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

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

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

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

NOW, THEREFORE,

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

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

(1) On the day of a primary, an election, or during in-person absentee voting, if a voter is unable to provide proof of identification as required under Section 16 of this Act, and as defined under Section 24 of this Act, a voter may cast a ballot if the individual:

(a) Is eligible to vote under KRS 116.025;

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

(c) In the presence of the election officer, executes a voter's affirmation, on a form prescribed and furnished by the State Board of Elections pursuant to administrative regulations promulgated under KRS Chapter 13A, affirming:

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

2. The voter's date of birth to the best of the voter's knowledge and
3. The voter is qualified to vote in this precinct under KRS 116.025;

4. The voter's name, and that the voter is generally known by that name or the name is as stated on his or her voter registration card;

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

6. The voter's current residential address, including the street address number and, if different from the voter's current address, the voter's residential address prior to the close of the registration books under KRS 116.045, and the date the voter moved;

7. The voter understands that making a false statement on the affirmation is punishable under penalties of perjury; and

8. The voter has one (1) of the following impediments to procure proof of identification as defined in Section 24 of this Act:

   a. Lack of transportation;

   b. Inability to financially afford a copy of his or her birth certificate or other documents needed to obtain or otherwise show proof of identification;

   c. Work schedule;

   d. Lost or stolen identification;

   e. Disability or illness;

   f. Family responsibilities;

   g. The proof of identification has been applied for, but not yet received; or

   h. The voter has a religious objection to being photographed.

(2) In addition to the requirements of subsection (1) of this section, to cast a ballot, the voter who is unable to provide proof of identification shall provide to an election officer:
(a) The voter's Social Security Card;

(b) Any identification card that has been issued by the county containing the name of the voter and which has been approved in writing by the State Board of Elections pursuant to administrative regulations promulgated under KRS Chapter 13A;

(c) Any identification card with the voter's picture and signature; or

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

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

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

(1) On the day of a primary or an election, or during in-person absentee voting, if a voter is unable to provide proof of identification, as required under Section 16 of this Act and as defined under Section 24 of this Act, or the voter fails to meet the requirements of Section 1 of this Act, the voter may cast a provisional ballot if the individual:

(a) Is eligible to vote under KRS 116.025;

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

(c) In the presence of the election officer, executes a voter's affirmation, on a form prescribed and furnished by the State Board of Elections pursuant to administrative regulations promulgated under KRS Chapter 13A, affirming:

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

2. The voter's date of birth to the best of the voter's knowledge and belief:
3. The voter is qualified to vote in this precinct under KRS 116.025;

4. The voter's name, and that the voter is generally known by that name or the name is as stated on his or her voter registration card;

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

6. The voter's current residential address, including the street address number and, if different from the voter's current address, the voter's residential address prior to the close of the registration books under KRS 116.045, and the date the voter moved; and

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

(2) After the voter affirms the information required in subsection (1)(c) of this section, the voter shall sign the "Provisional Ballot Signature Roster" and shall then proceed to a private area reserved for the voter to cast his or her provisional ballot.

(3) After casting his or her provisional ballot, the provisional voter shall:

(a) Place the voted provisional ballot in a blank secrecy envelope and seal the ballot within the secrecy envelope to ensure anonymity;

(b) Place the sealed secrecy envelope within an outer envelope;

(c) Place the required affirmation of subsection (1)(c) of this section within the outer envelope and seal the outer envelope; and

(d) Deposit the sealed outer envelope, with the contents therein, in the locked provisional ballot box in the presence of a precinct election officer.

(4) In order for the voter's provisional ballot to be validated and counted, the voter shall personally appear before the county clerk, not later than the close of business on the Friday immediately following a primary or an election, and either:

(a) Provide proof of identification as defined in Section 24 of this Act; or
(b) 1. The voter's Social Security Card, any identification card that has been
 issued by the county containing the name of the voter and which has been approved in writing by the State Board of Elections pursuant to administrative regulations promulgated under KRS Chapter 13A, any identification card with the voter's picture and signature, a credit card with the name of the voter stated, or a debit card with the name of the voter stated; and

2. Affirm to one (1) of the following impediments the provisional voter has to procure proof of identification:
   a. Lack of transportation;
   b. Inability to financially afford a copy of his or her birth certificate or other documents needed to obtain the proof of identification;
   c. Work schedule;
   d. Lost or stolen identification;
   e. Disability or illness;
   f. Family responsibilities;
   g. The proof of identification has been applied for, but not yet received; or
   h. The voter has a religious objection to being photographed.

(5) Except as provided in subsection (6) of this section, the county board of elections, upon receiving the affirmation described in subsection (1)(c) of this section and paragraph (b)2. of subsection (4) of this section, if applicable, shall find that the provisional ballot is valid and direct that the ballot be opened and processed in accordance with this chapter.

(6) If the following factors have occurred, the county board of elections shall determine that the provisional ballot is invalid and shall reject the provisional ballot:
(a) The affirmations described in subsection (1)(c) or (4)(b)2. of this section, if applicable, have not been executed, the signature on the affirmation does not match the signature of the voter as it appears on the registration card, or the affirmation is left unsigned;
(b) The provisional voter is not a qualified voter of the precinct, under Section 18 of this Act;
(c) The provisional voter is not registered to vote; or
(d) The provisional voter is unable to provide proof of identification as required in paragraph (a)1. of subsection (4) of this section.

Section 3. KRS 116.065 is amended to read as follows:
Each application for registration, change of affiliation, transfer of registration, provisional ballot, or absentee ballot or provisional absentee ballot, as absentee ballots and provisional absentee ballots are provided for by Sections 2 and 5 of this Act and KRS 117.085, shall be verified by a written declaration by the applicant that it is made under the penalties of perjury.

Section 4. KRS 117.066 is amended to read as follows:
(1) In the case of a precinct comprised of a small number of registered voters, the county board of elections may, pursuant to KRS 117.055, utilize the facilities of another precinct as a voting location. Additionally, the county board of elections may petition the State Board of Elections to allow the precinct election officers of the larger precinct to serve as precinct election officers for the precinct that is the subject of the petition. The petition shall designate both the smaller precinct and the larger precinct with which it is to be included, the type of voting machine or machines to be used, and whether supplemental paper ballots are to be used. The petition shall contain a full explanation of the reasons why inclusion is desirable.
(2) If the petition submitted pursuant to subsection (1) of this section is approved by the State Board of Elections, the election shall be conducted according to the following
provisions:

(a) One voting machine may be utilized for both precincts if the State Board of Elections certifies that separate ballots may be placed upon the voting machine to be used without endangering the integrity of the ballots or without violating any other election law. Otherwise, separate voting machines shall be used for each precinct. In the instance of a precinct which has a small number of voters such that the use of a separate voting machine would be cost-prohibitive, the county clerk may make application to the State Board of Elections to use supplemental paper ballots under KRS 118.215 to conduct the voting for the small precinct on election day. If the use of supplemental paper ballots is approved by the State Board of Elections, at the close of voting on election day, the locked supplemental paper ballot box shall be transported to the county board of elections along with the provisional ballot box and ballots shall be counted by the county board of elections as provided by KRS 117.275(10) to (14){(13)};

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

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

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

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

(2) If the voter does not submit a copy of his or her proof of identification, and the voter otherwise qualifies to receive a mail-in absentee ballot, the county clerk shall mail to the voter a mail-in absentee ballot and a voter affirmation described in subsection (1)(c) of Section 1 of this Act, two (2) official envelopes for returning the ballot and affirmation, and instructions for voting a mail-in absentee ballot.

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

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

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

1. A resident of Kentucky who is a covered voter as defined in KRS 117A.010;
2. A student who temporarily resides outside the county of his or her residence;
3. Incarcerated in jail and charged with a crime, but has not been convicted of the crime;

4. Changing or has changed his or her place of residence to a different state while the registration books are closed in the new state of residence before an election of electors for President and Vice President of the United States, in which case the voter shall be permitted to cast a mail-in absentee ballot for electors for President and Vice President of the United States only;

5. Temporarily residing outside the state but still eligible to vote in this state;

6. Prevented from voting in person at the polls on election day and from casting an in-person absentee ballot in the county clerk's office on all days in-person absentee voting is conducted because his or her employment location requires him or her to be absent from the county of his or her residence all hours and all days in-person absentee voting is conducted in the county clerk's office;

7. A participant in the Secretary of State's crime victim address confidentiality protection program as authorized by KRS 14.312; or

8. Not able to appear at the polls on election day on the account of age, disability, or illness, and who has not been declared mentally disabled by a court of competent jurisdiction.

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

(c) In-person absentee voting shall be conducted in the county clerk's office or other place designated by the county board of elections and approved by the State Board of Elections during normal business hours for at least the twelve (12) working days before the election. A county board of elections may permit in-person absentee voting to be conducted on a voting machine for a period longer than the twelve (12) working days before the election.

(d) A qualified voter may, at any time during normal business hours on those days in-person absentee voting is conducted in the county clerk's office, make application in person to the county clerk to vote on a voting machine in the county clerk's office or other place designated by the county board of elections and approved by the State Board of Elections, if the voter provides proof of identification as defined in Section 24 of this Act or complies with the requirements of Sections 1 or 2 of this Act, and the voter:

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

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

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

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

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

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

7. Has not been declared mentally disabled by a court of competent jurisdiction and, on account of age, disability, or illness, is not able to appear at the polls on election day; or

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

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

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

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

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

(2) The county clerk shall type the name of the voter permitted to vote by mail-in
absentee ballot on the mail-in absentee ballot application form for that person's use
and no other. The mail-in absentee ballot application form shall be in the form
prescribed by the State Board of Elections, shall bear the seal of the county clerk,
and shall contain the following information: name, residential address, precinct,
party affiliation, statement of the reason the person cannot vote in person on
election day, statement of where the voter shall be on election day, statement of
compliance with residency requirements for voting in the precinct, and the voter's
mailing address for a mail-in absentee ballot. The mail-in absentee ballot
application form shall be verified and signed by the voter, and the voter shall
provide a copy of his or her proof of identification, as defined in Section 24 of
this Act, with the application. A notice of the actual penalty provisions in KRS
117.995(2) and (5) shall be printed on the mail-in absentee ballot application form.

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

(b) If the voter is unable to provide a copy of his or her proof of identification
with the application, and the voter otherwise qualifies to receive a mail-in
absentee ballot, the county clerk shall mail to the voter a mail-in absentee
ballot and the voter affirmation described in subsection (1)(c) of Section 1
of this Act, two (2) official envelopes for returning the ballot and affirmation, and instructions for voting a mail-in absentee ballot.

(c) The county clerk shall complete a postal form for a certificate of mailing for mail-in absentee ballots mailed within the fifty (50) states, and it shall be stamped by the postal service when the mail-in absentee ballots are mailed. A mail-in absentee ballot may be transmitted by facsimile machine or by the electronic transmission system established under KRS 117A.030(4) to a covered voter as defined in KRS 117A.010. The covered voter shall be notified of the options for transmittal of the mail-in absentee ballot, and the mail-in absentee ballot shall be transmitted by the method chosen for receipt by the resident of Kentucky who is a covered voter.

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

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

(6) The outer envelope shall bear the words "Absentee Ballot" and the address and official title of the county clerk and shall provide space for the voter's signature, voting address, precinct number, and signatures of two (2) witnesses if the voter signs the form with the use of a mark instead of the voter's signature. The mail-in absentee affirmations shall be included with the voter's mail-in absentee ballot.

The mail-in absentee affirmations shall be returned within the outer envelope to
ensure anonymity of the cast mail-in absentee ballot. A detachable flap on the secrecy[inner] envelope shall provide space for the voter's signature, voting address, precinct number, signatures of two (2) witnesses if the voter signs the form with the use of a mark instead of the voter's signature and notice of penalty provided in KRS 117.995(5). The county clerk shall type the voter's address and precinct number in the upper left hand corner of the outer envelope and of the detachable flap on the secrecy[inner] envelope immediately below the blank space for the voter's signature. The secrecy[inner] envelope shall be blank. The county clerk shall retain the mail-in ballot application form and the postal form required by subsection (3) of this section for twenty-two (22) months after the election.

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

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

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

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

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

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

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

(1) (a) The voter returning his or her absentee ballot by mail shall mark his or her
ballot, seal it in the secrecy envelope, and then seal the outer envelope with the voter affirmation, if applicable, described in subsection (1)(c) of Section 1 of this Act, and mail it to the county clerk as shall be provided in this chapter.

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

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

(a) Any voter qualifying to vote in the county clerk's office or other place designated by the county board of elections, and approved by the State Board of Elections, who receives assistance to vote shall complete the voter assistance form required by KRS 117.255;[1] and

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

(c) Any voter qualifying to vote in the county clerk’s office or other place designated by the county board of elections and approved by the State Board of Elections, who is unable to provide proof of identification as defined in Section 24 of this Act, may cast a provisional in-person absentee ballot in accordance with Section 2 of this Act. Provisional in-person absentee ballots and accompanying provisional in-person absentee voter affirmations
shall be kept in a separate ballot box marked as containing provisional absentee ballots under this paragraph. Any voter casting a provisional in-person absentee ballot under this paragraph shall sign a "Provisional Absentee Ballot Signature Roster" and his or her in-person affirmation and vote shall be processed in accordance with Section 2 of this Act.

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

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

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

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

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

(a) Return their absentee ballots by mail; or

(b) Cast their ballots in the county clerk's office or other place designated by the county board of elections and approved by the State Board of Elections; and

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

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

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

Section 9.  KRS 117.0863 is amended to read as follows:

(1) Except for those voters who have been certified as requiring assistance in voting on a permanent or annual basis, any person voting by means of an mail-in absentee ballot [by mail] or on the voting machine in the county clerk's office or other place designated by the county board of elections, and approved by the State Board of Elections, as provided in this chapter who receives assistance in voting shall be required to complete the voter assistance form required by KRS 117.255.

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

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

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

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

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

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

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

(2) The county board of elections shall count the absentee ballots returned by mail and
the votes cast on the voting machine in the county clerk's office or other place designated by the county board of elections and approved by the State Board of Elections. **Provisional in-person absentee ballots shall be processed in accordance with Section 2 of this Act.** The board may appoint a central ballot counting board of not less than three (3) members, who shall be qualified voters and no more than two-thirds (2/3) of whom shall be members of the same political party, to count the ballots at the direction of the county board of elections.

(3) Beginning at 8 a.m. on election day, the board shall meet at the **county** clerk's office to count the absentee ballots returned by mail and the ballots cast on the voting machine in the county clerk's office or other place designated by the county board of elections and approved by the State Board of Elections. Candidates or their representatives shall be permitted to be present. The county board of elections shall authorize representatives of the news media to observe the counting of the ballots. The board shall open the boxes containing absentee ballots returned by mail and remove the envelopes one (1) at a time. As each envelope is removed, it shall be examined to ascertain whether the outer envelope and the detachable flap are in proper order and have been signed by the voter, **or in the instance of a mail-in absentee ballot with a voter affirmation, whether the affirmation has been signed and executed.** A person having power of attorney for the voter and who signs the detachable flap and outer envelope for the voter shall complete the voter assistance form required by KRS 117.255. The signatures of two (2) witnesses are required if the voter signs the form with the use of a mark instead of the voter's signature. All unsigned **mail-in absentee ballots, or unsigned affirmations with accompanying mail-in absentee ballots,** shall be rejected automatically. The chair \(\text{chair}\) of the county board of elections shall compare the signatures on the outer envelope, \(\text{and}\) the detachable flap, **and the voter affirmation if applicable,** with the signature of the voter that appears on the registration card. If the outer envelope, \(\text{and}\) the
detachable flap, and the voter affirmation if applicable, are found to be in order, the chair shall read aloud the name of the voter. If the vote of the voter is not rejected on a challenge then made as provided in subsection (4) of this section, the chair shall remove the detachable flap and place the secrecy envelope unopened in a ballot box which has been provided for the purpose.

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

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

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

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

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

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

(2) Each county clerk shall have printed a sufficient number of paper absentee ballots and voter affirmations. The voter affirmation and the absentee ballot shall be used for voting by absent voters; by precinct officers who have been assigned to a precinct other than their own; by members of a county board of elections; by voters so disabled by age, infirmity, or illness as to be unable to appear at the polls; and for voting in an emergency situation. The provisional absentee ballot shall indicate that the ballot is a provisional absentee ballot. The provisional absentee ballot stubs and the absentee ballot stubs shall be consecutively numbered, and the county board shall keep a record, by number, of all provisional absentee ballots and all absentee ballots used for any of the purposes listed in this subsection.

(3) Each county clerk shall have printed a sufficient number of provisional ballots, which shall have the same form as the absentee ballots, and provisional voter affirmations. A provisional ballot shall indicate that the ballot is a provisional ballot and not an absentee ballot. The provisional ballot stubs shall be consecutively numbered, and the county board of elections shall keep a record, by
number, of all provisional ballots used for votes cast by provisional voters.

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

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

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

The county clerk shall, with the county attorney, prepare a sufficient number of instruction cards containing a diagram showing the front of the voting machine as it will appear on the day of the election, instructions as to the proper method of voting by the use of the machine, and instructions as to the proper method of casting a write-in vote. For provisional ballots and supplemental paper ballots, if have been approved as provided in KRS 118.215, the instruction cards shall indicate the offices, candidates, and questions which will appear on the provisional ballots and supplemental paper ballots, and the instructions for marking and depositing the supplemental paper ballots, and instructions for filling out the provisional ballot and voter affirmation described in Section 2 of this Act. The cards shall be examined and approved by the county board of elections at the time the machines are examined and approved. The cards shall be delivered to each election clerk by the county clerk at the time that other election supplies are delivered and the election clerk shall post the card at the polling place.

Section 14. KRS 117.187 is amended to read as follows:
(1) The State Board of Elections shall regularly provide special training regarding the election laws and methods of enforcement to all members of county boards of elections, county attorneys, Commonwealth's attorneys, and certain members of the Department of Kentucky State Police.

(2) The county board of elections shall provide special training before each primary and regular election, and any special election held during a year in which no elections are scheduled, to all election officers, alternates, and certified challengers regarding their duties and the penalties for failure to perform. Election officers, including alternates, and certified challengers shall attend the training session, unless excused by the county board of elections for reason of illness or other emergency. Any person who fails to attend a training session without being excused shall be prohibited from serving as an election officer or challenger for a period of five (5) years. The training provided by the county board of elections shall include but not be limited to the following:

(a) Operation of the voting machine or ballot cards;
(b) Posting of necessary signs and notices at the polling place;
(c) Voter assistance;
(d) Maintaining precinct rosters;
(e) Confirmation of a voter's identity;
(f) Challenge of a voter;
(g) Completing changes of address or name at the polling place;
(h) Qualifications for voting in a primary election;
(i) Electioneering and exit polling;
(j) Write-in voting procedures;
(k) Persons who may be in the voting room;
(l) Election violations and penalties;
(m) Assistance which may be provided by law enforcement officers;
(n) Election reports;
(o) Disability awareness;
(p) Provisional voting and provisional absentee voting process;
(q) Election emergency contingency plan; and
(r) Elections and voting equipment security plan; and

(s) Proof of identification.

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

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

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

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

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

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

(a) A sufficient number of ballots, and supplemental paper ballots if approved.
(b) A sufficient number of voting booths for voting provisional ballots, and supplemental paper ballots if approved;

(c) A sufficient amount of string and rubber stamps for marking "Spoiled" and "Unused" ballots;

(d) A locked ballot box for provisional ballots, and a separate locked ballot box for supplemental paper ballots if approved, for each precinct; and

(e) A sufficient number of provisional voter ballots and voter affirmations described in subsection (1)(c) of Section 2 of this Act.

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

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

(1) Any person desiring to vote on election day shall give his or her name and address to the clerk of the election and shall provide proof of identification as defined in Section 24 of this Act.

(2) If the voter's name is listed on the precinct list furnished by the State Board of Elections as provided in KRS 117.025, but the voter is unable to provide proof of identification, the voter may vote a provisional ballot under Section 2 of this Act as a provisional voter.

(3) A voter who votes in person at a precinct polling place that is located at a state licensed care facility where the voter resides is not required to provide proof of identification before voting in an election.

(4) If the voter's name is listed on the precinct list furnished by the State Board of Elections as provided in KRS 117.025, the voter provides proof of identification, the voter is exempt pursuant to subsection (3) of this section, or the voter satisfies the requirements of Section 1 or 2 of this Act, and if no challenge is
made, then he or she shall sign his or her name on the precinct list in the space opposite his or her printed name. The voter's signature shall constitute his verification that he is a properly registered and qualified voter. The voter shall then retire alone to cast his or her vote on the voting machine. The county board of elections may provide to each precinct the original registration form of each voter entitled to vote in that precinct. These forms shall be used to compare signatures in those precincts to which the forms are provided.

(5) If supplemental paper ballots are used, as provided in KRS 118.215, after voting on the voting machine the voter shall take the supplemental paper ballot with the stub intact and retire alone to the voting booth provided for voting paper ballots. After voting the supplemental paper ballot, the voter shall remove the numbered stub, hand the stub to an election officer and deposit the voted ballot in the locked supplemental paper ballot box in the presence of a precinct election officer.

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

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

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

(1) The fact that a person is registered constitutes only prima facie evidence of his or her right to vote and does not prevent the officers of any election from refusing to allow him or her to vote for cause.
(2) When the officers of an election disagree as to the qualifications of a voter or if his or her right to vote is disputed by a challenger other than for failure to provide proof of identification as defined in Section 24 of this Act, the voter shall sign a written oath as to his or her qualifications before he or she is permitted to vote. The oath shall be in such form prescribed and furnished by the State Board of Elections pursuant to administrative regulations promulgated under KRS Chapter 13A. Twenty (20) printed copies of these oaths shall be included in the election supplies of each precinct.

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

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

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

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

(2) Except for those voters who have been certified as requiring assistance on a permanent basis, no voter shall be permitted to receive any assistance in voting at the polls unless the voter makes and signs an oath that, because of blindness, other physical disability, or an inability to read English, the voter is unable to vote without assistance. The oath shall be upon a voter assistance form prescribed and furnished by the State Board of Elections pursuant to administrative regulations.
regulations promulgated under KRS Chapter 13A. Any person assisting a voter shall complete the voter assistance form.

(3) Upon making and filing the oath with the precinct clerk, the voter requiring assistance shall retire to the voting machine or ballot completion area with the precinct judges, and one (1) of the judges shall, in the presence of the other judge and the voter, operate the machine or complete the ballot as the voter directs. A voter requiring assistance in voting may, if the voter prefers, be assisted by a person of the voter's own choice who is not an election officer, except that the voter's employer, an agent of the voter's employer, or an officer or agent of the voter's union shall not assist a voter.

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

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

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

(7) No voter shall be permitted to occupy the voting machine more than two (2)
minutes if other voters are waiting to use it, except that those voters who because of
a disability need extra time to cast a ballot shall be given a reasonable amount of
time to vote.

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

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

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

(11) For voters voting as provisional voters, or if supplemental paper ballots have been
approved as provided in KRS 118.215, the voter shall vote his or her provisional
or supplemental ballot in privacy in a booth provided for that purpose by the county
clerk. If the voter spoils his or her ballot, the voter shall return the spoiled
paper ballot to an election officer who shall stamp the ballot "Spoiled,"
initial and place the spoiled ballot in an envelope provided for that purpose. The
voter shall be issued a second provisional or supplemental paper ballot. Upon
completion of voting, the voter shall remove the numbered stub from the ballot,
hand the stub to an election officer and deposit the voted ballot in the
appropriate locked ballot box in the presence of a precinct election
officer.
(12) The election sheriff shall be responsible for reporting violations of this section. 

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

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

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

(3) A person shall not be eligible as a write-in candidate:
(a) For more than one (1) office in a regular or special election; or

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

1. Death;
2. Disqualification to hold the office sought;
3. Severe disabling condition which arose after the nomination; or
4. The nomination of an unopposed candidate.

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

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

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

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

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

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

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

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

(c) The number registered on the protective or accumulative counter or device, if any; and

(d) The number or other designation of the voting equipment, which certificate shall be returned by the judges of election to the officials authorized by law to receive it. The judges shall compare the number of voters, as shown by the counter of the voting equipment, with the number of those who have voted as shown by the protective or accumulative counter or device, if any.

(3) Where voting equipment is used which does not print the candidates' names along with the total votes received on a general return sheet or record for that equipment, the procedure to be followed shall be as follows:

(a) The judges, in the presence of the representatives mentioned in subsection (1) of this section, if any, and of all other persons who may be lawfully within the polling place, shall give full view of all the counter numbers;

(b) The judges shall enter, in ink, the total votes cast for each candidate, and slate of candidates, and for and against each question on the return sheets; and

(c) Each precinct election officer shall sign the return sheets, and a copy of the return sheets shall be posted on the precinct door.

(4) Where voting equipment is used that prints the candidates' names along with the total votes received on a return sheet or record for that equipment, the precinct election officers shall sign the return sheets or record for the voting equipment,
which shall be posted on the door of the precinct.

(5) If any officer shall decline to sign the return sheets, he or she shall state the reason in writing, and a copy thereof, signed by the officer, shall be enclosed with the return sheets.

(6) Each of the return sheets, if applicable, and the record of the voting equipment shall be enclosed in an envelope. One (1) copy of the return sheets, if applicable, one (1) copy of the record of the voting equipment, and the write-in roll, if any write-in votes were cast in the precinct, shall be directed to the county board of elections of the county in which the election is being held. One (1) copy of the return sheets or record of the voting equipment shall be given to the county clerk of the county in which the election is being held and to each of the local governing bodies of the two (2) dominant political parties, but a local governing body of a dominant political party may decline a copy of the precinct election return by filing a written declination with the county board of elections prior to the election, and upon this declination, a printed copy shall not be issued to the political party so declining. The declination on file shall be effective for that election and any subsequent elections until revoked by the local governing body of a dominant political party by filing a written revocation with the county board of elections. The envelope shall have endorsed thereon a certificate of the election officers, stating the number of the machine, the precinct where it has been used, the number on the seal, and the number on the protective or accumulative counter or device at the close of the polls.

(7) Following the tabulation of all votes cast in the election, including absentee votes and write-in votes, the county board shall mail a copy of the precinct-by-precinct summary of the tabulation sheets showing the results from each precinct to the State Board of Elections and the county clerk shall mail or deliver the precinct signature rosters from each precinct to the State Board of Elections during the period established by KRS 117.355(3).
(8) As soon as possible after the completion of the count, the two (2) judges shall return to the county board of elections the keys to the voting machine received and receipted for by them, and the county clerk in which the precinct is located shall have the voting machine properly boxed or securely covered and removed to a proper and secure place of storage.

(9) In primaries, each candidate, slate of candidates, or group of candidates may designate to the county board of elections a representative to witness and check the vote count. In regular elections, the governing authority of each political party, each candidate for member of board of education, nonpartisan candidate, independent candidate, or independent ticket may designate a representative to the county board of elections to witness and check the vote count. The county board of elections shall authorize representatives of the news media to witness the vote count.

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

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

(12) Following the period for verification of provisional ballots established in Section 2 of this Act, the county board of elections shall tabulate the valid provisional ballots. The results of the vote tally shall be certified by the county board of
elections to the county clerk and to the Secretary of State. The county board shall
mail a copy of the precinct-by-precinct summary of the valid provisional ballot
tabulation sheets showing the results from each precinct to the State Board of
Elections.

(13) The county board of elections shall authorize the candidates, slates of
candidates, or their representatives, and representatives of the news media to be
present during the counting of the supplemental and provisional paper ballots.

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

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

(1) The canvass and returns provided for in KRS 117.275 shall constitute the official
returns of the precinct, unless before 4 p.m. on the Tuesday following a primary or
regular election, or before 4 p.m. on the Tuesday following a special election
held for the purpose of filling a vacancy, the county clerk or county board of
elections takes notice of a discrepancy in the tally of votes cast in any precinct or
number of precincts, or a candidate makes a written request to the county board of
elections in the case of a candidate who has filed with the county clerk, or the
Secretary of State in the case of a candidate who has filed with the Secretary of
State, to check and recanvass the voting machines, valid provisional ballots, valid
provisional absentee ballots, and absentee ballots of any precinct or any number of
precincts involving his or her race. After this time period has elapsed and notice is
taken, the county board of elections shall assemble at 9 a.m. on the Thursday following the filing deadline to request a recanvass, and not sooner, and recheck and recanvass each machine and make a proper return thereof to the county clerk, and the canvass and return shall become the official returns for the election.

In making the recanvass, the board shall make a record of the number of the seal upon the voting machine and, without unlocking the machine against voting, recanvass the vote cast thereon. If, after a recanvass, it is found that the original canvass of the returns has been correctly made from the machine, and that there still remains a discrepancy unaccounted for, this discrepancy shall be noted. If, upon recanvass, it appears that the original canvass of the returns by the election officers was incorrect, the returns and all papers being prepared by the board shall be corrected accordingly. The county board of elections shall, immediately upon receipt of a request for a recanvass, notify each candidate for the office of the time and place of the recanvass. At the recanvass, each political party represented on the board may appoint a representative there to be its governing body, and also each candidate to be voted for may be present, either in person or by a representative or both. The county board of elections shall authorize representatives of the news media to observe the recanvass of the votes cast on the voting machine in each precinct. Nothing in this section shall prohibit an individual from requesting, in addition to a recanvass, a recount as authorized by KRS Chapter 120.

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

(a) The name of the county in which the recanvass was conducted;

(b) The date of the report;

(c) The date of the election;

(d) The office for which the recanvass was conducted;
The names of each candidate for the office being recanvassed; and

The machine votes, absentee votes, valid provisional votes, valid provisional absentee votes, and vote totals for each candidate, as well as write-in votes cast in a regular or special election for candidates whose names did not appear on the ballot.

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

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

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

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

Upon the first day a grand jury convenes after a primary, regular election, or special election, the county clerk shall present to the grand jury all voter assistance forms, all applications for absentee ballots, and all voter affirmations accompanying provisional absentee ballots which shall have been completed in the immediately preceding primary, regular election, or special election. The county clerk may photocopy applications for absentee ballots, voter affirmations accompanying provisional absentee ballots, and voter assistance forms, certify them as true copies of the originals, and present the grand jury with those certified copies instead of the originals. The county clerk shall retain all applications for absentee ballots, voter affirmations accompanying provisional absentee ballots, and one (1) copy of each voter assistance form as part of the records of the office and shall produce certified copies of any or all of them, when required, to any subsequent grand jury.

Section 24. KRS 117.375 is amended to read as follows:
As used in this chapter, unless the context otherwise requires:

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

2. "Automatic tabulating equipment" means apparatus necessary to automatically examine and count votes as designated on ballots and data processing machines which can be used for counting ballots and tabulating results.

3. "Voting device" means either an apparatus in which paper ballots or ballot cards are used in connection with an implement by which a voter registers his or her votes with ink or other substance or by punching, or an apparatus by which such votes are registered electronically, so that in either case the votes so registered may be computed and tabulated by means of automatic tabulating equipment.

4. "Ballot card" means a tabulating card on which votes may be recorded by a voter by use of a voting punch device or by marking with a pen or special marking device.

5. "Ballot label" means the cards, papers, booklet, pages or other material on which appear the names of candidates and the questions to be voted on by means of ballot cards or voting machines.

6. "Ballot" or "official ballot" means the voting machine ballot label, ballot cards, paper ballots, an absentee ballot, a provisional ballot, a provisional absentee ballot, or a supplemental paper ballot which has been authorized for the use of voters in any primary or regular, or special election by the Secretary of State or the county clerk.

7. "Voting punch device" means an apparatus in which ballots or ballot cards are inserted for the piercing of ballots by the voter. The hole may be in the form of a round dot, rectangle, square, or any other shape that will clearly indicate the intent of the voter.

8. "Vote marking device" means any approved device for marking a paper ballot with
ink or other substance which will enable the ballot to be tabulated by means of
automatic tabulating equipment.

(9) "Secrecy envelope" means the envelope handed to the voter with his or her ballot
into which the voter shall place his or her voted ballot cards.

(10) "Precinct ballot counter" means an automatic tabulating device used at the precinct
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 was issued by:

(a) 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 on the individual's voter registration
      card; and

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

(b) The United States Department of Defense, a branch of the uniformed
    services, the Merchant Marines, or the Kentucky National Guard, and if the
    document complies with the requirements of paragraph (a) 1. and 2. of this
    subsection; or

(c) 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 card;
      and

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

(13) "Provisional voter" means a person:

(a) Who is registered to vote:
(b) Whose name appears on the precinct roster;

(c) Who has not provided proof of identification to the precinct election officer before voting; and

(d) Who elects to proceed with provisional voting under Section 2 of this Act.

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

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

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

(1) Achieve and maintain the maximum degree of correctness, impartiality, and efficiency of the procedures of voting;

(2) Count, tabulate, and record votes;

(3) Establish a method for placing items on the electronic voting device, which shall, as closely as possible, follow the requirements pertaining to ballot labels;

(4) Design the ballot cards and provisional ballot cards, including a numerical system to ensure an accurate record of all voting activities;

(5) Instruct voters in the use of the voting device;

(6) Provide for checking the accuracy of the equipment;

(7) Provide necessary supplies, including those necessary for a write-in vote and secrecy envelopes for punch cards or data processing cards to insure voter privacy;

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

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

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

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

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

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

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

1. Insert his or her ballot contained in the secrecy envelope provided and deposit the emptied ballot container envelope with the election officer presiding over the ballot counter; or
2. Deposit the ballot in the ballot box for processing by a precinct election officer after the polls close.

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

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

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

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

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

(5) Any person who signs a name other than his or her own on an application for an absentee ballot, or on the verification form for the ballot, or on an emergency absentee ballot affidavit, or a voter affirmation, or any person who votes an absentee ballot other than the one issued in his or her name, or any person who applies for the ballot for the use of anyone other than himself or herself or the person designated by the provisions of this chapter, or any person who makes a
false statement on an application for an absentee ballot or on an emergency absentee ballot affidavit shall be guilty of a Class D felony.

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

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

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

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

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

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

(1) A "political party" is an affiliation or organization of electors representing a political policy and having a constituted authority for its government and regulation, and whose candidate received at least twenty percent (20%) of the total vote cast at the last preceding election at which presidential electors were voted for;

(2) The word "election" used in reference to a state, district, county, or city election,
includes the decisions of questions submitted to the qualified voters as well as the choice of officers by them;

(3) A "ballot" or "official ballot" means the voting machine ballot label, ballot cards, paper ballots, an absentee ballot, a provisional ballot, a provisional absentee ballot, or a supplemental paper ballot which has been authorized for the use of the voters in any primary or regular, or special election by the Secretary of State or the county clerk;

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

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

(6) "Voting machine" or "machine" shall include lever machines and, as far as applicable, any electronic or electromechanical unit and supplies utilized or relied upon by a voter in casting and recording his or her votes in an election;

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

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

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

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

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

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

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

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

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

(e) Independent candidates who have been nominated by petition as provided in KRS 118.315, and whose petitions of nomination have been filed with the Secretary of State or the appropriate county clerk within the time prescribed in this chapter;

(f) Successful nominees of all nonpartisan primaries which shall have been
conducted;

(g) Candidates who have filed a petition of candidacy as shall be required to fill a vacancy which shall appear on the ballot;

(h) The county clerk shall determine whether the name of any replacement candidate who has been nominated as provided in KRS 118.105(5) may be placed on the machine ballot or ballot cards and whether the voting machine may be reprogrammed to count the votes cast for that candidate or whether the ballot or ballot cards must be reprinted to accommodate votes cast for any replacement candidate and shall take the appropriate action to accommodate the replacement of any candidate. If the county clerk determines that the name of any replacement candidate cannot be accommodated on the existing ballot or ballot cards and if there is insufficient time before the election to reprint the entire ballot, the county clerk shall request approval to use supplemental paper ballots for voting for that office only in the same manner as permitted for other situations as provided in KRS 118.215(5), and, if approved, shall have an adequate number of supplemental paper ballots printed for voting for that office and only votes cast for that office by means of the supplemental paper ballots, in addition to any provisional ballots, shall be tabulated and recorded by the precinct election officers and county board of elections. All actions by a county clerk, the State Board of Elections, and the Secretary of State which are necessary to provide for voting at a regular election for candidates nominated pursuant to KRS 118.105(5) shall be carried out with all possible speed. When a candidate has been replaced as provided in KRS 118.105(5) after absentee and provisional absentee ballots have been printed and distributed for the regular election, neither the precinct election officers nor the county board of elections shall tabulate or record any absentee or provisional absentee votes cast for the candidate who was replaced. If ballots
are reprinted or supplemental paper ballots are printed, or if voting machines
must be reprogrammed to count the votes cast for a replacement candidate, the
costs for the printing and reprogramming shall be paid by the political party
who has nominated a replacement candidate, or proportionately by each
political party if each party nominates a replacement candidate;
(i) Candidates for President and Vice President of the United States, of those
political parties and organizations who have nominated presidential electors as
provided in KRS 118.325, if the certificate of nomination of the electors has
been filed with the Secretary of State within the time prescribed in this
chapter;
(j) Candidates for soil and water district supervisors who have been nominated
by petition as provided in KRS 262.210; and
(k) Candidates for city office for which no nonpartisan primary has been
conducted in a city which requires nonpartisan city elections.
(2) Any candidate for city office who is defeated in a partisan or nonpartisan primary
shall be ineligible as a candidate for the same office in the regular election.
(3) Candidates for members of boards of education shall have their names printed on
ballot labels, *provisional ballots, provisional absentee ballots*, and absentee ballots
for the regular election only after filing as provided in KRS 160.220.
(4) Except as provided in KRS 118.105 and 118.115, no candidate's name shall be
printed upon the ballot labels, *provisional ballots, provisional absentee ballots*, and
absentee ballots for any regular election as the nominee of any political party, as
defined in KRS 118.015, or under the emblem of any political party, as so defined,
except those candidates who have been duly and regularly nominated as nominees
of that party at a primary held as provided in this chapter.
(5) No county clerk shall knowingly cause to be printed, upon the ballot labels,*
*provisional ballots, provisional absentee ballots*, or absentee ballots for any regular
election, the name of any candidate of a political party, as defined in KRS 118.015, who has not been nominated in the manner provided in the [primary election] laws governing primaries or the name of any candidate who is not in compliance with the restrictions concerning party registration and candidacy provided in of KRS 118.315(1).

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

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

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

Section 30. KRS 118.425 is amended to read as follows:

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

(2) Except as provided in subsection (3) of this section, not later than the second Monday after the election, the county board of elections shall issue certificates of election where the successful candidate was voted for by the electors of one (1) county, or of a district less than one (1) county, except members of Congress, members of the General Assembly, and designated officers filing with the Secretary
of State. The right to contest or recount an election in accordance with KRS Chapter 120 shall not be impaired. The county board of elections of the candidate's residence shall issue certificates of election where the successful candidate was voted for by the electors of a city or school district whose boundaries extend beyond those of a single county. The board shall forward the certificate to the elected candidate. If the board finds that two (2) or more candidates have received the highest and equal number of votes for the same office, the board shall determine by lot which of the candidates is elected.

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

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

The county clerk shall keep one (1) of the certificates in his or her office. He or she shall not later than three (3) days after receiving the certificate from the board, forward the other certificate by mail to the Secretary of State who shall deliver it to the State Board of Elections.

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

(6) The certificate of election shall be issued to the candidate receiving the highest number of votes in the territory from which the election is to be made. If two (2) or more persons are found to have received the highest and an equal number of votes for the same office, the election shall be determined by lot in the manner the board directs, in the presence of not less than three (3) other persons. In the case of elections for electors of President and Vice President of the United States, the board shall issue a certificate of election to each elector of the political party or organization whose candidates for President and Vice President received the highest
number of votes and the determination by the board that the candidates of any political party or organization for President and Vice President have received the highest number of votes shall constitute a determination that the electors nominated by that party have been elected.

Section 31. KRS 118.405 is amended to read as follows:

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

Section 32. KRS 118A.010 is amended to read as follows:

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

(1) "Ballot" or "official ballot" means the voting machine ballot label, ballot cards, paper ballots, an absentee ballot, a special ballot, a provisional ballot, a provisional absentee ballot, or a supplemental paper ballot which has been authorized for the use of the voters in any primary or regular, or special election by the Secretary of State or the county clerk;

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

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

(4) "Election" refers only to elections for offices of the Court of Justice; and

(5) "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 his vote in an election.

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

Section 33. KRS 118A.100 is amended to read as follows:

1. (1) Candidates for an unexpired term of a judicial office to be filled at a regular election shall be nominated at the primary next preceding the regular election in the manner prescribed in KRS 118A.060 if the vacancy occurs not later than the second Friday in December preceding the primary. If the vacancy occurs on or after that date, the election to fill the unexpired term shall be held in accordance with the procedures described in this section and Section 152 of the Constitution of Kentucky.

2. (2) If in a regular election for judicial office no candidates nominated as provided in KRS 118A.060 are available due to death, incapacity, or withdrawal, and the candidates have not been replaced as provided in KRS 118A.060, the election to fill the regular term shall be conducted in the manner prescribed in subsections (3) through (11) of this section.

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

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

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

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

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

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

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

(8) The ballot position of a candidate shall not be changed after the ballot position has been designated by the county clerk.

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

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

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

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

Section 34. KRS 118A.130 is amended to read as follows:

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

Section 35. KRS 118A.150 is amended to read as follows:

1. In certification of candidates for judicial office, no reference shall be made to political affiliation.
2. The Secretary of State shall not knowingly certify to the county clerk of any county the name of any candidate who has not filed the required nomination or candidacy papers, nor knowingly fail to certify the name of any candidate who has filed the required nomination or candidacy papers.
3. No county clerk shall knowingly cause to be printed on the ballot labels, provisional ballots, provisional absentee ballots, or absentee ballots for any election, the name of a candidate for an office of the Court of Justice who has not been certified in the manner specified in this chapter.
4. If, before the time of certification of candidates who will appear on the ballot provided for in this chapter, any candidate whose petition or certificate of nomination or petition for candidacy has been filed, dies or notifies the Secretary of State in writing, signed and properly notarized, that he or she will not accept the nomination or election, the Secretary of State shall not certify his or her name.
5. If, after the certification of candidates who will appear on the ballot, any candidate whose petition or certificate of nomination or petition for candidacy has been filed, dies or notifies the Secretary of State in the manner described in subsection (4) of this section, that he or she will not accept the nomination or election, the Secretary of State shall immediately notify the appropriate county clerk, and the county clerk
shall ensure that notice is provided to the appropriate precincts as provided in subsection (7) of this section.

(6) If after the certification of candidates who will appear on the ballot, any candidate whose name appears on the ballot shall withdraw or die, neither the precinct election officers nor the county board of elections shall tabulate or record the votes cast for the candidate; and, in a primary election, if there are only one (1) or two (2) remaining candidates on the ballot for that office, following the withdrawal or death of the other candidate or candidates, neither the precinct election officers nor the county board of elections shall tabulate or record the votes for the remaining candidate or candidates, and the officer with whom the remaining candidate or candidates has filed his or her nomination papers shall immediately issue and file in his or her office a certificate of nomination for that remaining candidate or candidates and send a copy to the remaining candidate or candidates.

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

Section 36. KRS 119.005 is amended to read as follows:

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

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

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

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

Section 37. KRS 120.005 is amended to read as follows:

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

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

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

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

Section 38. KRS 186.531 is amended to read as follows:

(1) As used in this section:

(a) "AOC Fund" means the circuit court clerk salary account created in KRS
27A.052;

(b) "GF" means the general fund;

c) "IP" means instruction permit;

(d) "License Fund" means the KYTC photo license account created in KRS 174.056;

e) "MC" means motorcycle;

(f) "MC Fund" means the motorcycle safety education program fund established in KRS 15A.358;

g) "OL" means operator's license; and

(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:

<table>
<thead>
<tr>
<th>Card Type</th>
<th>Fee</th>
<th>Road Fund</th>
<th>License Fund</th>
<th>AOC Fund</th>
<th>GF Fund</th>
<th>MC Fund</th>
</tr>
</thead>
<tbody>
<tr>
<td>OL (initial/renewal)</td>
<td>$48</td>
<td>$31</td>
<td>$7</td>
<td>$10</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>OL (Under 21)</td>
<td>$18</td>
<td>$8.50</td>
<td>$5</td>
<td>$4.50</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Any OL, MC OL, or combination</td>
<td>$18</td>
<td>$6</td>
<td>$5</td>
<td>$5</td>
<td>$2</td>
<td>$0</td>
</tr>
<tr>
<td>(duplicate/corrected)</td>
<td>$15</td>
<td>$5.25</td>
<td>$4</td>
<td>$4</td>
<td>$1.75</td>
<td>$0</td>
</tr>
<tr>
<td>Motor vehicle IP</td>
<td>$18</td>
<td>$6</td>
<td>$5</td>
<td>$5</td>
<td>$2</td>
<td>$0</td>
</tr>
<tr>
<td>Motorcycle IP</td>
<td>$18</td>
<td>$6</td>
<td>$5</td>
<td>$2</td>
<td>$1</td>
<td>$4</td>
</tr>
</tbody>
</table>
1 Motorcycle OL
2 (initial/renewal) $48 $19.50 $9 $9.50 $0 $10
3 Combination
4 vehicle/MC OL
5 (initial/renewal) $58 $28 $7 $13 $0 $10
6 PIDC
7 (initial/renewal) $28 $11 $8 $6 $3 $0
8 PIDC
9 (duplicate/corrected) $15 $6 $4 $3.50 $1.50 $0
10 (3) **Except as provided in subsection (9) of this section,** the fees imposed for standard
11 operator's licenses, instruction permits, and personal identification cards shall be as
12 follows. The fees received shall be distributed as shown in the table. The fees
13 shown, unless otherwise noted, are for an eight (8) year period:
14 Card Fee Road License AOC GF MC
15 Type Fund Fund Fund Fund
16 OL
17 (initial/renewal) $43 $28 $7 $8 $0 $0
18 OL (Under 21)
19 (Up to 4 years) $15 $7.50 $4 $3.50 $0 $0
20 Any OL, MC OL
21 or combination
22 (duplicate/corrected) $15 $5.25 $4 $4 $1.75 $0
23 Motor vehicle IP
24 (3 years) $15 $5 $4 $4 $2 $0
25 Motorcycle IP
26 (1 year) $15 $5 $4 $1 $1 $4
27 Motorcycle OL

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1  (initial/renewal)        $43  $17.50  $8    $7.50  $0    $10
2  Combination                        
3  vehicle/MC OL                      
4  (initial/renewal)        $53  $25   $7    $11  $0    $10
5  PIDC                                   
6  (initial/renewal)        $23   $8    $8    $4    $3    $0
7  PIDC                                   
8  (duplicate/corrected)   $15   $6    $4    $3.50  $1.50  $0
9  PIDC                                   
10 (no fixed address)                       
11  KRS 186.4122(5) and                    
12  186.4123(5)        $10   $0    $5    $5    $0    $0
13  (4) The fee for a second or subsequent duplicate personal identification card for a
14  person who does not have a fixed, permanent address, as allowed under KRS
15  186.4122(5) and 186.4123(5), shall be the same as for a duplicate regular personal
16  identification card.
17  (5) The fee for a four (4) year original or renewal license issued pursuant to KRS
18  186.4101 shall be fifty percent (50%) of the amount shown in subsections (2) and
19  (3) of this section. The distribution of fees shown in subsections (2) and (3) of this
20  section shall also be reduced by fifty percent (50%) for licenses that are issued for
21  four (4) years.
22  (6) Any fee for any identity document applied for using alternative technology under
23  KRS 186.410 and 186.4122 shall be distributed in the same manner as a document
24  applied for with the circuit clerk.
25  (7) (a) An applicant for an original or renewal operator's license, commercial driver's
26  license, motorcycle operator's license, or personal identification card shall be
27  requested by the clerk to make a donation to promote an organ donor program.
(b) A donation under this subsection shall be two dollars ($2) for any license or card with an eight (8) year term, and one dollar ($1) for any license or card with a term of less than eight (8) years.

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

(d) The fee shall be paid to the circuit clerk and shall be forwarded by the clerk on a monthly basis to the Kentucky Circuit Court Clerks' Trust for Life, and such moneys are hereby appropriated to be used exclusively for the purpose of promoting an organ donor program. A donation under this subsection shall be voluntary and may be refused by the applicant at the time of issuance or renewal.

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

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

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

(9) There shall be no fee assessed for the initial, renewal, or duplicate standard personal identification card to an individual, if the individual:

(a) Does not possess a valid operator's license or a commercial driver's license; and

(b) Is at least eighteen (18) years of age on or before the day of the next regular
1 election.