

1 AN ACT relating to voter identification and making an appropriation therefor.

2 WHEREAS, it is critically important to protect the integrity and reliability of the
3 electoral process in order to ensure that there is proper detection and deterrence of voter
4 fraud and to safeguard the fundamental right to vote; and

5 WHEREAS, it is a reasonable legislative task to seek improvement and
6 modernization of election procedures, boost public confidence in the electoral process,
7 and maintain our system of governance; and

8 WHEREAS, the members of this honorable body seek to preserve this state's and
9 the nation's election integrity, honor within the democratic process and the right to vote,
10 minimize the burdensome obligation that comes with any uncertainty in election results,
11 and guarantee that the election results are final and complete;

12 NOW, THEREFORE,

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

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

16 (1) If a voter is unable to produce proof of identification as required under Section
17 16 of this Act, the election clerk shall inform the voter that he or she may cast a
18 provisional ballot if the individual:

19 (a) Is eligible to vote under KRS 116.025;

20 (b) Is entitled to vote in that precinct; and

21 (c) In the presence of the election clerk, executes a provisional voter's affidavit
22 furnished by the State Board of Elections stating:

23 1. The voter is a citizen of the United States;

24 2. The voter's date of birth to the best of the voter's knowledge and
25 belief;

26 3. The voter is qualified to vote in this precinct under KRS 116.025;

27 4. The voter's name and that the voter is generally known by that name;

1 5. The voter has not voted and will not vote in any other precinct;

2 6. The voter's current residential address, including the street or number
3 and, if applicable, the voter's residential address prior to the close of
4 the registration books under KRS 116.045, and the date the voter
5 moved; and

6 7. The voter understands that making a false statement on the affidavit is
7 punishable under penalties of perjury.

8 (2) After executing the provisional voter's affidavit in the presence of the election
9 clerk, the provisional voter shall take the affidavit and the provisional ballot with
10 the stub intact and retire alone to the voting booth provided for provisional
11 voting. After voting the provisional ballot, the provisional voter shall remove the
12 numbered stub, hand the stub to an election official, attach his or her affidavit to
13 the provisional ballot, and deposit the voted provisional ballot with the attached
14 affidavit in the locked provisional ballot box in the presence of precinct election
15 officials.

16 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 117 IS CREATED TO
17 READ AS FOLLOWS:

18 (1) A provisional voter who casts a provisional ballot or provisional absentee ballot
19 under Section 1 or 8 of this Act may personally appear before the county clerk or
20 the county board of elections not later than the close of business, the Friday
21 immediately following a primary or an election, and provide:

22 (a) An affidavit in a form prescribed and furnished by the State Board of
23 Elections, pursuant to administrative regulations promulgated under KRS
24 Chapter 13A, that the provisional voter who personally appears before the
25 county clerk or county board of elections is the same individual who cast a
26 provisional ballot or a provisional absentee ballot on election day; and

27 (b) Either:

- 1 1. Proof of identification as defined in Section 24 of this Act; or
- 2 2. A Social Security card, any identification card that has been issued by
- 3 the county and which has been approved in writing by the State Board
- 4 of Elections, any identification card with picture and signature, or
- 5 credit card, and, in addition to the affidavit in paragraph (a) of this
- 6 subsection, a sworn statement that the voter has one (1) of the
- 7 following reasonable impediments to procure proof of identification as
- 8 defined in Section 24 of this Act:
- 9 a. Lack of transportation;
- 10 b. Lack of birth certificate or other documents needed to obtain the
- 11 proof of identification;
- 12 c. Work schedule;
- 13 d. Lost or stolen identification;
- 14 e. Disability or illness;
- 15 f. Family responsibilities;
- 16 g. The proof of identification has been applied for, but not yet
- 17 received; or
- 18 h. The voter has a religious objection to being photographed.
- 19 (2) Subject to subsection (3) of this section, the county clerk or county board of
- 20 elections, upon receiving the information described in subsection (1) of this
- 21 section, shall find that the provisional ballot or provisional absentee ballot is
- 22 valid and direct that the ballot be opened and processed in accordance with this
- 23 chapter.
- 24 (3) If the county clerk or county board of elections determines that the affidavit
- 25 described in subsection (1) of this section has not been properly executed, that the
- 26 provisional voter is not a qualified voter of the precinct, or that the provisional
- 27 voter is not registered to vote, the county clerk or county board of elections shall

1 determine that the provisional ballot or provisional absentee ballot is invalid and
2 shall reject the provisional ballot or provisional absentee ballot.

3 ➔Section 3. KRS 116.065 is amended to read as follows:

4 Each application for registration, change of affiliation, transfer of registration, provisional
5 ballot,~~[or]~~ absentee ballot or provisional absentee ballot~~[,]~~ as absentee ballots and
6 provisional absentee ballots are provided for by Section 5 of this Act and KRS 117.085,
7 shall be verified by a written declaration by the applicant that it is made under the
8 penalties of perjury.

9 ➔Section 4. KRS 117.066 is amended to read as follows:

10 (1) In the case of a precinct comprised of a small number of registered voters, the
11 county board of elections may, pursuant to KRS 117.055, utilize the facilities of
12 another precinct as a voting location. Additionally, the county board of elections
13 may petition the State Board of Elections to allow the precinct election officers of
14 the larger precinct to serve as precinct election officers for the precinct that is the
15 subject of the petition. The petition shall designate both the smaller precinct and the
16 larger precinct with which it is to be included, the type of voting machine or
17 machines to be used, and whether supplemental paper ballots are to be used. The
18 petition shall contain a full explanation of the reasons why inclusion is desirable.

19 (2) If the petition submitted pursuant to subsection (1) of this section is approved by the
20 State Board of Elections, the election shall be conducted according to the following
21 provisions:

22 (a) One voting machine may be utilized for both precincts if the State Board of
23 Elections certifies that separate ballots may be placed upon the voting
24 machine to be used without endangering the integrity of the ballots or without
25 violating any other election law. Otherwise, separate voting machines shall be
26 used for each precinct. In the instance of a precinct which has a small number
27 of voters such that the use of a separate voting machine would be cost-

1 prohibitive, the county clerk may make application to the State Board of
2 Elections to use supplemental paper ballots under KRS 118.215 to conduct the
3 voting for the small precinct on election day. If the use of supplemental paper
4 ballots is approved by the State Board of Elections, at the close of voting on
5 election day, the locked supplemental paper ballot box shall be transported to
6 the county board of elections along with the provisional ballot box and
7 ballots shall be counted by the county board of elections as provided by KRS
8 117.275(10) to (14)~~[(13)]~~;

9 (b) Separate precinct voter rosters shall be maintained for each precinct, and steps
10 shall be taken to insure that voters cast their ballot in their duly authorized
11 precinct; and

12 (c) A separate set of elections forms and reports required by this chapter and the
13 State Board of Elections shall be maintained for each precinct.

14 ➔Section 5. KRS 117.077 is amended to read as follows:

15 (1) In case of a medical emergency within fourteen (14) days or less of an election, a
16 registered voter and the registered voter's spouse may apply for an absentee ballot.
17 The application shall state that the emergency condition occurred within the
18 fourteen (14) day period. The application shall be notarized and accompanied by a
19 copy of the voter's proof of identification. The application form may be requested
20 by and delivered by the voter or the spouse, parents, or children of the voter. If the
21 voter has no spouse, parents, or children, the application form may be requested by
22 and delivered by the brother, sister, niece, nephew, or designee of the voter. The
23 application form shall be restricted to the use of the voter. Upon receipt of the
24 application, a copy of the voter's proof of identification, and verification in
25 accordance with this chapter, the county clerk shall issue an absentee ballot.

26 (2) If the voter does not submit a copy of his or her proof of identification, and the
27 voter otherwise qualifies to receive an absentee ballot by mail, the county clerk

1 shall mail to the voter a provisional absentee ballot and the provisional voter's
2 affidavit described in Section 1 of this Act, two (2) official envelopes for returning
3 the ballot and affidavit, and instructions for voting a provisional absentee ballot,
4 which shall include the requirement that the affidavit be notarized.

5 ➔Section 6. KRS 117.085 is amended to read as follows:

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

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

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

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

1 longer than the twelve (12) working days before the election.

2 (d) A qualified voter may, at any time during normal business hours on those days
3 in-person absentee voting is conducted in the county clerk's office, make
4 application in person to the county clerk to vote on a voting machine in the
5 county clerk's office or other place designated by the county board of elections
6 and approved by the State Board of Elections, if the voter:

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

1 appear at the polls on election day; or

2 8. Is not permitted to vote by a mail-in absentee ballot under paragraph (a)
3 of this subsection, but who will be absent from the county of his or her
4 residence on election day.

5 (e) Voters who change their place of residence to a different state while the
6 registration books are closed in the new state of residence before a presidential
7 election shall be permitted to cast an in-person absentee ballot for President
8 and Vice President only, by making application in person to the county clerk
9 to vote on a voting machine in the county clerk's office or other place
10 designated by the county board of elections and approved by the State Board
11 of Elections, up to the close of normal business hours on the day before the
12 election.

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

1 board of elections, and approved by the State Board of Elections, up to the
2 close of normal business hours on the day before the election. Precinct
3 election officers' verification of appointment shall also contain the date of
4 appointment. The applications shall be restricted to the use of the voter only.

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

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

23 (2) The county clerk shall type the name of the voter permitted to vote by mail-in
24 absentee ballot on the mail-in absentee ballot application form for that person's use
25 and no other. The mail-in absentee ballot application form shall be in the form
26 prescribed by the State Board of Elections, shall bear the seal of the county clerk,
27 and shall contain the following information: name, residential address, precinct,

1 party affiliation, statement of the reason the person cannot vote in person on
2 election day, statement of where the voter shall be on election day, statement of
3 compliance with residency requirements for voting in the precinct, and the voter's
4 mailing address for a mail-in absentee ballot. The mail-in absentee ballot
5 application form shall be verified and signed by the voter, and the voter shall
6 submit a copy of his or her proof of identification with the application. A notice
7 of the actual penalty provisions in KRS 117.995(2) and (5) shall be printed on the
8 mail-in absentee ballot application form.

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

14 (b) If the voter does not submit a copy of his or her proof of identification, and
15 the voter otherwise qualifies to receive an absentee ballot by mail, the
16 county clerk shall mail to the voter a provisional absentee ballot and the
17 provisional voter's affidavit described in Section 1 of this Act, two (2)
18 official envelopes for returning the ballot and affidavit, and instructions for
19 voting a provisional absentee ballot, which shall include the requirement
20 that the affidavit be notarized.

21 (c) The county clerk shall complete a postal form for a certificate of mailing for
22 mail-in absentee ballots mailed within the fifty (50) states, and it shall be
23 stamped by the postal service when the mail-in absentee ballots are mailed. A
24 mail-in absentee ballot or provisional absentee ballot and affidavit may be
25 transmitted by facsimile machine or by the electronic transmission system
26 established under KRS 117A.030(4) to a covered voter as defined in KRS
27 117A.010. The covered voter shall be notified of the options for transmittal of

1 the mail-in absentee ballot, and the mail-in absentee ballot shall be transmitted
2 by the method chosen for receipt by the resident of Kentucky who is a covered
3 voter.

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

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

14 (6) The outer envelope shall bear the words "Absentee Ballot" or "Provisional
15 Absentee Ballot" and the address and official title of the county clerk and shall
16 provide space for the voter's signature, voting address, precinct number, and
17 signatures of two (2) witnesses if the voter signs the form with the use of a mark
18 instead of the voter's signature. A provisional voter affidavit shall be included with
19 a provisional absentee ballot. A detachable flap on the inner envelope shall provide
20 space for the voter's signature, voting address, precinct number, signatures of two
21 (2) witnesses if the voter signs the form with the use of a mark instead of the voter's
22 signature and notice of penalty provided in KRS 117.995(5). The county clerk shall
23 type the voter's address and precinct number in the upper left hand corner of the
24 outer envelope and of the detachable flap on the inner envelope immediately below
25 the blank space for the voter's signature. The inner envelope shall be blank. The
26 county clerk shall retain the mail-in ballot application form and the postal form
27 required by subsection (3) of this section for twenty-two (22) months after the

1 election.

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

16 (8) Any voter qualified for a mail-in absentee ballot or provisional absentee ballot who
17 does not receive a requested mail-in absentee ballot within a reasonable amount of
18 time shall contact the county clerk, who shall reissue a second mail-in absentee
19 ballot. The county clerk shall keep a record of the mail-in absentee ballots and
20 provisional absentee ballots issued and returned by mail,~~and~~ the in-person
21 absentee voting that is performed on the voting machine in the county clerk's office
22 or other place designated by the county board of elections and approved by the State
23 Board of Elections, and the provisional voting allowed under subsection (2)(c) of
24 Section 8 of this Act, to verify that only the first voted ballot to be returned by the
25 voter is counted. Upon the return of any ballot after the first ballot is returned, the
26 county clerk shall mark on the outer envelope of the sealed ballot the words
27 "Canceled because ballot reissued."

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

17 (10) Notwithstanding the provisions of the Kentucky Open Records Act, KRS 61.870 to
18 61.884, the information contained in an application for a mail-in absentee ballot
19 shall not be made public until after the close of business hours on the election day
20 for which the application applies. This subsection shall not prohibit at any time the
21 disclosure, upon request, of the total number of applications for mail-in absentee
22 ballots that have been filed, or the disclosure to the Secretary of State or the State
23 Board of Elections, if requested or if otherwise required by law, of any information
24 in an application for a mail-in absentee ballot.

25 ➔Section 7. KRS 117.0851 is amended to read as follows:

26 Absentee **ballots and provisional absentee** ballots cast, as provided by KRS 117.077 and
27 117.085, shall all be tabulated in the same manner, as shall be provided by this chapter.

1 ➔ Section 8. KRS 117.086 is amended to read as follows:

2 (1) (a) The voter returning his or her absentee ballot by mail shall mark his or her
3 ballot, seal it in the inner envelope and then in the outer envelope, and mail it
4 to the county clerk as~~[-shall be]~~ provided in~~[by]~~ this chapter.

5 (b) The voter returning his or her provisional absentee ballot by mail shall
6 mark his or her provisional absentee ballot, seal it in the inner envelope and
7 then in the outer envelope along with a notarized provisional voter affidavit
8 described in Section 1 of this Act, and mail it to the county clerk as provided
9 in this chapter.

10 (c) The voter shall sign the detachable flap and the outer envelope in order to
11 validate the ballot. A person having power of attorney for the voter and who
12 signs the detachable flap and outer envelope for the voter shall complete the
13 voter assistance form as required by KRS 117.255. The signatures of two (2)
14 witnesses are required if the voter signs the form with the use of a mark
15 instead of the voter's signature. A resident of Kentucky who is a covered voter
16 as defined in KRS 117A.010 who has received an absentee ballot or
17 provisional absentee ballot and notarized provisional voter affidavit
18 transmitted by facsimile machine or by means of the electronic transmission
19 system established under KRS 117A.030(4) shall transmit the voted ballot
20 and notarized provisional voter affidavit, if applicable, to the county clerk by
21 mail only, conforming with ballot security requirements that may be
22 promulgated by the State Board of Elections~~[-state board]~~ by administrative
23 regulation under KRS Chapter 13A. In order to be counted, the ballots shall
24 be received by the county clerk by at least the time established by the election
25 laws generally for the closing of the polls, which time shall not include the
26 extra hour during which those voters may vote who were waiting in line to
27 vote at the scheduled poll closing time.

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

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

16 (b) Any voter qualifying to vote in the county clerk's office or other place
17 designated by the county board of elections, and approved by the State Board
18 of Elections, whose qualifications are challenged by any clerk or deputy shall
19 complete an "Oath of Voter" affidavit; and

20 (c) Any voter qualifying to vote in the county clerk's office or other place
21 designated by the county board of elections and approved by the State Board
22 of Elections, who is unable to provide proof of identification, may cast a
23 provisional ballot under the procedures set out in Section 1 of this Act.
24 Provisional ballots and accompanying provisional voter affidavits shall be
25 kept in a separate ballot box marked as containing provisional ballots under
26 this paragraph. Any voter casting a provisional absentee ballot under this
27 paragraph shall sign a "Provisional Absentee Ballot Signature Roster" and

1 his or her affidavit shall be attached to his or her provisional absentee
2 ballot.

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

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

14 (5) The State Board of Elections shall promulgate administrative regulations under
15 KRS Chapter 13A to provide for casting ballots in accordance with~~[as provided in]~~
16 subsection (2) of this section.

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

- 1 (7) The county clerk shall keep separate lists~~[a list]~~ for each election of all persons
 2 who;
 3 (a) Return by mail their absentee ballots;
 4 (b) Return by mail their provisional absentee ballots~~;~~~~[or who]~~
 5 (c) Cast their ballots in the county clerk's office or other place designated by the
 6 county board of elections and approved by the State Board of Elections; and
 7 (d) Cast their provisional ballots under subsection (2)(c) of this section.
 8 The county clerk~~[- and]~~ shall send a copy of each list to the State Board of
 9 Elections~~[state board]~~ after~~[the]~~ election day, and~~[for which the list applies.~~
 10 Notwithstanding the provisions of the Kentucky Open Records Act, KRS 61.870 to
 11 61.884, each list of all persons who return their absentee ballots by mail or cast their
 12 ballots in the clerk's office or other designated and approved place shall not be made
 13 public until after the close of business hours on the election day for which the list
 14 applies.] the county clerk and the Secretary of State shall keep a record of the
 15 number of votes cast by each method listed in paragraphs (a) to (d) of this
 16 subsection~~[absentee ballots returned by mail and cast on the voting machine in the~~
 17 ~~county clerk's office or other place designated by the county board of elections and~~
 18 ~~approved by the State Board of Elections]~~, which are cast in any election as a part of
 19 the official returns of the election.
- 20 (8) The county board of elections shall report to the State Board of Elections within ten
 21 (10) days after any primary or regular~~[general]~~ election as to the number of rejected
 22 absentee ballots, including rejected provisional absentee ballots and ballots cast
 23 under subsection (2)(c) of this section, and the reasons for rejecting the~~[rejected~~
 24 ~~absentee]~~ ballots on a form prescribed and furnished by the State Board of
 25 Elections in administrative regulations promulgated under KRS Chapter 13A.
- 26 ➔Section 9. KRS 117.0863 is amended to read as follows:
- 27 (1) Except for those voters who have been certified as requiring assistance in voting on

1 a permanent or annual basis, any person voting by means of an absentee ballot **or a**
2 **provisional absentee ballot** by mail or on the voting machine in the county clerk's
3 office or other place designated by the county board of elections, and approved by
4 the State Board of Elections, as provided in this chapter who receives assistance in
5 voting shall be required to complete the voter assistance form required by KRS
6 117.255.

7 (2) Any person who assists another person in voting by use of an absentee ballot **or a**
8 **provisional absentee ballot** by mail or on a voting machine in the county clerk's
9 office or other place designated by the county board of elections, and approved by
10 the State Board of Elections, shall complete the voter assistance form required by
11 KRS 117.255.

12 (3) The detachable flap on all absentee ballot **and provisional absentee ballot**
13 envelopes shall have printed upon it the voter assistance form required by KRS
14 117.255, as well as a notice of the penalty for failure to complete the form.

15 (4) The State Board of Elections shall promulgate **by administrative regulations under**
16 **KRS Chapter 13A** a voter assistance form which shall be in a form acceptable to the
17 Attorney General.

18 ➔Section 10. KRS 117.0865 is amended to read as follows:

19 Any person who aids another in completing an absentee ballot **or a provisional absentee**
20 **ballot** shall not solicit or encourage that person to vote for or against any candidate, party,
21 or issue. Any person who violates this section shall be guilty of a Class D felony.

22 ➔Section 11. KRS 117.087 is amended to read as follows:

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

25 (2) The county board of elections shall count the absentee ballots returned by mail and
26 the votes cast on the voting machine in the county clerk's office or other place
27 designated by the county board of elections and approved by the State Board of

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

5 (3) Beginning at 8 a.m. on election day, the board shall meet at the county clerk's office
6 to count the absentee ballots returned by mail and the ballots cast on the voting
7 machine in the county clerk's office or other place designated by the county board of
8 elections and approved by the State Board of Elections. Candidates or their
9 representatives shall be permitted to be present. The county board of elections shall
10 authorize representatives of the news media to observe the counting of the ballots.
11 The board shall open the boxes containing absentee ballots returned by mail and
12 remove the envelopes one (1) at a time. As each envelope is removed, it shall be
13 examined to ascertain whether the outer envelope and the detachable flap are in
14 proper order and have been signed by the voter. A person having power of attorney
15 for the voter and who signs the detachable flap and outer envelope for the voter
16 shall complete the voter assistance form required by KRS 117.255. The signatures
17 of two (2) witnesses are required if the voter signs the form with the use of a mark
18 instead of the voter's signature. All unsigned mail-in absentee ballots shall be
19 rejected automatically. The chair~~[chairman]~~ of the county board of elections shall
20 compare the signatures on the outer envelope and the detachable flap with the
21 signature of the voter that appears on the registration card. If the outer envelope and
22 the detachable flap are found to be in order, the chair~~[chairman]~~ shall read aloud
23 the name of the voter. If the vote of the voter is not rejected on a challenge then
24 made as provided in subsection (4) of this section, the chair~~[chairman]~~ shall remove
25 the detachable flap and place the inner envelope unopened in a ballot box which has
26 been provided for the purpose.

27 (4) When the name of a voter who cast an absentee ballot by mail is read aloud by the

1 chair~~chairman~~, the vote of the voter may be challenged by any board member or
2 by the written challenge provided in subsection (1) of this section and the challenge
3 may be determined and the vote accepted or rejected by the board as if the voter was
4 present and voting in person; but if the outer envelope and the detachable flap are
5 regular, and substantially comply with the provisions of this chapter, they shall be
6 considered as showing that the voter is prima facie entitled to vote. If the vote of a
7 voter is rejected pursuant to the challenge, the inner envelope shall not be opened,
8 but returned to the outer envelope upon which the chair~~chairman~~ shall write on
9 the envelope the word "rejected."

10 (5) After the challenges have been made and all the blank inner envelopes have been
11 placed in a ballot box, the box shall be thoroughly shaken to redistribute the
12 absentee ballots in the box. The board shall open the ballot box, remove the
13 absentee ballots from the inner envelopes, and count the ballots.

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

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

23 (8) Subsections (1) to (7) of this section shall not apply to provisional absentee
24 ballots or provisional ballots cast under subsection (2)(c) of Section 8 of this Act.
25 Provisional absentee ballots and provisional ballots cast under subsection (2)(c)
26 of Section 8 of this Act shall be processed in accordance with Section 1 of this
27 Act.

1 ➔Section 12. KRS 117.145 is amended to read as follows:

2 (1) At least fifteen (15) days before any special election, and at least fifty (50) days
3 before any primary or regular election, the county clerk of each county shall cause
4 to be printed and ready for use ballot labels for each candidate who, and each
5 question which, is entitled to be voted upon in such election. The ballot labels shall
6 be printed on clear white paper or other material which shall be furnished by the
7 printer. They shall be printed in black ink, in plain, clear type clearly legible to a
8 person with normal vision, and shall be of a size to fit the ballot frames. The labels
9 shall include the necessary party designations.

10 (2) Each county clerk shall have printed a sufficient number of paper absentee ballots,
11 provisional absentee ballots, and provisional voter affidavits. The provisional
12 absentee ballot with the provisional voter affidavit, and the absentee ballot shall be
13 used for voting by absent voters; by precinct officers who have been assigned to a
14 precinct other than their own; by members of a county board of elections; by voters
15 so disabled by age, infirmity, or illness as to be unable to appear at the polls; and for
16 voting in an emergency situation. The provisional absentee ballot shall indicate
17 that the ballot is a provisional absentee ballot. The provisional absentee ballot
18 stubs and the paper absentee ballot stubs shall each be consecutively numbered,
19 and the county board shall keep a record, by number, of all provisional absentee
20 ballots and all paper absentee ballots used for any of the purposes listed in this
21 subsection[herein].

22 (3) Each county clerk shall have printed a sufficient number of provisional ballots,
23 which shall have the same form as the absentee ballots, and provisional voter
24 affidavits described in Section 1 of this Act. A provisional ballot shall indicate
25 that the ballot is a provisional ballot and not an absentee ballot. The provisional
26 ballot stubs shall be consecutively numbered, and the county board of elections
27 shall keep a record, by number, of all provisional ballots used for votes cast by

1 *provisional voters.*

2 ~~(4)~~~~(3)~~ No later than the Friday preceding a special or regular election, the county
3 clerk shall equip the voting machines with the necessary supplies for the purpose of
4 write-in votes. The county clerk shall also attach a pencil or pen to the voting
5 machine for write-in purposes.

6 ~~(5)~~~~(4)~~ If supplemental paper ballots have been approved as provided in KRS
7 118.215, the county clerk shall cause to be printed a sufficient number of paper
8 ballots for the registered voters of each precinct. The paper ballots shall have stubs
9 which are numbered consecutively. The quality of paper on which the supplemental
10 paper ballots are printed shall be determined by administrative regulations
11 promulgated under KRS Chapter 13A by the secretary of the Finance and
12 Administration Cabinet.

13 ➔Section 13. KRS 117.175 is amended to read as follows:

14 The county clerk shall, with the county attorney, prepare a sufficient number of
15 instruction cards containing a diagram showing the front of the voting machine as it will
16 appear on the day of the election, instructions as to the proper method of voting by the use
17 of the machine, and instructions as to the proper method of casting a write-in vote. For
18 provisional ballots and~~if~~ supplemental paper ballots, ~~if have been~~ approved~~,~~ as
19 provided in KRS 118.215, the instruction cards shall indicate the offices, candidates, and
20 questions which will appear on the provisional ballots and supplemental paper ballots,
21 ~~and~~ the instructions for marking and depositing the supplemental paper ballots, and
22 instructions for filling out the provisional ballot and provisional voter affidavit
23 described in Section 1 of this Act. The cards shall be examined and approved by the
24 county board of elections at the time the machines are examined and approved. The cards
25 shall be delivered to each election clerk by the county clerk at the time that other election
26 supplies are delivered and the election clerk shall post the card at the polling place.

27 ➔Section 14. KRS 117.187 is amended to read as follows:

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

- 1 (n) Election reports;
- 2 (o) Disability awareness;
- 3 (p) Provisional voting process;
- 4 (q) Election emergency contingency plan;~~and~~
- 5 (r) Elections and voting equipment security plan; **and**
- 6 **(s) Proof of identification.**

7 (3) The county attorney shall attend the training session for election officers to assist in
8 explaining the duties and penalties for failure to perform.

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

12 ➔Section 15. KRS 117.195 is amended to read as follows:

13 (1) At least one (1) hour prior to the opening of the polls, the county clerk shall deliver
14 each machine, with the operating device and mechanism and the device covering
15 the registering counters securely locked, to the clerk of the precinct in which it is to
16 be used, and shall take a receipt indicating the distinguishing number of the
17 machine. The clerk of the precinct shall cause the machine to be arranged in the
18 voting place so that the front of the machine, on which appear the ballot labels and
19 the operating devices, will not be visible, when being operated, to any person other
20 than the voter.

21 (2) In polling places in which machines for multiple precincts are located, the county
22 clerk shall post a sign near each machine identifying the precinct for which the
23 machine has been designated.

24 (3) **For provisional ballots, and**~~if~~ supplemental paper ballots ~~if~~~~have been~~ approved
25 as provided in KRS 118.215, the county clerk shall, at least one **(1)** hour prior to the
26 opening of the polls, deliver:

27 **(a)** A sufficient number of **provisional** ballots, **and supplemental paper ballots if**

- 1 approved, for the registered voters of each precinct,
- 2 **(b)** A sufficient number of voting booths for voting provisional ballots, and
- 3 supplemental paper ballots~~;~~ if approved;
- 4 **(c)** A sufficient amount of string and~~;~~ rubber stamps for marking "Spoiled" and
- 5 "Unused" ballots;~~and~~
- 6 **(d)** A locked ballot box for provisional ballots, and a locked ballot box for
- 7 supplemental paper ballots if approved, for each precinct; and
- 8 **(e)** A sufficient number of provisional voter affidavits described in Section 1 of
- 9 this Act.

10 The county clerk shall take a receipt for the number of provisional ballots, and

11 supplemental paper ballots if approved, issued and the ballot boxes~~[box]~~ for each

12 precinct. The county clerk shall retain the keys to all ballot boxes.

13 ➔Section 16. KRS 117.225 is amended to read as follows:

- 14 (1) Any person desiring to vote on election day shall give his or her name and address
- 15 to the~~[clerk of the]~~ election clerk and shall provide proof of identification.
- 16 **(2)** If the voter's name is listed on the precinct list furnished by the State Board of
- 17 Elections as provided in KRS 117.025, but the voter is unable to produce proof of
- 18 identification, the voter may vote a provisional ballot under Section 1 of this Act
- 19 as a provisional voter.
- 20 **(3)** A voter who votes in person at a precinct polling place that is located at a state
- 21 licensed care facility where the voter resides is not required to provide proof of
- 22 identification before voting in an election.
- 23 **(4)** If the voter's~~[person's]~~ name is listed on the precinct list furnished by the State
- 24 Board of Elections as provided in KRS 117.025, the voter provides proof of
- 25 identification or is exempt pursuant to subsection (3) of this section, and if no
- 26 challenge is made, then he or she shall sign his or her name on the precinct list in
- 27 the space opposite his or her printed name. ~~[The voter's signature shall constitute~~

1 ~~his verification that he is a properly registered and qualified voter.]~~The voter shall
2 then retire alone to cast his or her vote on the voting machine. The county board of
3 elections may provide to each precinct the original registration form of each voter
4 entitled to vote in that precinct. These forms shall be used to compare signatures in
5 those precincts to which the forms are provided.

6 ~~(5)(2)~~ If supplemental paper ballots are used, as provided in KRS 118.215, after
7 voting on the voting machine the voter shall take the supplemental paper ballot with
8 the stub intact and retire alone to the voting booth provided for voting paper ballots.
9 After voting the supplemental paper ballot, the voter shall remove the numbered
10 stub, hand the stub to an election official and deposit the voted ballot in the locked
11 supplemental paper ballot box in the presence of precinct election officials.

12 ➔Section 17. KRS 117.227 is amended to read as follows:

13 Election officers shall confirm the identity of each voter by proof of identification as
14 defined in Section 24 of this Act~~[personal acquaintance or by a document, such as a~~
15 ~~motor vehicle operator's license, Social Security card, any identification card that has~~
16 ~~been issued by the county and which has been approved in writing by the State Board of~~
17 ~~Elections, any identification card with picture and signature, any United States~~
18 ~~government issued identification card, any Kentucky state government issued~~
19 ~~identification card with picture, or credit card]~~. The election officer confirming the
20 identity shall sign the precinct voter roster and list the method of proof of identification.

21 ➔Section 18. KRS 117.245 is amended to read as follows:

22 (1) The fact that a person is registered constitutes only prima facie evidence of his right
23 to vote and does not prevent the officers of any election from refusing to allow him
24 to vote for cause.
25 (2) When the officers of an election disagree as to the qualifications of a voter or if his
26 or her right to vote is disputed by a challenger other than for failure to provide
27 proof of identification, the voter shall sign a written oath as to his or her

1 qualifications before he or she is permitted to vote. The oath shall be in such form
2 as prescribed by the State Board of Elections and twenty (20) printed copies shall be
3 included in the election supplies of each precinct.

4 (3) The subscribed oaths shall be returned to the county clerk who shall deliver them to
5 the Commonwealth's attorney.

6 (4) The Commonwealth's attorney and county attorney shall investigate each of the
7 oaths and cause to be summoned before the grand jury the witnesses they or either
8 of them, deem proper, and the grand jury shall make a thorough investigation of all
9 votes so cast, and return indictments against all persons illegally voting. The
10 foreman of the grand jury shall return to the county clerk all of the oaths upon
11 which no indictments are found. The county clerk shall safely keep them as a part
12 of the records of his or her office, and shall produce any or all of them, when
13 required, to any subsequent grand jury.

14 ➔Section 19. KRS 117.255 is amended to read as follows:

15 (1) The voter shall be instructed by the officers of election, with the aid of the
16 instruction cards and the model, in the use of the machine, if the voter so requests.

17 (2) Except for those voters who have been certified as requiring assistance on a
18 permanent basis, no voter shall be permitted to receive any assistance in voting at
19 the polls unless he or she makes and signs an oath that, because of blindness, other
20 physical disability, or an inability to read English, he or she is unable to vote
21 without assistance. The oath shall be upon a voter assistance form prescribed and
22 furnished by the State Board of Elections. Any person assisting a voter shall
23 complete the voter assistance form.

24 (3) Upon making and filing the oath with the precinct clerk, the voter requiring
25 assistance shall retire to the voting machine or ballot completion area with the
26 precinct judges, and one (1) of the judges shall, in the presence of the other judge
27 and the voter, operate the machine or complete the ballot as the voter directs. A

1 voter requiring assistance in voting may, if he or she prefers, be assisted by a person
2 of his or her own choice who is not an election officer, except that the voter's
3 employer, an agent of the voter's employer, or an officer or agent of the voter's
4 union shall not assist a voter.

5 (4) The precinct election clerk shall swear a person assisting a voter in voting to operate
6 the voting machine or complete the ballot in accordance with the directions of the
7 voter, and the person sworn shall enter the voting booth or ballot completion area
8 and operate the machine or complete the ballot for the voter as the voter directs.

9 (5) A voter who requires voting assistance on a permanent basis because of blindness
10 or other physical disability may apply to the county board of elections for
11 certification. Application may be made when registering to vote or completing the
12 voter assistance form by indicating that the reason for obtaining assistance is
13 permanent. The county board of elections shall determine whether the applicant
14 requires assistance on a permanent basis. The county board of elections shall notify
15 the county clerk of persons certified as requiring permanent voting assistance and
16 the county clerk shall enter the certification on the voter's registration record. The
17 State Board of Elections shall indicate on the precinct roster of voters those voters
18 who are certified to receive assistance permanently without signing the voter
19 assistance form at the precinct.

20 (6) "Voting booth" or "ballot completion area" means an area in which a voter casts his
21 or her vote or completes his or her ballot which is designed to insure the secrecy of
22 the vote. No voter shall be assisted under this subsection unless the judges and the
23 sheriff of election are satisfied of the truth of the facts stated in the oath. The voter
24 shall state in his or her oath the specific reason that requires him or her to receive
25 assistance.

26 (7) No voter shall be permitted to occupy the voting machine more than two (2)
27 minutes if other voters are waiting to use it, except that those voters who because of

1 a disability need extra time to cast a ballot shall be given a reasonable amount of
2 time to vote.

3 (8) In primaries~~[primary elections]~~, before a voter is permitted to use the voting
4 machine, a judge of the election shall adjust the machine so that the voter will only
5 be able to vote for the persons for whom the voter is qualified to vote.

6 (9) If the machine is so constructed as to require adjustment after one (1) person has
7 voted before another person may vote, the judges of election shall adjust it after
8 each person has voted.

9 (10) The election officers shall constantly maintain a watch in order to prevent any
10 person from voting more than once.

11 (11) For voters voting as provisional voters, or if supplemental paper ballots have been
12 approved~~[,]~~ as provided in KRS 118.215, the voter shall vote his or her provisional
13 or supplemental ballot in privacy in a booth provided for that purpose by the county
14 clerk. If the voter spoils his or her ballot, the voter~~he~~ shall return the spoiled
15 paper ballot to an election official who shall stamp the ballot "Spoiled," initial and
16 place the spoiled ballot in an envelope provided for that purpose. The voter shall be
17 issued a second provisional or supplemental paper ballot. Upon completion of
18 voting, the voter shall remove the numbered stub from the ballot, hand the stub to
19 an election official and deposit the voted ballot in the appropriate locked ballot box
20 in the presence of precinct election officials.

21 (12) The election sheriff shall be responsible for reporting violations of this section.

22 ➔Section 20. KRS 117.265 is amended to read as follows:

23 (1) A voter may, at any regular or special election, cast a write-in vote for any person
24 qualified as provided in subsection (2) or (3) of this section, whose name does not
25 appear upon the ballot label for any office, by writing the name of his or her choice
26 upon the appropriate device for the office being voted on provided on the voting
27 machine as required by KRS 117.125. Any candidate for city, county, urban-county,

1 consolidated local government, charter county government, or unified local
2 government office who is defeated in a partisan or nonpartisan primary shall be
3 ineligible as a candidate for the same office in the regular election. Any voter
4 utilizing **a provisional ballot, a provisional absentee ballot, or** an absentee ballot
5 for a regular or special election may write in a vote for any eligible person whose
6 name does not appear upon the ballot, by writing the name of his or her choice
7 under the office.

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

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

- 21 (a) For more than one (1) office in a regular or special election; or
22 (b) If his or her name appears upon the ballot label for any office, except that the
23 candidate may file a notice of withdrawal prior to filing an intent to be a write-
24 in candidate for office when a vacancy in a different office occurs because of:
25 1. Death;
26 2. Disqualification to hold the office sought;
27 3. Severe disabling condition which arose after the nomination; or

1 4. The nomination of an unopposed candidate.

2 (4) Persons who wish to run for President and Vice-President shall file a declaration of
3 intent to be a write-in candidate, along with a list of presidential electors pledged to
4 those candidates, with the Secretary of State on or before the fourth Friday in
5 October preceding the date of the regular election for those offices. The declaration
6 of intent shall be filed no earlier than the first Wednesday after the first Monday in
7 November of the year preceding the year the office will appear on the ballot, and no
8 later than 4 p.m. local time at the place of filing when filed on the last date on which
9 papers may be filed. Write-in votes cast for the candidates whose names appear on
10 the ballot shall apply to the slate of pledged presidential electors, whose names shall
11 not appear on the ballot.

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

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

17 ➔Section 21. KRS 117.275 is amended to read as follows:

18 (1) At the count of the votes in any precinct, any candidate or slate of candidates and
19 any representatives to witness and check the count of the votes therein, who are
20 authorized to be appointed as is provided in subsection (9) of this section, shall be
21 admitted and be permitted to be present and witness the count.

22 (2) As soon as the polls are closed, and the last voter has voted, the judges shall
23 immediately lock and seal the voting equipment so that the voting and counting
24 mechanism will be prevented from operation, and they shall sign a certificate
25 stating:

26 (a) That the voting equipment has been locked against voting and sealed;

27 (b) The number of voters, as shown on the public counters;

- 1 (c) The number registered on the protective or accumulative counter or device, if
2 any; and
- 3 (d) The number or other designation of the voting equipment, which certificate
4 shall be returned by the judges of election to the officials authorized by law to
5 receive it. The judges shall compare the number of voters, as shown by the
6 counter of the voting equipment, with the number of those who have voted as
7 shown by the protective or accumulative counter or device, if any.
- 8 (3) Where voting equipment is used which does not print the candidates' names along
9 with the total votes received on a general return sheet or record for that equipment,
10 the procedure to be followed shall be as follows:
- 11 (a) The judges, in the presence of the representatives mentioned in subsection (1)
12 of this section, if any, and of all other persons who may be lawfully within the
13 polling place, shall give full view of all the counter numbers;
- 14 (b) The judges shall enter, in ink, the total votes cast for each candidate, and slate
15 of candidates, and for and against each question on the return sheets; and
- 16 (c) Each precinct election officer shall sign the return sheets, and a copy of the
17 return sheets shall be posted on the precinct door.
- 18 (4) Where voting equipment is used that prints the candidates' names along with the
19 total votes received on a return sheet or record for that equipment, the precinct
20 election officers shall sign the return sheets or record for the voting equipment,
21 which shall be posted on the door of the precinct.
- 22 (5) If any officer shall decline to sign the return sheets, he or she shall state the reason
23 in writing, and a copy thereof, signed by the officer, shall be enclosed with the
24 return sheets.
- 25 (6) Each of the return sheets, if applicable, and the record of the voting equipment shall
26 be enclosed in an envelope. One (1) copy of the return sheets, if applicable, one (1)
27 copy of the record of the voting equipment, and the write-in roll, if any write-in

- 1 votes were cast in the precinct, shall be directed to the county board of elections of
2 the county in which the election is being held. One (1) copy of the return sheets or
3 record of the voting equipment shall be given to the county clerk of the county in
4 which the election is being held and to each of the local governing bodies of the two
5 (2) dominant political parties, but a local governing body of a dominant political
6 party may decline a copy of the precinct election return by filing a written
7 declination with the county board of elections prior to the election, and upon this
8 declination, a printed copy shall not be issued to the political party so declining. The
9 declination on file shall be effective for that election and any subsequent elections
10 until revoked by the local governing body of a dominant political party by filing a
11 written revocation with the county board of elections. The envelope shall have
12 endorsed thereon a certificate of the election officers, stating the number of the
13 machine, the precinct where it has been used, the number on the seal, and the
14 number on the protective or accumulative counter or device at the close of the polls.
- 15 (7) Following the tabulation of all votes cast in the election, including absentee votes,
16 provisional absentee votes, and write-in votes, the county board shall mail a copy of
17 the precinct-by-precinct summary of the tabulation sheets showing the results from
18 each precinct to the State Board of Elections and the county clerk shall mail or
19 deliver the precinct signature rosters from each precinct to the State Board of
20 Elections during the period established by KRS 117.355(3).
- 21 (8) As soon as possible after the completion of the count, the two (2) judges shall return
22 to the county board of elections the keys to the voting machine received and
23 receipted for by them, and the county clerk in which the precinct is located shall
24 have the voting machine properly boxed or securely covered and removed to a
25 proper and secure place of storage.
- 26 (9) In primaries, each candidate, slate of candidates, or group of candidates may
27 designate to the county board of elections a representative to witness and check the

1 vote count. In regular elections, the governing authority of each political party, each
2 candidate for member of board of education, nonpartisan candidate, independent
3 candidate, or independent ticket may designate a representative to the county board
4 of elections to witness and check the vote count. The county board of elections shall
5 authorize representatives of the news media to witness the vote count.

6 (10) **For all provisional ballots and**~~[If]~~ supplemental paper ballots, ~~if have been]~~
7 approved~~[,]~~ as provided in KRS 118.215, after the polls are closed, the two (2)
8 judges shall return to the county clerk's office the locked **provisional ballot box and**
9 **the supplemental paper** ballot box, all ballot stubs, spoiled ballots, and unvoted
10 ballots at the same time as the tabulation of votes from the voting machine is
11 delivered. The county clerk shall issue a receipt for the number of ballot stubs,
12 unvoted ballots, spoiled ballots, and the ballot **boxes**~~[box]~~.

13 (11) The county board of elections, or its designee, shall count and tally the
14 **supplemental** paper ballots manually or with the use of tabulating equipment which
15 does not involve an additional voting system. The results of the vote tally shall be
16 certified by the county board of elections to the county clerk and to the Secretary of
17 State.

18 **(12) Following the period for verification of provisional ballots established in Section**
19 **2 of this Act, the county board of elections shall tabulate the provisional ballots**
20 **the board has found to be valid in the same manner as for supplemental paper**
21 **ballots. The results of the vote tally shall be certified by the county board of**
22 **elections to the county clerk and to the Secretary of State. The county board shall**
23 **mail a copy of the precinct-by-precinct summary of the valid provisional ballot**
24 **tabulation sheets showing the results from each precinct to the State Board of**
25 **Elections.**

26 **(13)**~~[(12)]~~ The county board of elections shall authorize the candidates, slates of
27 candidates, or their representatives, and representatives of the news media to be

1 present during the counting of the valid provisional ballots and the supplemental
2 paper ballots.

3 ~~(14)~~~~(13)~~ Except as otherwise required in this chapter that certain records and papers
4 relating to specified elections be retained for twenty-two (22) months, the county
5 clerk shall retain the voted provisional ballots and the supplemental paper ballots
6 for twenty-two (22) months and the unvoted provisional ballots and the
7 supplemental paper ballots for sixty (60) days after each election day, after which
8 time they shall be destroyed in a manner to render them unreadable by the county
9 board of elections if no contest or recount action has been filed.

10 ➔Section 22. KRS 117.305 is amended to read as follows:

11 (1) The canvass and returns provided for in KRS 117.275 shall constitute the official
12 returns of the precinct, unless before 4 p.m. on the Tuesday following a primary or
13 regular election, or before 4 p.m. on the day following a special election held for the
14 purpose of filling a vacancy, the county clerk or county board of elections takes
15 notice of a discrepancy in the tally of votes cast in any precinct or number of
16 precincts, or a candidate makes a written request to the county board of elections in
17 the case of a candidate who has filed with the county clerk, or the Secretary of State
18 in the case of a candidate who has filed with the Secretary of State, to check and
19 recanvass the voting machines, valid provisional ballots, valid provisional absentee
20 ballots, and absentee ballots of any precinct or any number of precincts involving
21 his or her race. After this time period has elapsed and notice is taken, the county
22 ~~election~~board of elections shall assemble at 9 a.m. on the Thursday following the
23 filing deadline to request a recanvass, and not sooner, and recheck and recanvass
24 each machine and make a proper return thereof to the county clerk, and the canvass
25 and return shall become the official returns for the election. In making the
26 recanvass, the board shall make a record of the number of the seal upon the voting
27 machine and, without unlocking the machine against voting, recanvass the vote cast

1 thereon. If, after a recanvass, it is found that the original canvass of the returns has
2 been correctly made from the machine, and that there still remains a discrepancy
3 unaccounted for, this discrepancy shall be noted. If, upon recanvass, it appears that
4 the original canvass of the returns by the election officers was incorrect, the returns
5 and all papers being prepared by the board shall be corrected accordingly. The
6 county board of elections shall, immediately upon receipt of a request for a
7 recanvass, notify each candidate for the office of the time and place of the
8 recanvass. At the recanvass, each political party represented on the board may
9 appoint a representative there to be its governing body, and also each candidate to
10 be voted for may be present, either in person or by a representative or both. The
11 county board of elections shall authorize representatives of the news media to
12 observe the recanvass of the votes cast on the voting machine in each precinct.
13 Nothing in this section shall prohibit an individual from requesting, in addition to a
14 recanvass, a recount as authorized by KRS Chapter 120.

15 (2) The State Board of Elections shall prescribe and furnish forms to be used by
16 county boards of election to report all recanvassed votes. The form shall include the
17 following information:

- 18 (a) The name of the county in which the recanvass was conducted;
- 19 (b) The date of the report;
- 20 (c) The date of the election;
- 21 (d) The office for which the recanvass was conducted;
- 22 (e) The names of each candidate for the office being recanvassed; and
- 23 (f) The machine votes, absentee votes, valid and invalid provisional votes, valid
24 and invalid provisional absentee votes, and vote totals for each candidate, as
25 well as write-in votes cast in a regular or special election for candidates whose
26 names did not appear on the ballot.

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

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

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

8 ➔Section 23. KRS 117.365 is amended to read as follows:

9 Upon the first day a grand jury convenes after a primary, regular~~[general]~~ election, or
10 special election, the county clerk shall present to the grand jury all voter assistance forms,
11 ~~and~~ all applications for absentee ballots, and all provisional voter affidavits
12 accompanying provisional absentee ballots which shall have been completed in the
13 immediately preceding primary, regular~~[general]~~ election, or special election. The county
14 clerk may photocopy applications for absentee ballots, provisional voter affidavits
15 accompanying provisional absentee ballots, and voter assistance forms, certify them as
16 true copies of the originals, and present the grand jury with those certified copies instead
17 of the originals. The county clerk shall retain all applications for absentee ballots,
18 provisional voter affidavits accompanying provisional absentee ballots, and one (1)
19 copy of each voter assistance form as part of the records of the office and shall produce
20 certified copies of any or all of them, when required, to any subsequent grand jury.

21 ➔Section 24. KRS 117.375 is amended to read as follows:

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

23 (1) "Electronic or electromechanical voting system" means a system of casting votes by
24 use of marking devices and tabulating ballots employing automatic tabulating
25 equipment or data processing equipment.

26 (2) "Automatic tabulating equipment" means apparatus necessary to automatically
27 examine and count votes as designated on ballots and data processing machines

- 1 which can be used for counting ballots and tabulating results.
- 2 (3) "Voting device" means either an apparatus in which paper ballots or ballot cards are
3 used in connection with an implement by which a voter registers his or her votes
4 with ink or other substance or by punching, or an apparatus by which such votes are
5 registered electronically, so that in either case the votes so registered may be
6 computed and tabulated by means of automatic tabulating equipment.
- 7 (4) "Ballot card" means a tabulating card on which votes may be recorded by a voter by
8 use of a voting punch device or by marking with a pen or special marking device.
- 9 (5) "Ballot label" means the cards, papers, booklet, pages or other material on which
10 appear the names of candidates and the questions to be voted on by means of ballot
11 cards or voting machines.
- 12 (6) "Ballot" or "official ballot" means the voting machine ballot label, ballot cards,
13 paper ballots, an absentee ballot, a provisional ballot, a provisional absentee
14 ballot, or a supplemental paper ballot which has been authorized for the use of
15 voters in any primary or regular~~[, general]~~ or special election by the Secretary of
16 State or the county clerk.
- 17 (7) "Voting punch device" means an apparatus in which ballots or ballot cards are
18 inserted for the piercing of ballots by the voter. The hole may be in the form of a
19 round dot, rectangle, square, or any other shape that will clearly indicate the intent
20 of the voter.
- 21 (8) "Vote marking device" means any approved device for marking a paper ballot with
22 ink or other substance which will enable the ballot to be tabulated by means of
23 automatic tabulating equipment.
- 24 (9) "Secrecy envelope" means the envelope handed to the voter with his or her ballot
25 into which the voter shall place his or her voted ballot cards.
- 26 (10) "Precinct ballot counter" means an automatic tabulating device used at the precinct
27 to tabulate and process ballots.

(11) "Voting machine" or "machine" 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:

(a) Was issued by the United States or the Commonwealth of Kentucky, and contains:

1. The name of the individual to whom the document was issued, and the name conforms to the name in the individual's voter registration record;

2. A photograph of the individual to whom the document was issued; and

3. An expiration date, and the document:

a. Has not expired; or

b. Expired after the date of the most recent regular election; or

(b) Was issued by the United States Department of Defense, a branch of the uniformed services, the Merchant Marines, or the Kentucky National Guard if the document:

1. Otherwise complies with the requirements of paragraph (a)1. and 2. of this subsection; and

2. Has no expiration date or states that the document has an indefinite expiration date; or

(c) Was issued by a public or private college, university, or postgraduate technical or professional school located within the state, and contains:

1. The name of the individual to whom the document was issued, and the name conforms to the name in the individual's voter registration record;

2. A photograph of the individual to whom the document was issued; and

3. An expiration date, and the document:

- 1 a. Has not expired; or
 2 b. Expired after the date of the most recent regular election.

3 (13) "Provisional voter" means a person:

- 4 (a) Who is registered to vote;
 5 (b) Whose name appears on the precinct roster;
 6 (c) Who has not presented proof of identification to the precinct election officer
 7 before voting; and
 8 (d) Who elects to proceed with provisional voting under Section 1 of this Act.

9 (14) "Provisional ballot" or "provisional absentee ballot" means ballot cards or paper
 10 ballots which have been authorized for the use of provisional voters in any
 11 primary or regular or special election by the Secretary of State or the county
 12 clerk.

13 ➔Section 25. KRS 117.383 is amended to read as follows:

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

- 17 (1) Achieve and maintain the maximum degree of correctness, impartiality, and
 18 efficiency of the procedures of voting;
 19 (2) Count, tabulate, and record votes;
 20 (3) Establish a method for placing items on the electronic voting device, which shall, as
 21 closely as possible, follow the requirements pertaining to ballot labels;
 22 (4) Design the ballot cards and provisional ballot cards, including a numerical system
 23 to ensure~~insure~~ an accurate record of all voting activities;
 24 (5) Instruct voters in the use of the voting device;
 25 (6) Provide for checking the accuracy of the equipment;
 26 (7) Provide necessary supplies, including those necessary for a write-in vote and
 27 secrecy envelopes for punch cards or data processing cards to insure voter privacy;

1 (8) As part of the official canvass, provide for a manual recount of randomly selected
2 precincts representing three percent (3%) to five percent (5%) of the total ballots
3 cast in each election;

4 (9) Provide a method for maintaining sufficient documents and records so that votes
5 can be recounted. Such documents and records shall include any material other than
6 a ballot card which is imprinted with the names of candidates and issues voted
7 upon. Records shall be maintained in such a manner that a specific piece of printed
8 material listing issues and candidates can be matched with the specific ballot cards
9 which were marked in reliance upon such printed material. Except as otherwise
10 required in this chapter that certain records and papers relating to specified elections
11 be retained for twenty-two (22) months, such documents and records shall be
12 maintained for thirty (30) days following an election.

13 ➔Section 26. KRS 117.385 is amended to read as follows:

14 (1) A voter who spoils or defaces a ballot card or marks it erroneously shall return the
15 card to the election officials. The election officials shall deliver to the voter another
16 ballot card, but no voter may receive more than three (3) ballot cards including the
17 one originally delivered to the voter. Upon return of a defective ballot card, an
18 election official shall cancel it by writing in ink on the back the word "spoiled." The
19 canceled ballot card shall be placed with spoiled ballots to be returned with the
20 election returns.

21 (2) (a) After marking the ballot card, the voter shall place it, with the accompanying
22 affidavit if it is a provisional ballot, inside the secrecy envelope and return it
23 to an election official, who shall deposit the ballot in the appropriate ballot
24 box.

25 (b) When precinct ballot counters are used, the voter may either:

26 1. Insert his or her ballot and accompanying affidavit if it is a provisional
27 ballot, contained in the secrecy envelope provided and deposit the

1 emptied ballot container envelope with the election official presiding
2 over the ballot counter; or

3 2. Deposit the ballot and accompanying affidavit if it is a provisional
4 ballot, in the appropriate ballot box in the presence of a precinct
5 election officer;

6 for processing by precinct election officials after the polls close.

7 ➔Section 27. KRS 117.995 is amended to read as follows:

8 (1) Any person appointed to serve as an election officer but who shall knowingly and
9 willfully fail to serve and who is not excused by the county board of elections for
10 the reasons specified in this chapter shall be guilty of a violation and shall be
11 ineligible to serve as an election officer for a period of five (5) years.

12 (2) Any county clerk or member of the county board of elections who knowingly and
13 willfully violates any of the provisions of this chapter, including furnishing
14 applications for absentee ballots and provisional absentee ballots to persons other
15 than those specified by the provisions of this chapter and failure to type the name of
16 the voter on the application form as required by the provisions of this chapter, shall
17 be guilty of a Class D felony.

18 (3) Any officer who willfully fails to prepare or furnish ballot labels, provisional
19 ballots, provisional absentee ballots, or absentee ballots or fails to allow a qualified
20 voter to cast his or her vote on the machine as required of the voter by this chapter
21 shall be guilty of a Class A misdemeanor.

22 (4) Any election officer who knowingly and willfully violates any of the provisions of
23 this chapter, including failure to enforce the prohibition against electioneering
24 established by KRS 117.235, shall be guilty of a Class A misdemeanor for the first
25 offense and a Class D felony for each subsequent offense.

26 (5) Any person who signs a name other than his or her own on an application for an
27 absentee ballot, ~~or on~~ the verification form for the ballot, ~~or on~~ an emergency

1 absentee ballot affidavit, or a provisional voter affidavit, or any person who votes
2 an absentee ballot or provisional absentee ballot other than the one issued in his or
3 her name, or any person who applies for the ballot for the use of anyone other than
4 himself or herself or the person designated by the provisions of this chapter, or any
5 person who makes a false statement on an application for an absentee ballot or on
6 an emergency absentee ballot affidavit shall be guilty of a Class D felony.

7 (6) Any person who violates any provision of KRS 117.235 or 117.236 related to
8 prohibited activities during absentee voting or on election day, after he or she has
9 been duly notified of the provisions by any precinct election officer, county clerk,
10 deputy county clerk, or other law enforcement official, shall, for each offense, be
11 guilty of a Class A misdemeanor.

12 (7) Any person who knowingly and willfully prepares or assists in the preparation of an
13 inaccurate or incomplete voter assistance form or fails to complete a voter
14 assistance form when required shall be guilty of a Class A misdemeanor for the first
15 offense and a Class D felony for each subsequent offense; however, if a voter has
16 been permanently certified as requiring voting assistance, there shall be no offense
17 for the failure of the voter to complete the form.

18 (8) The members of a county board of elections who fail~~that fails~~ to provide the
19 training to precinct election officers required by KRS 117.187(2) shall be subject to
20 removal by the State Board of Elections.

21 (9) Any local or state election official, including the Secretary of State, employees of
22 the Secretary, and members of the State Board of Elections and their staff, who
23 knowingly and willfully uses the voter registration roster in violation of KRS
24 117.025(3)(a) shall, for each offense, be guilty of a Class A misdemeanor.

25 ➔Section 28. KRS 118.015 is amended to read as follows:

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

27 (1) A "political party" is an affiliation or organization of electors representing a

- 1 political policy and having a constituted authority for its government and regulation,
2 and whose candidate received at least twenty percent (20%) of the total vote cast at
3 the last preceding election at which presidential electors were voted for;
- 4 (2) The word "election" used in reference to a state, district, county, or city election,
5 includes the decisions of questions submitted to the qualified voters as well as the
6 choice of officers by them;
- 7 (3) A "ballot" or "official ballot" means the voting machine ballot label, ballot cards,
8 paper ballots, an absentee ballot, a provisional ballot, a provisional absentee
9 ballot, or a supplemental paper ballot which has been authorized for the use of the
10 voters in any primary or regular~~[, general,]~~ or special election by the Secretary of
11 State or the county clerk;
- 12 (4) "Ballot label" means the cards, papers, booklet, pages, or other material on which
13 appear the names of candidates and the questions to be voted on by means of ballot
14 cards or voting machines;
- 15 (5) "Ballot card" means a tabulating card on which votes may be recorded by a voter by
16 use of a voting punch device or by marking with a pen or special marking device;
- 17 (6) "Voting machine" or "machine" shall include lever machines and, as far as
18 applicable, any electronic or electromechanical unit and supplies utilized or relied
19 upon by a voter in casting and recording his or her votes in an election;
- 20 (7) The word "resident" used in reference to a candidate in a state, district, county, or
21 city election shall mean actual resident, without regard to the residence of the
22 spouse of the candidate;
- 23 (8) "Political organization" means a political group not constituting a political party
24 within the meaning of subsection (1) of this section but whose candidate received
25 two percent (2%) or more of the vote of the state at the last preceding election for
26 presidential electors; and
- 27 (9) "Political group" means a political group not constituting a political party or a

1 political organization within the meaning of subsections (1) and (8) of this section.

2 ➔Section 29. KRS 118.305 is amended to read as follows:

3 (1) Except as provided in KRS 118.345, and subject to the provisions of subsections
4 (2), (3), and (4) of this section, the county clerk of each county shall cause to be
5 printed for the voting machines and on the absentee ballots, **provisional ballots, and**

6 **provisional absentee ballots.** for the regular election the names of the following
7 persons:

8 (a) Candidates of a political party, as defined in KRS 118.015, who have received
9 certificates of nomination at the preceding primary, or certificates of
10 nomination under KRS 118.185, and whose certificates of nomination have
11 been filed with the Secretary of State or the appropriate county clerk;

12 (b) Candidates of a political party, as defined in KRS 118.015, who have been
13 nominated for an unexpired term in a manner determined by the governing
14 authority of the party, as provided in KRS 118.115, and whose evidences of
15 nomination have been filed with the Secretary of State or the appropriate
16 county clerk within the time prescribed in this chapter;

17 (c) Candidates of a political party, as defined in KRS 118.015, who have been
18 nominated by the governing authority of the party to fill a vacancy in the
19 candidacy of a person nominated at the preceding primary~~[-election]~~, as
20 provided in KRS 118.105, and whose certificates of nomination have been
21 filed with the Secretary of State or the appropriate county clerk, by at least the
22 date provided by the election law generally for such filing;

23 (d) Candidates who have been nominated by a political organization as provided
24 in KRS 118.325 and whose certificates or petitions of nomination have been
25 filed with the Secretary of State or the appropriate county clerk within the
26 time prescribed in this chapter;

27 (e) Independent candidates who have been nominated by petition as provided in

- 1 KRS 118.315, and whose petitions of nomination have been filed with the
2 Secretary of State or the appropriate county clerk within the time prescribed in
3 this chapter;
- 4 (f) Successful nominees of all nonpartisan primaries which shall have been
5 conducted;
- 6 (g) Candidates who have filed a petition of candidacy as shall be required to fill a
7 vacancy which shall appear on the ballot;
- 8 (h) The county clerk shall determine whether the name of any replacement
9 candidate who has been nominated as provided in KRS 118.105(5) may be
10 placed on the machine ballot or ballot cards and whether the voting machine
11 may be reprogrammed to count the votes cast for that candidate or whether the
12 ballot or ballot cards must be reprinted to accommodate votes cast for any
13 replacement candidate and shall take the appropriate action to accommodate
14 the replacement of any candidate. If the county clerk determines that the name
15 of any replacement candidate cannot be accommodated on the existing ballot
16 or ballot cards and if there is insufficient time before the election to reprint the
17 entire ballot, the county clerk shall request approval to use supplemental paper
18 ballots for voting for that office only in the same manner as permitted for
19 other situations as provided in KRS 118.215(5), and, if approved, shall have
20 an adequate number of supplemental paper ballots printed for voting for that
21 office and only votes cast for that office by means of the supplemental paper
22 ballots, in addition to any provisional ballots, shall be tabulated and recorded
23 by the precinct election officers and county board of elections. All actions by a
24 county clerk, the State Board of Elections, and the Secretary of State which
25 are necessary to provide for voting at a regular election for candidates
26 nominated pursuant to KRS 118.105(5) shall be carried out with all possible
27 speed. When a candidate has been replaced as provided in KRS 118.105(5)

- 1 after absentee and provisional absentee ballots have been printed and
2 distributed for the regular election, neither the precinct election officers nor
3 the county board of elections shall tabulate or record any absentee or
4 provisional absentee votes cast for the candidate who was replaced. If ballots
5 are reprinted or supplemental paper ballots are printed, or if voting machines
6 must be reprogrammed to count the votes cast for a replacement candidate, the
7 costs for the printing and reprogramming shall be paid by the political party
8 who has nominated a replacement candidate, or proportionately by each
9 political party if each party nominates a replacement candidate;
- 10 (i) Candidates for President and Vice President of the United States, of those
11 political parties and organizations who have nominated presidential electors as
12 provided in KRS 118.325, if the certificate of nomination of the electors has
13 been filed with the Secretary of State within the time prescribed in this
14 chapter;
- 15 (j) Candidates for soil and water district supervisors who have been nominated
16 by petition as provided in KRS 262.210; and
- 17 (k) Candidates for city office for which no nonpartisan primary has been
18 conducted in a city which requires nonpartisan city elections.
- 19 (2) Any candidate for city office who is defeated in a partisan or nonpartisan primary
20 shall be ineligible as a candidate for the same office in the regular election.
- 21 (3) Candidates for members of boards of education shall have their names printed on
22 ballot labels, provisional ballots, provisional absentee ballots, and absentee ballots
23 for the regular election only after filing as provided in KRS 160.220.
- 24 (4) Except as provided in KRS 118.105 and 118.115, no candidate's name shall be
25 printed upon the ballot labels, provisional ballots, provisional absentee ballots, and
26 absentee ballots for any regular election as the nominee of any political party, as
27 defined in KRS 118.015, or under the emblem of any political party, as so defined,

1 except those candidates who have been duly and regularly nominated as nominees
2 of that party at a primary held as provided in this chapter.

3 (5) No county clerk shall knowingly cause to be printed, upon the ballot labels,
4 provisional ballots, provisional absentee ballots, or absentee ballots for any regular
5 election, the name of any candidate of a political party, as defined in KRS 118.015,
6 who has not been nominated in the manner provided in the ~~primary election~~ laws
7 governing primaries or the name of any candidate who is not in compliance with
8 the restrictions concerning party registration and candidacy provided in of KRS
9 118.315(1).

10 (6) The names of candidates for President and Vice President shall be certified in lieu
11 of certifying the names of the candidates for presidential electors.

12 (7) When a vacancy occurs in an elective office which is required by law to be filled
13 temporarily by appointment, the officer or body designated by law to make the
14 appointment, or in the case of an office to be filled by appointment from a list of
15 nominations, the officer or body designated by law to make the nominations, shall
16 immediately notify in writing both the county clerk and Secretary of State of the
17 vacancy.

18 (8) A judge who elected to retire as a Senior Status Special Judge in accordance with
19 KRS 21.580 shall not become a candidate or a nominee for any elected office
20 during the five (5) year term prescribed in KRS 21.580(1)(a)1., regardless of the
21 number of days served by the judge acting as a Senior Status Special Judge.

22 ➔Section 30. KRS 118.405 is amended to read as follows:

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

1 ➔Section 31. KRS 118A.010 is amended to read as follows:

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

- 3 (1) "Ballot" or "official ballot" means the voting machine ballot label, ballot cards,
4 paper ballots, an absentee ballot, a special ballot, *a provisional ballot, a provisional*
5 *absentee ballot*, or a supplemental paper ballot which has been authorized for the
6 use of the voters in any primary *or regular*~~[, general,]~~ or special election by the
7 Secretary of State or the county clerk;
- 8 (2) "Ballot card" means a tabulating card on which votes may be recorded by a voter by
9 use of a voting device or by marking with a pen or special marking device;
- 10 (3) "Ballot label" means the cards, papers, booklet, pages, or other material on which
11 appear the names of candidates and the questions to be voted on by means of ballot
12 cards or voting machines;
- 13 (4) "Election" refers only to elections for offices of the Court of Justice; and
- 14 (5) "Voting machine" or "machine" shall include lever machines and, as far as
15 applicable, any electronic or electromechanical unit and supplies utilized or relied
16 upon by a voter in casting his vote in an election.

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

20 ➔Section 32. KRS 118A.100 is amended to read as follows:

- 21 (1) Candidates for an unexpired term of a judicial office to be filled at a regular election
22 shall be nominated at the primary next preceding the regular election in the manner
23 prescribed in KRS 118A.060 if the vacancy occurs not later than the second Friday
24 in December preceding the primary. If the vacancy occurs on or after that date, the
25 election to fill the unexpired term shall be held in accordance with the procedures
26 described in this section and Section 152 of the Constitution of Kentucky.
- 27 (2) If in a regular election for judicial office no candidates nominated as provided in

1 KRS 118A.060 are available due to death, incapacity, or withdrawal, and the
2 candidates have not been replaced as provided in KRS 118A.060, the election to fill
3 the regular term shall be conducted in the manner prescribed in subsections (3)
4 through (11) of this section.

5 (3) Each candidate shall file a petition for nomination with the Secretary of State not
6 earlier than the first Wednesday after the first Monday in November of the year
7 preceding the year in which the election for the unexpired term will be held and not
8 later than the first Tuesday after the first Monday in June preceding the day fixed by
9 law for holding the regular election for the unexpired term, if the vacancy occurs
10 prior to the first Tuesday following the first Monday in June. If the vacancy occurs
11 after the first Tuesday following the first Monday in June, each candidate shall file a
12 petition for nomination with the Secretary of State not later than the second Tuesday
13 in August preceding the day fixed by law for holding the regular election for the
14 unexpired term. The petition shall be sworn to by the candidate and by not less than
15 two (2) registered voters from the district or circuit from which he or she seeks
16 nomination, before an officer authorized to administer an oath. Signatures for
17 nomination papers shall not be affixed on the document to be filed prior to the first
18 Wednesday after the first Monday in November of the year preceding the year in
19 which the office will appear on the ballot. The petition shall be filed no later than 4
20 p.m. local time at the place of filing when filed on the last date on which the papers
21 are permitted to be filed.

22 (4) The petition for nomination shall be in the form prescribed and furnished by the
23 State Board of Elections. The petition shall include a declaration sworn to by the
24 candidate, that he or she possesses all the constitutional and statutory requirements
25 of the office for which the candidate has filed. Titles, ranks, or spurious phrases
26 shall not be accepted on the petition and shall not be printed on the ballots as part of
27 the candidate's name; however, nicknames, initials, and contractions of given names

1 may be acceptable as the candidate's name.

2 (5) The Secretary of State shall examine the petition of each candidate to determine
3 whether it is regular on its face. If there is an error, the Secretary of State shall
4 notify the candidate by certified mail within twenty-four (24) hours of filing.

5 (6) The order of names on the ballot for each district or circuit, and numbered division
6 if divisions exist, shall be determined by lot at a public drawing to be held in the
7 office of the Secretary of State at 2 p.m., standard time, on the Thursday following
8 the first Tuesday after the first Monday in June preceding the regular election for
9 those petitions for nomination required to be filed no later than the first Tuesday
10 following the first Monday in June. For those petitions for nomination required to
11 be filed no later than the second Tuesday in August, the order of names on the ballot
12 for each district and circuit, and numbered division if divisions exist, shall be
13 determined by lot at a public drawing to be held in the office of the Secretary of
14 State at 2 p.m., standard time, on the Thursday following the second Tuesday in
15 August preceding the regular election.

16 (7) Not later than the date set forth in KRS 118.215 and after the order of names on the
17 ballot has been determined as required in subsection (6) of this section, the
18 Secretary of State shall:

19 (a) Certify to the county clerks of the respective counties entitled to participate in
20 the election of the various candidates, the name and place of residence of each
21 candidate for each office, by district or circuit, and numbered division if
22 divisions exist, as specified in the petitions for nomination filed with the
23 Secretary of State; and

24 (b) Designate for the county clerks the office of the Court of Justice with which
25 the names of candidates shall be printed and the order in which they are to
26 appear on the ballot.

27 (8) The ballot position of a candidate shall not be changed after the ballot position has

1 been designated by the county clerk.

2 (9) The county clerks of each county shall cause to be printed on the ballot labels for
3 the voting machines and on the absentee ballots, provisional ballots, and
4 provisional absentee ballots for the regular election the names of the candidates for
5 offices of the Court of Justice.

6 (10) The names of the candidates shall be placed on the voting machine in a separate
7 column or columns or in a separate line or lines and identified by the words
8 "Judicial Ballot," and in a manner so that the casting of a vote for all of the
9 candidates of a political party will not operate to cast a vote for judicial candidates.
10 The words "Vote for one" or "Vote for one in each division," shall be printed on the
11 appropriate location. The office, numbered division if divisions exist, and the
12 candidates therefor shall be clearly labeled. No party designation or emblem of any
13 kind, nor any sign indicating any candidate's political belief or party affiliation, shall
14 be used on voting machines or special ballots.

15 (11) The candidate receiving the highest number of votes cast at the regular election for a
16 district or circuit, or for a numbered division if divisions exist, shall be elected.

17 (12) A judge who elected to retire as a Senior Status Special Judge in accordance with
18 KRS 21.580 shall not become a candidate or a nominee for any elected office
19 during the five (5) year term prescribed in KRS 21.580(1)(a)1., regardless of the
20 number of days served by the judge acting as a Senior Status Special Judge.

21 ➔Section 33. KRS 118A.130 is amended to read as follows:

22 No judicial candidate's name shall appear on any voting machine, provisional ballot,
23 provisional absentee ballot, or absentee ballot more than once.

24 ➔Section 34. KRS 118A.150 is amended to read as follows:

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

27 (2) The Secretary of State shall not knowingly certify to the county clerk of any county

1 the name of any candidate who has not filed the required nomination or candidacy
2 papers, nor knowingly fail to certify the name of any candidate who has filed the
3 required nomination or candidacy papers.

4 (3) No county clerk shall knowingly cause to be printed on the ballot labels,
5 provisional ballots, provisional absentee ballots, or absentee ballots for any
6 election, the name of a candidate for an office of the Court of Justice who has not
7 been certified in the manner specified in this chapter.

8 (4) If, before the time of certification of candidates who will appear on the ballot
9 provided for in this chapter, any candidate whose petition or certificate of
10 nomination or petition for candidacy has been filed, dies or notifies the Secretary of
11 State in writing, signed and properly notarized, that he or she will not accept the
12 nomination or election, the Secretary of State shall not certify his or her name.

13 (5) If, after the certification of candidates who will appear on the ballot, any candidate
14 whose petition or certificate of nomination or petition for candidacy has been filed,
15 dies or notifies the Secretary of State in the manner described in subsection (4) of
16 this section, that he or she will not accept the nomination or election, the Secretary
17 of State shall immediately notify the appropriate county clerk, and the county clerk
18 shall ensure that notice is provided to the appropriate precincts as provided in
19 subsection (7) of this section.

20 (6) If after the certification of candidates who will appear on the ballot, any candidate
21 whose name appears on the ballot shall withdraw or die, neither the precinct
22 election officers nor the county board of elections shall tabulate or record the votes
23 cast for the candidate; and, in a primary~~-election~~, if there are only one (1) or two
24 (2) remaining candidates on the ballot for that office, following the withdrawal or
25 death of the other candidate or candidates, neither the precinct election officers nor
26 the county board of elections shall tabulate or record the votes for the remaining
27 candidate or candidates, and the officer with whom the remaining candidate or

1 candidates has filed his or her nomination papers shall immediately issue and file in
2 his or her office a certificate of nomination for that remaining candidate or
3 candidates and send a copy to the remaining candidate or candidates.

4 (7) If, after the certification of candidates who will appear on the ballot, any candidate
5 whose name appears on the ballot shall withdraw pursuant to KRS 118.212 or die,
6 the county clerk shall provide notices to the precinct election officers who shall see
7 that a notice is conspicuously displayed at the polling place advising voters of the
8 change, and that votes for the candidate shall not be tabulated or recorded. If the
9 county clerk learns of the death or withdrawal at least five (5) days prior to the
10 election and provides the notices required by this subsection and the precinct
11 officers fail to post the notices at the polling place, the officers shall be guilty of a
12 violation, subject to a fine of not less than ten dollars (\$10) nor more than two
13 hundred fifty dollars (\$250).

14 ➔Section 35. KRS 119.005 is amended to read as follows:

15 (1) A "ballot" or "official ballot" means the voting machine ballot label, ballot cards,
16 paper ballots, an absentee ballot, a special ballot, *a provisional ballot, a provisional*
17 *absentee ballot*, or a supplemental paper ballot which has been authorized for the
18 use of the voters in any primary *or regular*~~[, general]~~ or special election by the
19 Secretary of State or the county clerk;

20 (2) "Ballot label" means the cards, papers, booklet, pages or other material on which
21 appear the names of candidates and the questions to be voted on by means of ballot
22 cards or voting machines;

23 (3) "Ballot card" means a tabulating card on which votes may be recorded by a voter by
24 use of a voting punch device or by marking with a pen or special marking device;

25 (4) "Voting machine" or "machine" shall include lever machines and, as far as
26 applicable, any electronic or electromechanical unit and supplies utilized or relied
27 upon by a voter in casting and recording his *or her* vote in an election.

1 ➔Section 36. KRS 120.005 is amended to read as follows:

- 2 (1) A "ballot" or "official ballot" means the voting machine ballot label, ballot cards,
3 paper ballots, an absentee ballot, a special ballot, **a provisional ballot, a provisional**
4 **absentee ballot,** or a supplemental paper ballot which has been authorized for the
5 use of the voters in any primary **or regular**~~[, general]~~ or special election by the
6 Secretary of State or the county clerk;
- 7 (2) "Ballot label" means the cards, papers, booklet, pages or other material on which
8 appear the names of candidates and the questions to be voted on by means of ballot
9 cards or voting machines;
- 10 (3) "Ballot card" means a tabulating card on which votes may be recorded by a voter by
11 use of a voting punch device or by marking with a pen or special marking device;
- 12 (4) "Voting machine" or "machine" shall include lever machines and, as far as
13 applicable, any electronic or electromechanical unit and supplies utilized or relied
14 upon by a voter in casting and recording his vote in an election.

15 ➔Section 37. KRS 186.531 is amended to read as follows:

16 (1) As used in this section:

- 17 (a) "AOC Fund" means the circuit court clerk salary account created in KRS
18 27A.052;
- 19 (b) "GF" means the general fund;
- 20 (c) "IP" means instruction permit;
- 21 (d) "License Fund" means the KYTC photo license account created in KRS
22 174.056;
- 23 (e) "MC" means motorcycle;
- 24 (f) "MC Fund" means the motorcycle safety education program fund established
25 in KRS 15A.358;
- 26 (g) "OL" means operator's license; and
- 27 (h) "PIDC" means personal identification card.

(2) The fees imposed for voluntary travel ID operator's licenses, instruction permits, and personal identification cards shall be as follows. The fees received shall be distributed as shown in the table. The fees shown, unless otherwise noted, are for an eight (8) year period:

Card	Fee	Road	License	AOC	GF	MC
Type		Fund	Fund	Fund		Fund
OL						
(initial/renewal)	\$48	\$31	\$7	\$10	\$0	\$0
OL (Under 21)						
(Up to 4 years)	\$18	\$8.50	\$5	\$4.50	\$0	\$0
Any OL, MC OL						
or combination						
(duplicate /corrected)	\$15	\$5.25	\$4	\$4	\$1.75	\$0
Motor vehicle IP						
(3 years)	\$18	\$6	\$5	\$5	\$2	\$0
Motorcycle IP						
(1 year)	\$18	\$6	\$5	\$2	\$1	\$4
Motorcycle OL						
(initial/renewal)	\$48	\$19.50	\$9	\$9.50	\$0	\$10
Combination						
vehicle/MC OL						
(initial/renewal)	\$58	\$28	\$7	\$13	\$0	\$10
PIDC						
(initial/renewal)	\$28	\$11	\$8	\$6	\$3	\$0
PIDC						
(duplicate/corrected)	\$15	\$6	\$4	\$3.50	\$1.50	\$0

(3) Except as provided in subsection (9) of this section, the fees imposed for standard

operator's licenses, instruction permits, and personal identification cards shall be as follows. The fees received shall be distributed as shown in the table. The fees shown, unless otherwise noted, are for an eight (8) year period:

Card	Fee	Road	License	AOC	GF	MC
Type		Fund	Fund	Fund		Fund
OL						
(initial/renewal)	\$43	\$28	\$7	\$8	\$0	\$0
OL (Under 21)						
(Up to 4 years)	\$15	\$7.50	\$4	\$3.50	\$0	\$0
Any OL, MC OL						
or combination						
(duplicate /corrected)	\$15	\$5.25	\$4	\$4	\$1.75	\$0
Motor vehicle IP						
(3 years)	\$15	\$5	\$4	\$4	\$2	\$0
Motorcycle IP						
(1 year)	\$15	\$5	\$4	\$1	\$1	\$4
Motorcycle OL						
(initial/renewal)	\$43	\$17.50	\$8	\$7.50	\$0	\$10
Combination						
vehicle/MC OL						
(initial/renewal)	\$53	\$25	\$7	\$11	\$0	\$10
PIDC						
(initial/renewal)	\$23	\$8	\$8	\$4	\$3	\$0
PIDC						
(duplicate/corrected)	\$15	\$6	\$4	\$3.50	\$1.50	\$0
PIDC						
(no fixed address)						

1 KRS 186.4122(5) and

2 186.4123(5) \$10 \$0 \$5 \$5 \$0 \$0

3 (4) The fee for a second or subsequent duplicate personal identification card for a
4 person who does not have a fixed, permanent address, as allowed under KRS
5 186.4122(5) and 186.4123(5), shall be the same as for a duplicate regular personal
6 identification card.

7 (5) The fee for a four (4) year original or renewal license issued pursuant to KRS
8 186.4101 shall be fifty percent (50%) of the amount shown in subsections (2) and
9 (3) of this section. The distribution of fees shown in subsections (2) and (3) of this
10 section shall also be reduced by fifty percent (50%) for licenses that are issued for
11 four (4) years.

12 (6) Any fee for any identity document applied for using alternative technology under
13 KRS 186.410 and 186.4122 shall be distributed in the same manner as a document
14 applied for with the circuit clerk.

15 (7) (a) An applicant for an original or renewal operator's license, commercial driver's
16 license, motorcycle operator's license, or personal identification card shall be
17 requested by the clerk to make a donation to promote an organ donor program.

18 (b) A donation under this subsection shall be two dollars (\$2) for any license or
19 card with an eight (8) year term, and one dollar (\$1) for any license or card
20 with a term of less than eight (8) years.

21 (c) The donation under this subsection shall be added to the regular fee for an
22 original or renewal motor vehicle operator's license, commercial driver's
23 license, motorcycle operator's license, or personal identification card. One (1)
24 donation may be made per issuance or renewal of a license or any
25 combination thereof.

26 (d) The fee shall be paid to the circuit clerk and shall be forwarded by the clerk on
27 a monthly basis to the Kentucky Circuit Court Clerks' Trust for Life, and such

1 moneys are hereby appropriated to be used exclusively for the purpose of
2 promoting an organ donor program. A donation under this subsection shall be
3 voluntary and may be refused by the applicant at the time of issuance or
4 renewal.

5 (8) In addition to the fees outlined in this section, the following individuals, upon
6 application for an initial or renewal operator's license, instruction permit, or
7 personal identification card, shall pay an additional application fee of thirty dollars
8 (\$30), which shall be deposited in the road fund:

9 (a) An applicant who is not a United States citizen or permanent resident and who
10 applies under KRS 186.4121 or 186.4123; or

11 (b) An applicant who is applying for a instruction permit, operator's license, or
12 personal identification card without a photo under KRS 186.4102(9).

13 (9) There shall be no fee charged for the original, renewal, or replacement of a
14 standard personal identification card to an individual, if the individual:

15 (a) Does not have a valid operator's license or a commercial driver's license;

16 (b) Is at least eighteen (18) years of age on or before the day of the next regular
17 election; and

18 (c) Is otherwise eligible to vote in the regular election.