Judicial Ballot," and in such a manner that the casting of a vote for all of the candidates of a political party will not operate to cast a vote for judicial candidates. The words "Vote for one" or "Vote for one in each division," shall be printed on the ballot in an appropriate location. The office, numbered division thereof if divisions exist, and the candidates therefor shall be clearly labeled. No party designation or emblem of any kind, nor any sign indicating any candidate's political belief or party affiliation, shall be used on **any ballot** ~~[voting machines or special ballots]~~.
- (5) The candidate receiving the highest number of votes cast at the regular election for a district or circuit, or for a numbered division thereof if divisions exist, shall be elected.

➔Section 60. KRS 118A.100 is amended to read as follows:

- (1) Candidates for an unexpired term of a judicial office to be filled at a regular election shall be nominated at the primary next preceding the regular election in the manner prescribed in KRS 118A.060 if the vacancy occurs not later than the second Friday in December preceding the primary. If the vacancy occurs on or after that date, the election to fill the unexpired term shall be held in accordance with the procedures described in this section and Section 152 of the Constitution of Kentucky.
- (2) If in a regular election for judicial office no candidates nominated as provided in KRS 118A.060 are available due to death, incapacity, or withdrawal, and the candidates have not been replaced as provided in KRS 118A.060, the election to fill the regular term shall be conducted in the manner prescribed in subsections (3) through (11) of this section.
- (3) Each candidate shall file a petition for nomination with the Secretary of State not earlier than the first Wednesday after the first Monday in November of the year preceding the year in which the election for the unexpired term will be held and not later than the first Tuesday after the first Monday in June preceding the day fixed by law for holding the regular election for the unexpired term, if the vacancy occurs prior to the first Tuesday following the first Monday in June. If the vacancy occurs after the first Tuesday following the first Monday in June, each candidate shall file a petition for nomination with the Secretary of State not later than

the second Tuesday in August preceding the day fixed by law for holding the regular election for the unexpired term. The petition shall be sworn to by the candidate and by not less than two (2) registered voters from the district or circuit from which he or she seeks nomination, before an officer authorized to administer an oath. Signatures for nomination papers shall not be affixed on the document to be filed prior to the first Wednesday after the first Monday in November of the year preceding the year in which the office will appear on the ballot. The petition shall be filed no later than 4 p.m. local time at the place of filing when filed on the last date on which the papers are permitted to be filed.

- (4) The petition for nomination shall be in the form prescribed by the State Board of Elections. The petition shall include a declaration sworn to by the candidate, that he or she possesses all the constitutional and statutory requirements of the office for which the candidate has filed. Titles, ranks, or spurious phrases shall not be accepted on the petition and shall not be printed on the ballots as part of the candidate's name; however, nicknames, initials, and contractions of given names may be acceptable as the candidate's name.
- (5) The Secretary of State shall examine the petition of each candidate to determine whether it is regular on its face. If there is an error, the Secretary of State shall notify the candidate by certified mail within twenty-four (24) hours of filing.
- (6) The order of names on the ballot for each district or circuit, and numbered division if divisions exist, shall be determined by lot at a public drawing to be held in the office of the Secretary of State at 2 p.m., standard time, on the Thursday following the first Tuesday after the first Monday in June preceding the regular election for those petitions for nomination required to be filed no later than the first Tuesday following the first Monday in June. For those petitions for nomination required to be filed no later than the second Tuesday in August, the order of names on the ballot for each district and circuit, and numbered division if divisions exist, shall be determined by lot at a public drawing to be held in the office of the Secretary of State at 2 p.m., standard time, on the Thursday following the second Tuesday in August preceding the regular election.
- (7) Not later than the date set forth in KRS 118.215 and after the order of names on the ballot has been determined as required in subsection (6) of this section, the Secretary of State shall:
 - (a) Certify to the county clerks of the respective counties entitled to participate in the election of the various candidates, the name and place of residence of each candidate for each office, by district or circuit, and numbered division if divisions exist, as specified in the petitions for nomination filed with the Secretary of State; and
 - (b) Designate for the county clerks the office of the Court of Justice with which the names of candidates shall be printed and the order in which they are to appear on the ballot.
- (8) The ballot position of a candidate shall not be changed after the ballot position has been designated by the county clerk.
- (9) The county clerks of each county shall cause to be printed on the **ballots, including** ~~ballot labels for the voting machines and on the~~ absentee ballots, for the regular election the names of the candidates for offices of the Court of Justice.
- (10) The names of the candidates shall be placed on the **ballots** ~~voting machine~~ in a separate column or columns or in a separate line or lines and identified by the words "Judicial Ballot," and in a manner so that the casting of a vote for all of the candidates of a political party will not operate to cast a vote for judicial candidates. The words "Vote for one" or "Vote for one in each division," shall be printed on the appropriate location. The office, numbered division if divisions exist, and the candidates therefor shall be clearly labeled. No party designation or emblem of any kind, nor any sign indicating any candidate's political belief or party affiliation, shall be used on **any ballot** ~~voting machines or special ballots~~.
- (11) The candidate receiving the highest number of votes cast at the regular election for a district or circuit, or for a numbered division if divisions exist, shall be elected.
- (12) A judge who elected to retire as a Senior Status Special Judge in accordance with KRS 21.580 shall not become a candidate or a nominee for any elected office during the five (5) year term prescribed in KRS 21.580(1)(a)1., regardless of the number of days served by the judge acting as a Senior Status Special Judge.

➔Section 61. KRS 118A.150 is amended to read as follows:

- (1) In certification of candidates for judicial office, no reference shall be made to political affiliation.

- (2) The Secretary of State shall not knowingly certify to the county clerk of any county the name of any candidate who has not filed the required nomination or candidacy papers, nor knowingly fail to certify the name of any candidate who has filed the required nomination or candidacy papers.
- (3) No county clerk shall knowingly cause to be printed on *any ballots*~~[the ballot labels]~~ or absentee ballots for any election, the name of a candidate for an office of the Court of Justice who has not been certified in the manner specified in this chapter.
- (4) If, before the time of certification of candidates who will appear on the ballot provided for in this chapter, any candidate whose petition or certificate of nomination or petition for candidacy has been filed, dies or notifies the Secretary of State in writing, signed and properly notarized, that he will not accept the nomination or election, the Secretary of State shall not certify his name.
- (5) If, after the certification of candidates who will appear on the ballot, any candidate whose petition or certificate of nomination or petition for candidacy has been filed, dies or notifies the Secretary of State in the manner described in subsection (4) of this section, that he will not accept the nomination or election, the Secretary of State shall immediately notify the appropriate county clerk, and the clerk shall ensure that notice is provided to the appropriate precincts as provided in subsection (7) of this section.
- (6) If after the certification of candidates who will appear on the ballot, any candidate whose name appears on the ballot shall withdraw or die, neither the precinct election officers nor the county board of elections shall tabulate or record the votes cast for the candidate; and, in a primary~~[election]~~, if there are only one (1) or two (2) remaining candidates on the ballot for that office, following the withdrawal or death of the other candidate or candidates, neither the precinct election officers nor the county board of elections shall tabulate or record the votes for the remaining candidate or candidates, and the officer with whom the remaining candidate or candidates has filed his or her nomination papers shall immediately issue and file in his or her office a certificate of nomination for that remaining candidate or candidates and send a copy to the remaining candidate or candidates.
- (7) If, after the certification of candidates who will appear on the ballot, any candidate whose name appears on the ballot shall withdraw pursuant to KRS 118.212 or die, the county clerk shall provide notices to the precinct election officers who shall see that a notice is conspicuously displayed at the polling place advising voters of the change, and that votes for the candidate shall not be tabulated or recorded. If the county clerk learns of the death or withdrawal at least five (5) days prior to the election and provides the notices required by this subsection and the precinct officers fail to post the notices at the polling place, the officers shall be guilty of a violation, subject to a fine of not less than ten dollars (\$10) nor more than two hundred fifty dollars (\$250).

➔Section 62. KRS 118A.130 is amended to read as follows:

No judicial candidate's name shall appear on any~~[voting machine or absentee]~~ ballot more than once.

➔Section 63. KRS 119.005 is amended to read as follows:

As used in this chapter:

- (1) A "ballot" or "official ballot" means the *official presentation of offices and candidates to be voted for, including write-in candidates, and all public questions submitted for determination, and shall include a voting machine ballot*~~[label, ballot cards]~~, a paper *ballot*~~[ballots]~~, an absentee ballot, a special ballot, a federal provisional ballot, a federal provisional absentee ballot, or a supplemental paper ballot which has been authorized for the use of the voters in any primary or regular or special election by the Secretary of State or the county clerk;
- (2) *"Ballot box" means any box, bag, or other container that can be locked, sealed, or otherwise rendered tamper-resistant, for receiving ballots;*
- (3) *"Voting equipment" means any physical component of a voting system and includes voting machines where voting machines are in operation*~~["Ballot label" means the cards, papers, booklet, pages or other material on which appear the names of candidates and the questions to be voted on by means of ballot cards or voting machines;~~
- ~~(3) "Ballot card" means a tabulating card on which votes may be recorded by a voter by use of a voting punch device or by marking with a pen or special marking device];~~
- (4) "Voting machine" or "machine" *means a part of a voting system that consists of:*

- (a) *A direct recording electronic voting machine that:*
1. *Records votes by means of a ballot display provided with mechanical or electro-operated components that may be actuated by the voter;*
 2. *Processes the data by means of a computer program;*
 3. *Records voting data and ballot images in internal and external memory components; and*
 4. *Produces a tabulation of the voting data stored in a removable memory component and on a printed copy; or*
- (b) *One (1) or more electronic devices that operate independently or as a combination of a ballot-marking device and an electronic or automatic vote-tabulating device; and*
- (5) *"Voting system" means:*
- (a) *The total combination of physical, mechanical, electromechanical, or electronic equipment, including the software, hardware, firmware, and documentation required to program, control, and support that equipment, that is used to:*
1. *Define ballots;*
 2. *Cast and count votes;*
 3. *Report or display election results;*
 4. *Maintain and produce any audit trail information; and*
- (b) *The practices and associated documentation used to:*
1. *Identify system components and versions of those components;*
 2. *Test the system during its development and maintenance;*
 3. *Maintain records of system errors and defects;*
 4. *Determine specific system changes to be made to a system after the initial qualification of the system; and*
 5. *Make available any materials to the voter, such as notices, instructions, forms, or paper ballots*~~[shall include lever machines and, as far as applicable, any electronic or electromechanical unit and supplies utilized or relied upon by a voter in casting and recording his or her vote in an election].~~

➔Section 64. KRS 119.115 is amended to read as follows:

- (1) Any unauthorized person found in possession of any key to a voting machine, **voting equipment, or voting system** to be used or being used in any primary, **regular election**~~[general]~~, or special election shall be guilty of a Class A misdemeanor.
- (2) Any person who, during or before any primary, **regular election**~~[general]~~, or special election, willfully tampers with or attempts to tamper with, disarrange, deface, or impair in any manner whatsoever, injures, or destroys any ballot~~[label]~~, or destroys any~~[such]~~ voting machine, **voting equipment, or voting system** while in use at an election or at any other time, or who shall, after such **voting machine, voting equipment, or voting system** is locked and sealed in order to preserve the record of the vote, tamper with or attempt to tamper with the record of the vote, or who aids or abets with intent to destroy or change the record of the vote shall be guilty of a Class D felony.
- (3) Any election official, or other person entrusted with the custody or control of any voting machine, **voting equipment, or voting system** who, with intent to cause or permit any voting machine, **voting equipment, or voting system** to fail to correctly register **or count** votes cast~~[thereon]~~, tampers with or disarranges such **voting machine, voting equipment, or voting system** in any way, unlawfully opens such voting machine, **voting equipment, or voting system**, prevents or attempts to prevent the correct operation of such voting machine, **voting equipment, or voting system**, or causes such voting machine, **voting equipment, or voting system** to be used or consents to its being used for any election with knowledge of the fact that the **voting machine, voting equipment, or voting system** is not in order, or not perfectly set and adjusted to correctly register all votes cast~~[thereon]~~, or removes, changes, or mutilates any ballot~~[label on a voting machine]~~ shall be guilty of a Class D felony.

➔Section 65. KRS 120.005 is amended to read as follows:

As used in this chapter:

- (1) A "ballot" or "official ballot" means the **official presentation of offices and candidates to be voted for, including write-in candidates, and all public questions submitted for determination and shall include a voting machine ballot**~~[label, ballot cards,]~~ **a paper ballot**~~[ballots],~~ an absentee ballot, a special ballot, a federal provisional ballot, a federal provisional absentee ballot, or a supplemental paper ballot which has been authorized for the use of the voters in any primary or regular or special election by the Secretary of State or the county clerk;
- (2) **"Ballot box" means any box, bag, or other container that can be locked, sealed, or otherwise rendered tamper-resistant, for receiving ballots;**
- (3) **"Voting equipment" means any physical component of a voting system and includes voting machines where voting machines are in operation**~~["Ballot label" means the cards, papers, booklet, pages or other material on which appear the names of candidates and the questions to be voted on by means of ballot cards or voting machines;~~
- ~~(3) "Ballot card" means a tabulating card on which votes may be recorded by a voter by use of a voting punch device or by marking with a pen or special marking device];~~
- (4) "Voting machine" or "machine" **means a part of a voting system that is either:**
 - (a) **A direct recording electronic voting machine that:**
 1. **Records votes by means of a ballot display provided with mechanical or electro-operated components that may be actuated by the voter;**
 2. **Processes the data by means of a computer program;**
 3. **Records voting data and ballot images in internal and external memory components; and**
 4. **Produces a tabulation of the voting data stored in a removable memory component and on a printed copy; or**
 - (b) **One (1) or more electronic devices that operate independently or as a combination of a ballot-marking device and an electronic or automatic vote tabulating device; and**
- (5) **"Voting system" means:**
 - (a) **The total combination of physical, mechanical, electromechanical, or electronic equipment, including the software, hardware, firmware, and documentation required to program, control, and support that equipment, that is used to:**
 1. **Define ballots;**
 2. **Cast and count votes;**
 3. **Report or display election results; and**
 4. **Maintain and produce any audit trail information; and**
 - (b) **The practices and associated documentation used to:**
 1. **Identify system components and versions of those components;**
 2. **Test the system during its development and maintenance;**
 3. **Maintain record records of system errors and defects;**
 4. **Determine specific system changes to be made to a system after the initial qualification of the system; and**
 5. **Make available any materials to the voter, such as notices, instructions, forms, or paper ballots**~~[shall include lever machines and, as far as applicable, any electronic or electromechanical unit and supplies utilized or relied upon by a voter in casting and recording his vote in an election].~~

➔Section 66. KRS 120.017 is amended to read as follows:

- (1) It shall be the duty of precinct election officers at all ~~primaries~~~~primary~~, regular *elections*, or special elections to immediately report to the county clerk any administrative or clerical error discovered in the process of conducting the polling or tabulation of votes at any such *primary or* election.
- (2) Upon receipt by the county clerk of notice of error in conducting the polling or tabulation of votes pursuant to subsection (1) of this section, the county clerk shall file an action in the Circuit Court~~+~~ within fifteen (15) days of the *primary or* election, requesting a recount of ballots for the precinct reporting the administrative or clerical error. Simultaneously with the filing of such action, the county clerk shall make written notice by regular mail to all candidates appearing on the ballot of the precinct at issue that such action is being filed. In the case of an election for candidates for offices for the state at large or an election on a statewide public question, the action shall be filed in the Franklin Circuit Court; in the case of other elections, the action shall be filed in the Circuit Court of the county in which the precinct reporting the error is located.
- (3) An action filed in the Circuit Court of ~~competent~~~~proper~~ jurisdiction pursuant to this section shall be heard summarily and without delay. Upon filing of the action, the circuit clerk shall immediately notify the Circuit Judge, and the judge shall at once enter an order directing custody of the voting machine, *voting equipment, or voting system*, the ballots, *ballot* boxes, and all papers pertaining to the *primary or* election from that precinct claiming error, to be transferred to the Circuit Court, and fix a day for the recount proceeding to begin.
- (4) Candidates notified pursuant to subsection (3) of this section shall, upon proper motion, be made parties to the action.
- (5) On the day fixed for the recount, the court shall proceed to recount the ballots if their integrity is satisfactorily shown and shall complete the recount as soon as practicable, and shall file and enter of record the results thereof.
- (6) Any person made party to the action pursuant to subsection (4) of this section may appeal from the judgment to the Court of Appeals, in the same manner as provided in KRS 120.075.
- (7) The county clerk shall certify the final recount results entered of record in any action filed pursuant to this section to the county board of elections and to the local governing body of each of two (2) dominant political parties. Final certification of election results shall then proceed according to KRS Chapters 117, 118, and 118A.
- (8) ***The court may determine if an automatic recount conducted under Section 80 of this Act satisfies the recount required under this section.***

➔Section 67. KRS 120.095 is amended to read as follows:

- (1) Any candidate voted for at a primary held under KRS 118.015 to 118.035 and 118.105 to 118.255 may request a recount of the ballots by filing a petition with the same court that contest petitions are required to be filed with, within ten (10) days after the day of the primary, or, if the candidate is qualified to bring a contest proceeding under KRS 120.055, by including a request for a recount in his or her petition instituting the contest proceedings. Any candidate who is a contestee in a contest proceeding under KRS 120.055 may request a recount in his or her answer filed in the contest proceeding, but in that case the answer shall be filed within five (5) days after the service of process on the petition. When a request for a recount is made, the State Board of Elections or the county board of elections, whichever would issue the certificate of nomination, shall be made a party defendant. The party requesting the recount shall execute a bond with approved surety for the costs of the recount, in an amount to be fixed by the Circuit Judge. Upon the bond being filed, the clerk shall immediately notify the Circuit Judge of the request and the filing of the bond, and the judge shall at once enter an order directing custody of the voting machines, *voting equipment, or voting system*, the ballots, boxes, and all papers pertaining to the election to be transferred to the Circuit Court, and fix a day for the recount proceedings to begin. A copy of the order shall be served upon the parties or their counsel in the same manner as notices are required to be served, which shall be deemed sufficient notice of the proceeding. On the day fixed, the court shall proceed to recount the ballots if their integrity is satisfactorily shown and shall complete the recount as soon as practicable, and file and enter of record the results thereof, and direct the state board or county board, whichever would issue the certificate of nomination, to issue a certificate to the party entitled thereto as shown by the recount.
- (2) Any party may appeal from the judgment to the Court of Appeals, in the same manner as provided in KRS 120.075, all of the provisions of which statute shall be applicable.
- (3) If a proceeding for recount is asked and prosecuted in a contest proceeding, it shall not await the preparation or trial of the contest in the Circuit Court or in the Court of Appeals. The action of the courts shall be final,

concluding the parties as to the question of a recount of the ballots, and certificates shall then be issued to the parties entitled thereto.

➔Section 68. KRS 120.165 is amended to read as follows:

- (1) A contest instituted under KRS 120.155 shall proceed as equity actions. Upon return of the summons properly executed to the office of the circuit clerk, he shall immediately docket the case and notify the presiding judge of the court that the contest has been filed. The judge shall proceed to a trial of the cause without delay. In courts having more than one (1) judge, the judge who shall try the case shall be determined by lot. The court shall complete the case as soon as practicable. The action shall have precedence over all other cases.
- (2) The evidence in chief for the contestant shall be completed within thirty (30) days after service of summons; the evidence for the contestee shall be completed within twenty-five (25) days after filing of answer, and evidence for contestant in rebuttal shall be completed within seven (7) days after the contestee has concluded; provided that for cause the court may grant a reasonable extension of time to either party.
- (3) All voting machines, **voting equipment, or voting systems**, ballots, stub books, and other papers concerning which there is any ground for contest may be removed to the court in which the action is pending.
- (4) If it appears from an inspection of the whole record that there has been such fraud, intimidation, bribery, or violence in the conduct of the election that neither contestant nor contestee can be judged to have been fairly elected, the Circuit Court, or an appellate court, on appeal, may adjudge that there has been no election. In that event the office shall be deemed vacant, with the same legal effect as if the person elected had refused to qualify. If one (1) of the parties is adjudged by the court to be elected to the office, he **or she** shall, on production of a copy of the final judgment, be permitted to qualify or be commissioned.

➔Section 69. KRS 120.185 is amended to read as follows:

- (1) (a) 1. Any candidate who was voted for at a regular election for any of the offices to which KRS 120.155 applies, **and who does not qualify for an automatic recount under Section 80 of this Act**, may request a recount of the ballots by filing a petition~~[so requesting,]~~ with the same court **where**~~[that]~~ petitions of contest are required to be filed.~~[with, within ten (10) days after the day of the election, or,]~~
 2. If the candidate is qualified to institute a contest proceeding under KRS 120.155, **the candidate may request a recount** by including a **recount** request~~[for a recount]~~ in his **or her** petition instituting the contest **proceeding**~~[proceedings, but in the latter case the petition shall be filed within ten (10) days after the day of the election].~~
- (b) Any candidate who is a contestee in a contest proceeding under KRS 120.155 may request a recount in his **or her** answer filed in the contest proceeding, but only if the answer **containing the recount request** is filed within **five (5)**~~[ten (10)]~~ days after **service of the petition upon the contestee**~~[the day of election].~~
- (c) **Any candidate under this subsection who would receive a certificate of election from the county board of elections under KRS 118.425 shall file his or her petition requesting a recount not later than ten (10) days after the day of the election. The county board of elections shall be named a party defendant in the petition.**
- (d) **Any candidate under this subsection who would receive a certificate of election from the State Board of Elections under KRS 118.425 shall file his or her petition requesting a recount not later than the second Tuesday following the election. The State Board of Elections shall be named a party defendant in the petition.**~~[If a request for a recount is made, the State Board of Elections or the county board of elections, whichever would issue the certificate of election shall be made a party defendant.]~~
- (e) The party requesting the recount shall execute bond with approved surety for the costs of the recount, in an amount to be fixed by the Circuit Judge. **The bond may be filed by the state political party, political organization, or political group, if any, to which the candidate is affiliated.** Upon the bond being filed, the clerk shall immediately notify the Circuit Judge of the request and the filing of the bond, and the judge shall at once enter an order directing the voting machines, **voting equipment, or voting system**, ballots, boxes, and all papers pertaining to the election~~[to]~~ be **secured**. **The court shall further order that the voting equipment, voting system, and ballot boxes containing all paper ballots shall remain continuously locked as required by Section 37 of this Act until the time set for the recount. The keys**

shall remain in the custody and possession of the county board of elections until the time set for the recount. ~~transferred to~~

- (f) The Circuit Court *shall* ~~and~~ fix a day for the recount proceedings to begin. A copy of the order shall be served upon the parties or their counsel in the same manner as notices are required to be served, which shall be deemed sufficient notice of the proceeding.
 - (g) *At the recount, each political party represented on the county board of elections may appoint a representative to be present, and each candidate subject to the recount may be present, either in person or by a representative, or both. The county board of elections shall authorize representatives of the news media to observe the recount.*
 - (h) On the day fixed *by the court*, the *county board of elections shall meet and after confirming the integrity of the ballots,* ~~court~~ shall proceed to recount the ballots. ~~if their integrity is satisfactorily shown and shall~~
 - (i) *The county board of elections shall* complete the recount as soon as practicable, and *shall forward the results of the recount to the Circuit Court.*
 - (j) *Upon receipt of the results of the recount, the court shall enter a judgment setting out* ~~file and enter of record~~ the results *of the recount* ~~thereof~~, and *directing* ~~direct~~ the *State Board of Elections* ~~state board~~ or county board *of elections*, whichever would issue the certificate of election, to issue the *certificate* ~~same~~ to the party entitled thereto as shown by the recount.
 - (k) *No certificate of election shall be issued by the State Board of Elections or any county board of elections while any recount proceeding is pending, and any certificate of election issued before the final judgment in any recount proceeding shall be null and void.*
 - (l) ~~(2)~~ Any party may appeal from the judgment *issued under paragraph (j) of this subsection* to the Court of Appeals, in the same manner as provided in KRS 120.075, *and* all of the provisions of *that* ~~which~~ statute shall *apply* ~~be applicable~~.
 - (m) ~~(3)~~ If a proceeding for recount is *requested* ~~asked~~ and prosecuted in a contest proceeding, *the recount* ~~it~~ shall not await the preparation or trial of the contest in the Circuit Court or in the Court of Appeals. The action of the courts shall be final ~~concluding the parties~~ as to the question of a recount of the ballots *under this subsection*, and certificates shall then be issued to the parties entitled thereto.
- (2)
- (a) *Any slate of candidates for Governor and Lieutenant Governor, or any candidate for the United States Senate or the United States House of Representatives who was voted for at a regular election or a special election, and who does not qualify for an automatic recount under Section 80 of this Act, may request a recount of the ballots by filing a petition in the Franklin Circuit Court.*
 - (b) *For any slate of candidates for Governor and Lieutenant Governor, the petition requesting a recount shall be filed not later than the Tuesday following the election. No recanvass under Section 38 of this Act shall be conducted. The court shall order the recount to commence at 9 a.m. local time not later than a date five (5) days after the filing of the petition. The recount shall be completed by the county board of elections within fourteen (14) days of commencement of the recount, Sundays excluded. The State Board of Elections shall be named a party defendant in the petition.*
 - (c) *For any candidate for the United States Senate or the United States House of Representatives, the petition requesting a recount shall be filed not later than the second Tuesday following the election. The State Board of Elections shall be named a party defendant in the petition.*
 - (d) *Except for the time requirements established under paragraphs (b) and (c) of this subsection, the recount shall proceed as provided in subsection (1)(e) to (j) of this section.*
 - (e) *No appeal shall be taken from the findings issued by the Franklin Circuit Court described in subsection (1)(j) of this section; however, any party aggrieved by the findings or action of the court may file a petition for contest to the General Assembly under Section 82 of this Act, and the General Assembly may accept, modify, or disregard the findings of the court in its sole and absolute discretion.*
 - (f) *No certificate of election shall be issued by the State Board of Elections while any recount proceeding or contest proceeding is pending, and if issued before entry of the findings described in paragraph (e) of this subsection shall be null and void.*

- (g) *Any candidate for the United States Senate or the United States House of Representatives aggrieved by the findings or action of the court shall proceed under the rules established by the United States Congress or federal law.*
- (3) (a) *Any candidate for the General Assembly who was voted for at a regular election or special election, and who does not qualify for an automatic recount under Section 80 of this Act, may request a recount of the ballots by filing a petition in the Circuit Court of the county where the requesting candidate resides.*
- (b) *The petition requesting a recount shall be filed not later than the second Tuesday following the election. The State Board of Elections shall be named a party defendant in the petition.*
- (c) *The recount shall proceed as provided in subsection (1)(e) to (j) of this section.*
- (d) *No appeal shall be taken from the findings issued by the court described in subsection (1)(j) of this section; however, any party aggrieved by the findings or action of the court may file a petition for contest to the General Assembly under Section 82 of this Act, and the General Assembly may accept, modify, or disregard the findings of the court in its sole and absolute discretion.*
- (e) *No certificate of election shall be issued by the State Board of Elections while any recount proceeding or contest proceeding is pending, and if issued before entry of the findings described in subsection (1)(j) of this section shall be null and void.*

➔Section 70. KRS 242.120 is amended to read as follows:

- (1) Any qualified voter may demand a recount of the votes or contest the election in the same manner as is provided for the recount of votes or contest of **regular**~~general~~ elections of county officers by KRS 120.155 to 120.185. The members of the county board of election commissioners shall be named as contestees and summons shall be served upon them. Any qualified voter may intervene as contestee by filing a petition to be made a party in the action.
- (2) (a) The canvass and returns provided for in KRS 242.110 shall constitute the official returns for the local option election, unless before 4 p.m. on the seventh day following the local option election, the county clerk or county board of elections takes notice of a discrepancy in the tally of votes cast in any precinct or number of precincts within the territory voting in the local option election, or a committee favoring or opposing the proposition makes a written request to the county board of elections to check and recanvass the **ballots cast, including**~~voting machines and~~ absentee ballots, of any precinct or any number of precincts involving the local option election. After this time period has elapsed and notice is taken, the county board of elections shall assemble at 9 a.m. on the second day following the filing deadline to request a recanvass, and not sooner, and recheck and recanvass **all voting equipment**~~each machine~~ and make a proper return thereof to the county clerk, and the canvass and return shall become the official returns for the election.
- (b) In making the recanvass, the county board of elections shall make a record of the **unique designation or** number of the seal upon the voting **equipment**~~machine~~ and, without unlocking the **voting equipment**~~machine~~ against voting, recanvass the **votes**~~vote~~ cast ~~thereon~~. If, after a recanvass, it is found that the original canvass of the returns has been correctly made from the **voting equipment**~~machine~~ and that there still remains a discrepancy unaccounted for, this discrepancy shall be noted. If, upon recanvass, it appears that the original canvass of the returns by the election officers was incorrect, the returns and all papers being prepared by the county board of elections shall be corrected accordingly.
- (c) The county board of elections shall, immediately upon receipt of a request for a recanvass, notify the committees favoring or opposing the proposition of the time and place of the recanvass. At the recanvass, the committees favoring or opposing the proposition may be present. The county board of elections shall authorize representatives of the news media to observe the recanvass of the votes cast **at the polls**~~on the voting machine~~ in each precinct. Nothing in this section shall prohibit an individual from requesting, in addition to a recanvass, a recount as authorized by KRS Chapter 120.
- (3) The State Board of Elections shall prescribe **through administrative regulations promulgated under KRS Chapter 13A, a form**~~forms~~ to be used by county boards of election to report all recanvassed votes. The form shall include the following information:
- (a) The name of the county in which the recanvass was conducted;

- (b) The date of the report;
- (c) The date of the local option election;
- (d) The proposition for which the recanvass was conducted;
- (e) The names of the leaders of the committees favoring or opposing the proposition being recanvassed; and
- (f) The ~~machine~~ votes **cast at the polls**, absentee votes, and vote totals for each "yes" or "no" vote.

The report shall be signed by each member of the county board of elections.

- (4) The county board of elections shall file its recanvass report as prescribed in administrative regulations promulgated by the State Board of Elections in accordance with KRS Chapter 13A.
- (5) The State Board of Elections shall promulgate administrative regulations in accordance with KRS Chapter 13A to establish the proper procedures for conducting a local option election recanvass for each type of voting system approved by the State Board of Elections and in use in Kentucky.

➔Section 71. KRS 424.290 is amended to read as follows:

- (1) Not less than three (3) days before any primary or regular election the county clerk shall cause to be published in a newspaper a copy of the **ballots**~~{face of the voting machines, or where an electronic or electromechanical voting system is used, a copy of the ballot cards}~~ or supplementary material on which appear the names of candidates or issues to be voted upon. Where the lists of candidates or issues to be voted upon differ for various precincts within the county, the county clerk shall cause to be published only one (1) set of data with appropriate notations showing the differences in the various precincts. If supplemental paper ballots have been approved as provided in KRS 118.215, the **supplemental** paper ballot shall be published at the same time as other material required to be published by this subsection. The cost of publication shall be paid by the county, except that the cost of publishing any voting data required to be published by this subsection that is limited to a city election or a district election other than a school district election shall be paid by the city or the district as the case may be.
- (2) "Copy," as used in subsection (1) of this section, means a summary of candidates and issues to be voted upon showing all the pertinent information that will appear, upon which the voters will cast their votes at a particular polling place.

➔SECTION 72. A NEW SECTION OF KRS CHAPTER 118 IS CREATED TO READ AS FOLLOWS:

Except as required by Section 75 of this Act related to the emergency powers granted to the Governor and Secretary of State as to the time and place for holding elections, no government official other than the General Assembly may suspend or revise any statute pertaining to elections.

➔SECTION 73. A NEW SECTION OF KRS CHAPTER 48 IS CREATED TO READ AS FOLLOWS:

Local, state, and federal tax dollars shall not be used to advocate, in partial terms, for or against any public question that appears on the ballot. For purposes of this section, "local" means and includes any city, county, urban-county government, consolidated local government, unified local government, charter county government, or special district.

➔SECTION 74. A NEW SECTION OF KRS CHAPTER 65 IS CREATED TO READ AS FOLLOWS:

Local, state, and federal tax dollars shall not be used to advocate, in partial terms, for or against any public question that appears on the ballot. For purposes of this section, "local" means and includes any city, county, urban-county government, consolidated local government, unified local government, charter county government, or special district.

➔Section 75. KRS 39A.100 is amended to read as follows:

- (1) In the event of the occurrence or threatened or impending occurrence of any of the situations or events contemplated by KRS 39A.010, 39A.020, or 39A.030, the Governor may declare, in writing, that a state of emergency exists. The Governor shall have and may exercise the following emergency powers during the period in which the state of emergency exists:
 - (a) To enforce all laws, and administrative regulations relating to disaster and emergency response and to assume direct operational control of all disaster and emergency response forces and activities in the Commonwealth;

- (b) To require state agencies and to request local governments, local agencies, and special districts to respond to the emergency or disaster in the manner directed;
 - (c) To seize, take, or condemn property, excluding firearms and ammunition, components of firearms and ammunition, or a combination thereof, for the protection of the public or at the request of the President, the Armed Forces, or the Federal Emergency Management Agency of the United States, including:
 1. All means of transportation and communication;
 2. All stocks of fuel of whatever nature;
 3. Food, clothing, equipment, materials, medicines, and all supplies; and
 4. Facilities, including buildings and plants;
 - (d) To sell, lend, give, or distribute any of the property under paragraph (c) of this subsection among the inhabitants of the Commonwealth and to account to the State Treasurer for any funds received for the property;
 - (e) To make compensation for the property seized, taken, or condemned under paragraph (c) of this subsection;
 - (f) To exclude all nonessential, unauthorized, disruptive, or otherwise uncooperative personnel from the scene of the emergency, and to command those persons or groups assembled at the scene to disperse. A person who refuses to leave an area in which a written order of evacuation has been issued in accordance with a written declaration of emergency or a disaster may be forcibly removed to a place of safety or shelter, or may, if this is resisted, be arrested by a peace officer. Forcible removal or arrest shall not be exercised as options until all reasonable efforts for voluntary compliance have been exhausted;
 - (g) To declare curfews and establish their limits;
 - (h) To prohibit or limit the sale or consumption of goods, excluding firearms and ammunition, components of firearms and ammunition, or a combination thereof, or commodities for the duration of the emergency;
 - (i) To grant emergency authority to pharmacists pursuant to KRS 315.500, for the duration of the emergency;
 - (j) Except as prohibited by this section or other law, to perform and exercise other functions, powers, and duties deemed necessary to promote and secure the safety and protection of the civilian population;
 - (k) To request any assistance from agencies of the United States as necessary and appropriate to meet the needs of the people of the Commonwealth; and
 - (l) Upon the recommendation of the Secretary of State, to declare by executive order a different time~~[-]~~ *or* place~~[-]~~ *or manner* for holding elections in an election area for which a state of emergency has been declared for part or all of the election area. The election shall be held within thirty-five (35) days from the date of the suspended or delayed election. The State Board of Elections shall establish procedures for election officials to follow. Any procedures established under this paragraph shall be subject to the approval of the Secretary of State and the Governor by respective executive orders.
- (2) In the event of the occurrence or threatened or impending occurrence of any of the situations or events contemplated by KRS 39A.010, 39A.020, or 39A.030, which in the judgment of a local chief executive officer is of such severity or complexity as to require the exercise of extraordinary emergency measures, the county judge/executive of a county other than an urban-county government, or mayor of a city or urban-county government, or chief executive of other local governments or their designees as provided by ordinance of the affected county, city, or urban-county may declare in writing that a state of emergency exists, and thereafter, subject to any orders of the Governor, shall have and may exercise for the period as the state of emergency exists or continues, the following emergency powers:
- (a) To enforce all laws and administrative regulations relating to disaster and emergency response and to direct all local disaster and emergency response forces and operations in the affected county, city, urban-county, or charter county;

- (b) To exclude all nonessential, unauthorized, disruptive, or uncooperative personnel from the scene of the emergency, and to command persons or groups of persons at the scene to disperse. A person who refuses to leave an area in which a written order of evacuation has been issued in accordance with a written declaration of emergency or a disaster may be forcibly removed to a place of safety or shelter, or may, if this is resisted, be arrested by a peace officer. Forcible removal or arrest shall not be exercised as options until all reasonable efforts for voluntary compliance have been exhausted;
 - (c) To declare curfews and establish their limits;
 - (d) To order immediate purchase or rental of, contract for, or otherwise procure, without regard to procurement codes or budget requirements, the goods and services essential for protection of public health and safety or to maintain or to restore essential public services; and
 - (e) To request emergency assistance from any local government or special district and, through the Governor, to request emergency assistance from any state agency and to initiate requests for federal assistance as are necessary for protection of public health and safety or for continuation of essential public services.
- (3) Nothing in this section shall be construed to allow any governmental entity to impose additional restrictions on the lawful possession, transfer, sale, transport, carrying, storage, display, or use of firearms and ammunition or components of firearms and ammunition.

➔Section 76. KRS 118.176 is amended to read as follows:

- (1) A "bona fide" candidate means one who is seeking nomination in a primary or election in a special or regular election according to law.
- (2) The bona fides of any candidate seeking nomination *as the nominee of a political party or a nonpartisan or judicial nominee in a primary* or election *to an office as a member of a political organization, political group, or as an independent* ~~in a primary or~~ in a special or regular election may be questioned by any qualified voter entitled to vote for the candidate or by an opposing candidate by summary proceedings consisting of a motion before the Circuit Court of the judicial circuit in which the candidate whose bona fides is questioned resides. An action regarding the bona fides of *the nominee of a political party or a nonpartisan or judicial nominee may be commenced at any time prior to the primary. An action regarding the bona fides for election to an office as a member of a political organization, political group, or as an independent may be commenced at any time prior to a special or regular election* ~~any candidate seeking nomination or election in a primary or in a special or regular election may be commenced at any time prior to the regular election~~. The motion shall be tried summarily and without delay. Proof may be heard orally, and upon motion of either party shall be officially reported. If the Circuit Judge of the circuit in which the proceeding is filed is disqualified or absent from the county or is herself or himself a candidate, the proceeding may be presented to, heard and determined by the Circuit Judge of any adjoining judicial circuit.
- (3) In any action or proceeding under this section the burden of proof as to the bona fides of a candidate shall be on the person challenging the bona fides of a candidate.
- (4) If the court finds the candidate is not a bona fide candidate it shall so order, and certify the fact to the board of elections, and the candidate's name shall be stricken from the written designation of election officers filed with the board of elections or the court may refuse recognition or relief in a mandatory or injunctive way. The order of the Circuit Court shall be entered on the order book of the court and shall be subject to a motion to set aside in the Court of Appeals. The motion shall be heard by the Court of Appeals or a judge thereof in the manner provided for dissolving or granting injunctions, except that the motion shall be made before the court or judge within five (5) days after the entry of the order in the Circuit Court, and may be heard and tried upon the original papers, and the order of the Court of Appeals or judge thereof shall be final.
- (5) No person shall approach the Circuit Judge for the purpose or view of influencing his or her decision on the motion pending before the Circuit Judge or to be tried by him or her.

➔Section 77. KRS 118.367 is amended to read as follows:

- (1) An independent, or political organization, or political group candidate required to file nomination papers pursuant to KRS 118.365(5) shall be required to file a statement-of-candidacy form with the same office at which nomination papers are filed. Candidates for federal office and candidates for mayor or legislative body in cities of the home rule class participating in partisan elections shall not be required to file a statement-of-candidacy form. The statement-of-candidacy form shall be filed not earlier than the first Wednesday after the first Monday in November of the year preceding the year in which the office will appear on the ballot and not

later than **April 1** ~~the last Tuesday in January~~ preceding the day fixed by law for holding of regular elections for the offices sought. ***If the office in which the statement-of-candidacy form is to be filed is closed on April 1, the form may be filed on the next business day.*** The statement-of-candidacy form shall be filed no later than 4 p.m. local time when filed on the last day on which papers are permitted to be filed. No person shall file a statement-of-candidacy form for more than one (1) public office during an election cycle.

- (2) The statement-of-candidacy form shall be prescribed by the State Board of Elections. The statement-of-candidacy form shall be signed by the candidate upon filing. No charge shall be assessed for the filing of a statement-of-candidacy form. The Secretary of State and county clerks shall examine the statement-of-candidacy form of each candidate who files the form to determine if there is an error. If an error has occurred, the candidate shall be notified by certified mail within twenty-four (24) hours.

➔Section 78. KRS 116.035 is amended to read as follows:

The following rules, so far as applicable, shall be observed in determining the residence of a person offering to vote:

- (1) A voter's residence shall be deemed to be at the place where his or her habitation is, and to which, when absent, he or she has the intention of returning. ***For a person who is homeless and lacks an established and fixed nighttime residence of regular return, he or she may elect a location with a fixed address as a place of habitation, which shall be considered his or her residence, and may include the following:***
- (a) ***A supervised publicly or privately operated shelter designed to provide temporary living accommodations; or***
- (b) ***A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings;***
- (2) A voter shall not lose his or her residence by absence for temporary purposes merely; nor shall he or she obtain a residence by being in a county or precinct for such temporary purposes, without the intention of making that county or precinct his or her home;
- (3) A voter shall lose his or her residence by removal to another state or county with intention to make his or her permanent residence there, or by removal to and residence in another state, with intention to reside there an indefinite time, or by voting there, even though he or she may have had the intention to return to this state at some future period;
- (4) The place where the family of a married person resides shall generally be considered his or her residence, unless the family so resides for a temporary purpose. If his family is permanently in one (1) place, and he or she transacts business in another, the former shall be the residence.

➔Section 79. KRS 132.017 is amended to read as follows:

- (1) As used in this section, "local governmental entity" includes a county fiscal court and legislative body of a city, urban-county government, consolidated local government, charter county government, unified local government, or other taxing district.
- (2) (a) 1. Except as provided in subparagraph 2. of this paragraph, the portion of a tax rate levied by an ordinance, order, resolution, or motion of a local governmental entity or district board of education subject to recall as provided for in KRS 68.245, 132.023, 132.027, and 160.470, shall go into effect forty-five (45) days after its passage.
2. When a tax rate is levied by a district board of education or other taxing district that is primarily located in a county containing an urban-county government or a consolidated local government, the portion of a tax rate levied by an ordinance, order, resolution, or motion of a district board of education or other taxing district subject to recall as provided for in KRS 68.245, 132.023, 132.027, and 160.470, shall go into effect fifty (50) days after its passage.
- (b) During the same forty-five (45) day or fifty (50) day time period provided by paragraph (a) of this subsection, any five (5) qualified voters, who reside in the area where the tax levy will be imposed, may commence petition proceedings to protest the passage of the ordinance, order, resolution, or motion by filing an affidavit with the county clerk. The affidavit shall state:
1. The five (5) qualified voters constitute the members of the petition committee;
2. The petition committee will be responsible for circulating the petition;

3. The petition committee will file the petition in the proper form within the same forty-five (45) day or fifty (50) day time period provided by paragraph (a) of this subsection;
 4. The names and addresses of the petition committee members;
 5. The address to which all notices to the committee are to be sent; and
 6. For petition committees filing petitions in response to a tax rate levied by a district board of education or other taxing district that is primarily located in a county containing an urban-county government or a consolidated local government, whether or not the petition committee is willing to incur all of the expenses associated with electronic petition signatures. If the petition committee is not willing to incur all of the expenses, then electronic petition signatures shall not be allowed for the petition.
- (c) Upon receipt of the affidavit, the county clerk shall immediately:
1. Notify the petition committee of all statutory requirements for the filing of a valid petition under this section;
 2. Notify the petition committee that the clerk will publish a notice identifying the tax levy being challenged and providing the names and addresses of the petition committee in a newspaper of general circulation within the county, if:
 - a. There is a newspaper within the county in which to publish the notice; and
 - b. The petition committee remits an amount equal to the cost of publishing the notice determined in accordance with the provisions of KRS 424.160 at the time of the filing of the affidavit.

If the petition committee elects to have the notice published, the clerk shall publish the notice within five (5) days of receipt of the affidavit; and
 3. Deliver a copy of the affidavit to the appropriate local governmental entity or district board of education.
- (d) The petition shall be filed with the county clerk within the same forty-five (45) day or fifty (50) day time period provided by paragraph (a) of this subsection and meet the following requirements:
1. All papers of the petition shall be substantially uniform in size and style and shall be assembled in one (1) instrument for filing;
 2. For a district board of education or other taxing district that is primarily located in a county containing an urban-county government or a consolidated local government, each sheet of the petition may contain the names of voters from more than one (1) voting precinct, and for a district board of education or other taxing district that is not primarily located in a county containing an urban-county government or a consolidated local government, each sheet of the petition shall contain the names of voters from one (1) voting precinct;
 3. Each nonelectronic petition signature shall be executed in ink or indelible pencil;
 4. Each electronic petition signature shall comply with the requirements of the Uniform Electronic Transactions Act, KRS 369.101 to 369.120;
 5. Each electronic and nonelectronic petition signature shall be followed by the printed name, street address, Social Security number or birthdate, and the name and number of the designated voting precinct of the person signing; and
 6. The petition shall be signed by a number of registered and qualified voters residing in the affected jurisdiction equal to at least ten percent (10%) of the total number of votes cast in the last preceding presidential election. Electronic petition signatures shall be included in determining whether the required number of petition signatures has been obtained when the expenses associated with the electronic petition signatures have been incurred in accordance with paragraph (b)6. of this subsection, the electronic petition signatures comply with the requirements of this subsection, and the petition was filed in response to a tax rate levied by a district board of education or other taxing district that is primarily located in a county containing an urban-county government or a consolidated local government. The inclusion of an invalid

electronic or nonelectronic petition signature on a page shall not invalidate the entire page of the petition, but shall instead result in the invalid petition signature being stricken and not counted.

- (e) Upon the filing of the petition with the county clerk, the ordinance, order, resolution, or motion shall be suspended from going into effect until after the election referred to in subsection (3) of this section is held, or until the petition is finally determined to be insufficient and no further action may be taken pursuant to paragraph (i) of this subsection.
 - (f) The county clerk shall immediately notify the presiding officer of the appropriate local governmental entity or district board of education that the petition has been received and shall, within thirty (30) days of the receipt of the petition, make a determination of whether the petition contains enough signatures of qualified voters to place the ordinance, order, resolution, or motion before the voters.
 - (g) If the county clerk finds the petition to be sufficient, the clerk shall certify to the petition committee and the local governmental entity or district board of education within the thirty (30) day period provided for in paragraph (f) of this subsection that the petition is properly presented and in compliance with the provisions of this section, and that the ordinance, order, resolution, or motion levying the tax will be placed before the voters for approval.
 - (h) If the county clerk finds the petition to be insufficient, the clerk shall, within the thirty (30) day period provided for in paragraph (f) of this subsection, notify, in writing, the petition committee and the local governmental entity or district board of education of the specific deficiencies found. Notification shall be sent by certified mail and shall be published at least one (1) time in a newspaper of general circulation within the county containing the local governmental entity or district board of education levying the tax. If there is not a newspaper within the county in which to publish the notification, then the notification shall be posted at the courthouse door.
 - (i) A final determination of the sufficiency of a petition shall be subject to final review by the Circuit Court of the county in which the local governmental entity or district board of education is located, and shall be limited to the validity of the county clerk's determination. Any petition challenging the county clerk's final determination shall be filed within ten (10) days of the issuance of the clerk's final determination.
 - (j) The local governmental entity or district board of education may cause the cancellation of the election by reconsidering and amending the ordinance, order, resolution, or motion to levy a tax rate which will produce no more revenue from real property, exclusive of revenue from new property as defined in KRS 132.010, than four percent (4%) over the amount of revenue produced by the compensating tax rate defined in KRS 132.010 from real property. The action by the local governmental entity or district board of education shall be valid only if taken within fifteen (15) days following the date the clerk finds the petition to be sufficient.
- (3)
- (a) If an election is necessary under the provisions of subsection (2) of this section, the local governmental entity shall cause to be submitted to the voters of the district at the next regular election, the question as to whether the property tax rate shall be levied. The question shall be submitted to the county clerk not later than the second Tuesday in August preceding the regular election.
 - (b) If an election is necessary for a school district under the provisions of subsection (2) of this section, the district board of education may cause to be submitted to the voters of the district in a called common school election not less than thirty-five (35) days nor more than forty-five (45) days from the date the signatures on the petition are validated by the county clerk, or at the next regular election, at the option of the district board of education, the question as to whether the property tax rate shall be levied. If the election is held in conjunction with a regular election, the question shall be submitted to the county clerk not later than the second Tuesday in August preceding the regular election. The cost of a called common school election shall be borne by the school district holding the election. Any called common school election shall comply with the provisions of KRS 118.025.
 - (c) In an election held under paragraph (a) or (b) of this subsection, the question shall be so framed that the voter may by his or her vote answer "for" or "against." If a majority of the votes cast upon the question oppose its passage, the ordinance, order, resolution, or motion shall not go into effect. If a majority of the votes cast upon the question favor its passage, the ordinance, order, resolution, or motion shall become effective.
 - (d) If the ordinance, order, resolution, or motion fails to pass pursuant to an election held under paragraph (a) or (b) of this subsection, the property tax rate which will produce four percent (4%) more revenues

from real property, exclusive of revenue from new property as defined in KRS 132.010, than the amount of revenue produced by the compensating tax rate defined in KRS 132.010, shall be levied without further approval by the local governmental entity or district board of education.

- (e) *Local, state, and federal tax dollars shall not be used to advocate, in partial terms, for or against any public question that appears on the ballot in this subsection. For purposes of this section, "local" means and includes any city, county, urban-county government, consolidated local government, unified local government, charter county, or special district.*
- (4) Notwithstanding any statutory provision to the contrary, if a local governmental entity or district board of education has not established a final tax rate as of September 15, due to the recall provisions of this section, KRS 68.245, 132.027, or 160.470, regular tax bills shall be prepared as required in KRS 133.220 for all districts having a tax rate established by that date; and a second set of bills shall be prepared and collected in the regular manner, according to the provisions of KRS Chapter 132, upon establishment of final tax rates by the remaining districts.
- (5) If a second billing is necessary, the collection period shall be extended to conform with the second billing date.
- (6) All costs associated with the second billing shall be paid by the taxing district or districts requiring the second billing.

➔SECTION 80. A NEW SECTION OF KRS CHAPTER 120 IS CREATED TO READ AS FOLLOWS:

- (1) *In any regular election or special election for any member of the General Assembly, the United States Senate or the United States House of Representatives, Governor and Lieutenant Governor, Treasurer, Auditor of Public Accounts, Commissioner of Agriculture, Labor and Statistics, Secretary of State, and Attorney General, a recount of the vote shall be required when a candidate is defeated by a margin of not more than one-half of one percent (0.5%) of the votes cast for the office.*
- (2) *The State Board of Elections shall determine whether a recount is required under this section based upon the total number of votes certified to the Secretary of State. The time for conducting the recount under this section shall be as follows:*
- (a) *For the offices of Governor and Lieutenant Governor, no recanvass under Section 38 of this Act shall be made. The recount shall be commenced not later than 9 a.m. local time on the Tuesday following the election and shall be conducted in the manner provided under subsections (3) to (7) of this section. The recount shall be completed within fourteen (14) days, Sundays excluded; and*
- (b) *For all other offices listed in subsection (1) of this section, the recount shall be commenced not later than 9 a.m. local time on the second Tuesday following the election and shall be conducted in the manner provided under subsections (3) to (7) of this section. The recount shall be completed within fourteen (14) days, Sundays excluded.*
- (3) *The custody of the voting equipment, ballots, boxes, and all papers pertaining to the election shall be maintained by the county board of elections. The voting equipment shall remain continuously locked, and the ballot boxes containing all paper ballots shall remain continuously locked as required by Section 37 of this Act until the time set for the recount. The keys shall remain in the possession of the county board of elections until the time set for the recount.*
- (4) *The recount shall be conducted by the county board of elections of each county in which votes for the office that is the subject of the recount were cast.*
- (5) *At the recount, each political party represented on the county board of elections may appoint a representative to be present, and each candidate subject to the recount may be present, either in person or by a representative, or both. The county board of elections shall authorize representatives of the news media to observe the recount.*
- (6) *On the day fixed for the recount, the county board of elections shall meet and, after confirming the integrity of the ballots, shall proceed to recount the ballots.*
- (7) *The county board of elections shall complete the recount within the time established under subsection (2) of this section. Upon completion of the recount, the county board of elections shall file and enter of record the results of the recount, and shall certify the results of the recount of the total number of votes to the Secretary of State not later than 4 p.m., local time, on the day following the completion of the recount, Sunday excluded. No certificate of election shall be issued by the State Board of Elections while the recount is pending.*

- (8) *The costs of any recount held pursuant to this section shall be paid by the Commonwealth of Kentucky. The costs shall be deemed a necessary government expense and shall be paid from the general fund surplus account under KRS 48.700 or the budget reserve trust fund account under KRS 48.705.*
- (9) *If a recount is conducted under subsection (1) of this section:*
- (a) *The time for filing a contest petition shall be tolled until the vote is certified under subsection (7) of this section; and*
- (b) *The candidate may initiate an election contest, but no request for an additional recount shall be considered prior to the completion of the certification of the vote under subsection (7) of this section.*

➔Section 81. KRS 118.775 is amended to read as follows:

A successful candidate in a special election held for the purpose of filling a vacancy in any elective office shall take office immediately upon certification of the election results by the State Board of Elections or the county board of elections in which the special election was held, ~~and~~ administration of the oath of office, *and if the successful candidate was a candidate for the General Assembly, upon being determined to be a member by the house in which membership is sought.*

➔Section 82. KRS 120.195 is amended to read as follows:

- (1) *Any slate of candidates for Governor and Lieutenant Governor may contest any regular election or special election to the General Assembly by filing a written application and notice of the contest with the clerk of the Senate and with the clerk of the House of Representatives of the General Assembly. The application and notice of contest shall be signed by the parties contesting the election, and:*
- (a) *If contesting a regular election, the application and notice of contest shall:*
1. *Be filed not later than thirty (30) days after the final action of the State Board of Elections; or*
 2. *Be filed not later than thirty (30) days following entry of the findings of the Franklin Circuit Court as provided in subsection (2) of Section 69 of this Act if a recount was conducted; and*
- (b) *If contesting a special election, the application and notice of contest shall be filed not later than seven (7) days after the final action of the State Board of Elections.*
- (2) *Any candidate for the General Assembly may contest any regular election or special election to the General Assembly by filing a written application and notice of the contest with the clerk of the house to which the candidate seeks election. The application and notice of contest shall be signed by the party contesting the election, and:*
- (a) *If contesting a regular election, the application and notice of contest shall:*
1. *Be filed not later than fifteen (15) days after the final action of the State Board of Elections; or*
 2. *Be filed not later than fifteen (15) days following entry of the findings entered by the Circuit Court as provided in subsection (3) of Section 69 of this Act if a recount was conducted; and*
- (b) *If contesting a special election, the application and notice of contest shall be filed not later than three (3) days following the final action of the State Board of Elections.*
- (3) *The application and notice required under subsections (1) and (2) of this section shall state the grounds of the contest, and no grounds other than those stated in the application and notice shall be heard as coming from that party following the filing of the application and notice. The candidate filing the application and notice may include a request for a recount which may be ordered by the board selected to try the contest under Section 83 or 84 of this Act.*
- (4) *No election contest shall be heard unless the contestee to the proceeding has been served with a copy of the application and notice of contest. The contestee may make defense without giving counternotice.*
- (5) *No certificate of election shall be issued by the State Board of Elections while any election contest is pending, and any certificate issued before, during, or after final resolution by the board of any election contest filed under this section shall be null and void. ~~No application to contest the election of a Governor, Lieutenant Governor, or member of the General Assembly shall be heard unless written notice, signed by the~~*

party contesting, is given. The notice shall state the grounds of the contest, and none other shall afterwards be heard as coming from that party, but the contestee may make defense without giving counternotice.

~~(2) In the case of the Governor or Lieutenant Governor, the notice shall be given within thirty (30) days after the final action of the State Board of Elections. In the case of a member of the General Assembly, the notice shall be given within fifteen (15) days after the final action of the county board of elections or the State Board of Elections, whichever canvasses the returns.~~

~~(6)(3)~~ Immediately after the *filing of the application and notice of contest*, either party may proceed to take proof by depositions, under the same rules and regulations that govern the taking of depositions in actions in equity, except that no commission shall be required for taking a deposition out of the state. The depositions shall be sealed ~~up~~ by the officer taking them, and directed to the clerk of the Senate or clerk of the House, as the case may require. The depositions properly taken shall be read as evidence before the board or *house* ~~branch~~ of the General Assembly having jurisdiction of the case, and the board or *house* ~~branch~~ may call for and hear other proof *as either shall determine*. The taking of depositions to be used before ~~the~~ ~~board or house~~ ~~branch~~ of the General Assembly shall close ten (10) days before the next meeting of the General Assembly, or, if *the General Assembly is* in session when the *application and notice* is *filed* ~~given~~, when the *board or house orders the taking of proof by deposition* ~~taking is ordered~~ to close.

~~(7)(4)~~ The costs of the proceeding shall be adjudged against the unsuccessful party, and a certificate of *costs* ~~thereof~~ shall be given by the clerk of the Senate or the clerk of the House *to the parties to the contest or their attorneys*, as the case requires, *and shall be paid to the prevailing party within thirty (30) days of adjudication. If the costs are not timely paid, the prevailing party may seek entry of a judgment in a Circuit Court of competent jurisdiction.* ~~A judgment for the costs may be obtained after five (5) days' notice in a Circuit Court.~~

➔Section 83. KRS 120.205 is amended to read as follows:

When the election of a Governor ~~and~~ Lieutenant Governor is contested, a board for determining the contest shall be formed and shall proceed in the following manner:

(1) On the third day after the organization of the General Assembly that meets next after the election, the Senate shall select three (3) of its members *as provided in subsection (2) of this section*, and the House of Representatives shall select eight (8) of its members *as provided in subsection (2) of this section*, and the eleven (11) so selected shall constitute a board to try the contest, seven (7) of whom shall constitute a quorum;~~;~~

(2) In making the selection, the name of each member present shall be written on a separate piece of paper, every piece being as nearly similar to the other as possible. Each piece shall be rolled up so that the names thereon cannot be seen, nor any particular piece ascertained or selected by feeling. The whole, so prepared, shall be placed by the clerk in a box on *clerk's* ~~his~~ table, and after it has been well shaken, and the papers therein well intermixed, the clerk shall draw out one (1) paper, which shall be opened and read aloud by the presiding officer, and so on until the required number is obtained;~~;~~

(3) If any *member* ~~person so~~ selected swears that he *or she* cannot, without great personal inconvenience, serve on the board, or that he *or she* feels an undue bias for or against either of the parties, *that member* ~~he~~ may be excused by the house from which *that member* ~~he~~ was chosen from serving on the board. ~~and~~ If it appears that a *selected member* ~~person so selected~~ is related to either party, or is liable to any other proper objection on the score of his *or her* partiality, *that member* ~~he~~ shall be excused. Any deficiency in the proper number ~~so~~ created *by excuse* shall be supplied by another draw from the box;~~;~~

(4) The *selected* members of the board ~~so chosen~~ shall be sworn by the Speaker of the House of Representatives to try the contested election, and *shall* give true judgment ~~thereon~~ according to the evidence, unless dissolved before rendering judgment;~~;~~

~~(5)(2)~~ The board shall, within twenty-four (24) hours after its selection, meet, appoint its *chair* ~~chairman~~, and assign a day for hearing the contest. ~~It~~ ~~and~~ may adjourn from day to day as its business requires. If any member of the board willfully fails to attend its sessions, *that member* ~~he~~ shall be reported to the house to which he *or she* belongs, and that house shall *then* ~~thereupon~~, in its discretion, punish *that member* ~~him~~ by fine or imprisonment, or both;~~;~~

~~(6)(3)~~ The board may, *upon a majority of vote*, send for persons, papers, and records, *including all voting equipment, ballots, boxes, and precinct rosters. The board may* ~~and~~ issue *subpoenas* ~~attachments therefor~~

signed by its ~~chair~~^{chairman} or *the Speaker of the House of Representatives*; ~~clerk, and may issue commissions for taking proof.~~

- (7) *The board may use the services of any law enforcement agency to transport all records relating to the election contest, including voting equipment, ballots, boxes, and precinct rosters. All voting equipment, ballots, boxes, precinct rosters, and other voting records sent for by the board shall be sealed, to the extent possible, and transmitted in a tamper-resistant manner. The chain of custody for the records shall be recorded, in writing, on a form prescribed by the State Board of Elections in administrative regulations promulgated under KRS Chapter 13A to include the identity of the person or persons transferring and receiving the records, and the date, time, and location of the transfer. The clerk of the House of Representatives shall be designated by the board as the custodian of the records while the records are in the possession of the board;*
- (8)~~(4)~~ If it appears that the *slates of* candidates receiving the highest number of votes ~~cast~~^{given} have received an equal number, the right to the ~~offices~~^{office} shall be determined by lot, *in the manner prescribed by the board, and* under the direction of the board;~~;~~
- (9) If the person returned *for the Office of Governor* is found not ~~to have been~~ legally qualified to receive the office at the time of his *or her* election~~, and the first two (2) years of his term have not expired~~, a new election shall be ordered to fill the vacancy *under subsection (13) of this section*;~~;~~
- (10) If a *slate of candidates*~~person~~ other than the one returned is found to have received the highest number of legal votes ~~cast~~^{given}, *that slate*~~he~~ shall be adjudged *by the General Assembly* to be the *persons*~~person~~ elected and entitled to the ~~offices~~^{office};~~;~~
- (11)~~(5)~~ No decision shall be made but by the vote of *at least* six (6) members of the board. The decision of the board shall not be final ~~or not~~ conclusive, but shall be reported to the two (2) houses of the General Assembly, in joint session, for the further action of the General Assembly. The Speaker of the House shall preside at the joint session, and the General Assembly shall then determine the contest;~~;~~
- (12) If no decision of the board is given during the then session of the General Assembly, ~~the board~~^{it} shall be dissolved, unless by joint resolution of the two (2) houses it is empowered to continue longer;~~;~~
- (13)~~(6)~~ If a new election is required, it shall be immediately ordered by proclamation of the Speaker of the House, *who shall issue a writ of election. The writ shall be signed by the Speaker, shall designate the day for holding the election, and shall be directed to the proper sheriff or sheriffs as provided in Section 86 of this Act; and*~~to take place on a day not less than thirty (30) days nor more than six (6) weeks thereafter.~~
- (14)~~(7)~~ When a new election is ordered, or the incumbent is adjudged not to be entitled to the office, his *or her* power shall immediately cease, and if the office is not adjudged to another, it shall be deemed ~~to be~~ vacant.

➔Section 84. KRS 120.215 is amended to read as follows:

- (1) When the election of a member of the General Assembly is contested, the ~~house~~^{branch} to which he *or she* belongs *or seeks to be a member* shall, within three (3) days after its organization, and in the manner provided in KRS 120.205, select a board of not more than nine (9) nor less than five (5) of its members to determine the contest.
- (2) *The number of members required for the board shall be determined by the presiding officer of the house to which the person filing the contest belongs or seeks to be a member, and announced to the house prior to the selection of any member of the board, a majority of whom shall constitute a quorum.*
- (3) *The members selected to serve on the board as provided in this section shall be sworn by the presiding officer to try the contested election, and shall give true judgment according to the evidence, unless dissolved before rendering judgment*
- (4) ~~The~~^{Such} board shall be governed by the same rules, have the same power, and be subject to the same penalties as a board to determine the contested election of Governor *and Lieutenant Governor under Section 82 of this Act and as provided in this section*. It shall report its decision to the ~~house~~^{branch} of the General Assembly by which it was appointed, for its further action.
- (5) *The board shall, within twenty-four (24) hours of its selection, meet, appoint its chair, and assign a day for hearing the contest, and may adjourn from day to day as its business requires. If any member of the board willfully fails to attend its sessions, that member shall be reported to the house to which he or she belongs, and that house shall then, in its discretion, punish that member by fine or imprisonment, or both.*

- (6) *The board may, upon a majority vote, send for persons, papers, and records, including all voting equipment, ballots, boxes, and precinct rosters, and may issue subpoenas signed by its chair or the presiding officer of the house before which the contest is proceeding. The board or the presiding officer may also issue subpoenas for taking proof.*
 - (7) *The board may use the services of any law enforcement agency to transport all records relating to the election contest, including voting equipment, ballots, boxes, and precinct rosters. All voting equipment, ballots, boxes, precinct rosters, and other voting records sent for by the board shall be sealed, to the extent possible, and transmitted in a tamper-resistant manner. The chain of custody for the records shall be recorded, in writing, on a form prescribed by the State Board of Elections in administrative regulations promulgated under KRS Chapter 13A to include the identity of the person or persons transferring and receiving the records, and the date, time, and location of the transfer. The clerk of the house before which the contest is proceeding shall be designated by the board as the custodian of the records while the records are in the possession of the board.*
 - (8) *The board may order a recount of the election even if a recount has been conducted under Section 80 or 69 of this Act. A recount ordered by the board may be conducted without prior approval of the house before which the contest is proceeding. The recount shall be conducted by:*
 - (a) *The county clerk of the county or counties in which the precincts subject to the recount are located, if no recount of the election has been conducted; or*
 - (b) *The State Board of Elections, if a recount has been conducted under Section 80 or 69 of this Act, which shall:*
 1. *Determine the number of persons required to conduct the recount, each of whom shall be a county clerk;*
 2. *Select that number of clerks by placing the name of each county clerk in a box or similar receptacle, and after it has been well-shaken and well-intermixed, the chair of the State Board of Elections shall draw out one (1) name at a time, which shall be announced aloud. This process shall continue until the required number is obtained; and*
 3. *Once completed, provide the results of the recount to the contest board.**The county clerk of any county containing precincts subject to the recount shall not be eligible to conduct the recount.*
- (9) *If it appears the candidates have received an equal number of legal votes cast, the right to the office shall be determined by lot, in the manner prescribed by the board, and under the direction of the board.*
- (10) *If the board finds the person returned is not legally qualified to receive the office at the time of his or her election, and if the house in which the contest is pending concurs under subsection (14) of this section, a vacancy shall exist, and a new election shall be ordered to fill the vacancy. If a new election is required, it shall be immediately ordered by proclamation of the presiding officer of the house before which the contest is proceeding who shall issue a writ of election. The writ shall be signed by the officer issuing it, shall designate the day for holding the election, and shall be directed to the proper sheriff or sheriffs as provided in Section 86 of this Act.*
- (11) *If the board finds a person other than the one returned received the highest number of legal votes cast, and if the house in which the contest is pending concurs under subsection (14) of this section, he or she shall be adjudged the person elected and entitled to the office.*
- (12) *If the board is unable to decide the person entitled to the office, and if the house in which the contest is pending concurs under subsection (14) of this section, a vacancy shall exist, and a new election shall be ordered by that house of the General Assembly to fill the vacancy. If a new election is required, it shall be immediately ordered by proclamation of the presiding officer of the house before which the contest is proceeding who shall issue a writ of election. The writ shall be signed by the officer issuing it, shall designate the day for holding the election, and shall be directed to the proper sheriff or sheriffs as provided in Section 86 of this Act.*
- (13) *When a new election is ordered, or the incumbent is adjudged not to be entitled to the office, his or her power shall immediately cease, and if the office is not adjudged to another, it shall be deemed vacant.*

(14) *No decision shall be made but by the vote of a majority of the members of the board. The decision of the board shall not be final or conclusive, except as provided in subsection (8) of this section, but shall be reported to the house of the General Assembly by which it was appointed, for its further action.*

➔Section 85. KRS 120.155 is amended to read as follows:

- (1) Any candidate for election to any state, county, district or city office (except the office of Governor, Lieutenant Governor, member of the General Assembly, and those city offices as to which there are other provisions made by law for determining contest elections), for whom a number of votes was cast equal to not less than twenty-five percent (25%) of the number of votes cast for the successful candidate for the office, may contest the election of the successful candidate, by filing a petition in the Circuit Court of the county where the contestee resides, unless the officer is one (1) elected by the voters of the whole state, in which case the petition shall be filed in the Franklin Circuit Court.
 - (a) The petition shall be filed and process issued within thirty (30) days after the day of election.
 - (b) *The petition*~~[+it]~~ shall state the grounds of the contest relied on, and no other grounds shall afterwards be relied upon.
- (3) (a) The contestee shall file an answer within twenty (20) days after the service of summons upon him *or her*.
 - (b) The answer may consist of a denial of the averments of the petition and may also set up grounds of contest against the contestant; if grounds are so set up they shall be specifically pointed out and none other shall thereafter be relied upon by the party.
- (4) Any candidate who would have been qualified to bring a contest action under this section, who is a party to a *requested* recount proceeding under *subsection (1) of Section 69 of this Act*~~[KRS 120.185]~~, may, by filing answer in the recount proceeding within the time allowed by this section for filing grounds of contest, set forth grounds of contest against the petitioner in the recount proceeding.
- (5) A reply may be filed within ten (10) days after the answer is filed; its affirmative allegations shall be treated as controverted, and no subsequent pleading shall be allowed.

➔Section 86. KRS 118.740 is amended to read as follows:

- (1) A copy of a proclamation issued under KRS 118.710 or 118.720, or a writ of election issued under KRS 118.730 *or Section 83 or 84 of this Act* shall be forwarded by mail to the sheriff of each county in the district in which the election is to be held, at least fifty-six (56) days before the election. The sheriff of each county in which an election is to be held shall give notice at least forty-nine (49) days before the day of election. If, from any cause, the sheriff cannot properly act, he shall immediately hand the writ or proclamation to the person authorized to act in his place.
- (2) If a special election is administered under KRS 118.730(2), the notice required by subsection (1) of this section shall include the location of the election.

➔Section 87. The following KRS sections are repealed:

117.381 Requirements for approval.

117.387 Absentee voting by electronic system.

Signed by Governor April 7, 2021.