

1 AN ACT relating to elections.

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

3 ➔Section 1. KRS 116.055 is amended to read as follows:

4 (1) Before a person shall be qualified to vote in a ***partisan*** primary ***for partisan***
5 ***candidates***, he or she ***shall possess all the qualifications required of voters in a regular***
6 ***election and shall have been:***

7 (a) ~~Shall possess all the qualifications required of voters in a regular election;~~

8 (b) ~~Shall have been~~ A registered member of the party in whose primary he or she
9 seeks to vote ***and continuously registered as a member of that political party***
10 ***between***~~on~~ December 31 immediately preceding the primary ***and the date***
11 ***set for the primary; or***~~and~~

12 ***(b) A registered independent who shall:***

13 ***1. Only be permitted to vote in a primary of one (1) political party; and***

14 ***2. Remain***~~(c) Shall have remained~~ continuously registered as ***an***
15 ***independent***~~a member of that party in whose primary he or she seeks to~~
16 ~~vote~~ between December 31 immediately preceding the primary and the
17 date set for the primary.

18 ***(2) Before a person shall be qualified to vote in a nonpartisan primary for***
19 ***nonpartisan candidates, he or she shall possess all the qualifications required of***
20 ***voters in a regular election and shall be a registered voter of a political party,***
21 ***political organization, political group, or as an independent.***

22 ~~(3)(2)~~ In the case of a new registration made after December 31 immediately
23 preceding the primary ***for those voters who register as a member of a political***
24 ***party, the***~~a~~ voter shall have registered and remained continuously registered as a
25 member of the ***political*** party in whose primary he or she seeks to vote from the date
26 of registration until the date set for the primary.

27 ~~(4)(3)~~ Any voter who withdraws his or her registration after December 31

1 immediately preceding the primary, and reregisters as a voter with a different party
 2 affiliation **or as a registered independent**, during those periods that the registration
 3 books are open immediately preceding the primary, shall not be eligible to vote in
 4 the upcoming primary.

5 ~~(5)~~~~(4)~~ **Except for a voter registered as an independent**, no person shall be allowed
 6 to vote for any party candidates or slates of candidates other than that of the party of
 7 which he or she is a registered member.

8 ~~(6)~~~~(5)~~ The qualifications **of a voter to vote in a primary** shall be determined as of the
 9 date of the primary, without regard to the qualifications or disqualifications as they
 10 may exist at the succeeding regular election, except that minors seventeen (17) years
 11 of age who will become eighteen (18) years of age on or before the day of the
 12 regular election shall be entitled to vote in the primary if otherwise qualified.~~]~~
 13 ~~However, Any registered voter, whether registered as a member of a party, political~~
 14 ~~organization, political group, or as an independent, shall be qualified to vote in a~~
 15 ~~primary for candidates listed in all nonpartisan races.]~~

16 ➔Section 2. KRS 117.125 is amended to read as follows:

17 Except for voting equipment that has been certified and in use on or before June 29, 2021,
 18 no voting system shall be approved for use after June 29, 2021, by the State Board of
 19 Elections, either upon initial examination or reexamination, unless the system has been
 20 certified under KRS 117.379 and is so constructed that it shall:

- 21 (1) Ensure secrecy to the voter in the act of voting so that no person can see or know for
 22 whom any other voter has voted or is voting, except for those voters requiring
 23 assistance under KRS 117.255;
- 24 (2) Permit votes to be cast for any candidate entitled to have his or her name printed
 25 upon the ballots at any primary, regular election, or special election, and for or
 26 against any public question entitled to be placed upon the ballots;
- 27 (3) Except at a primary, permit a voter to vote for all the candidates of one (1) party or

- 1 for one (1) or more candidates of every party having candidates entitled to be voted
2 for, or for one (1) or more independent, political organization, or political group
3 candidates;
- 4 (4) Permit a voter to vote for as many persons for an office as the voter is lawfully
5 entitled to vote for, and no more;
- 6 (5) Prevent a voter from voting for more persons for any office than the voter is entitled
7 to vote for, and from voting for the same person, or for or against the same
8 question, more than once;
- 9 (6) Permit a voter to vote for or against any question the voter may have the right to
10 vote on, but no other;
- 11 (7) Provide for a nonpartisan ballot;
- 12 (8) Be capable of being adjusted for use in a primary to permit a voter the ability to
13 vote for candidates in accordance with his or her voter registration status
14 pursuant to Section 1 of this Act~~[so that a voter may not vote for any person except~~
15 ~~those seeking nomination as candidates of the voter's party, as candidates for a~~
16 ~~nonpartisan office, or as candidates for an office of the Court of Justice];~~
- 17 (9) Permit each voter to vote for all the candidates for presidential electors of any party
18 by one (1) operation;
- 19 (10) Permit each voter to vote, in any regular or special election, for any person for
20 whom the voter desires to vote whose name does not appear upon the ballot by
21 providing a method of write-in voting;
- 22 (11) Be safe, efficient, and accurate in the conduct of elections, and correctly register and
23 accurately count all votes cast for each person, and for or against each public
24 question;
- 25 (12) (a) Provide each voter an opportunity to verify votes recorded on the permanent
26 paper ballot, either visually or using assistive voting technology, by producing
27 a voter-verified paper audit trail;

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

- 1 properly, register and record correctly and accurately every vote cast;
- 2 (22) Bear a number or other unique designation that will distinguish it from any other
3 voting equipment or voting system;
- 4 (23) Produce a real-time audit log record for the voting system, and produce a paper
5 record with a manual audit capacity which shall be available as an official record for
6 any recount conducted related to any primary or election in which the system is
7 used;
- 8 (24) Be accessible for individuals with impairments, including nonvisual accessibility
9 for the blind or visually impaired, in a manner that provides the same opportunity
10 for access and participation, including privacy and independence, as for other
11 voters;
- 12 (25) Meet or exceed the standards for a voting system established by the Election
13 Assistance Commission, as amended from time to time, and those approved under
14 KRS 117.379; and
- 15 (26) Meet such other requirements as may be established by the State Board of Elections
16 in administrative regulations promulgated under KRS Chapter 13A to reflect
17 changes in technology to ensure the integrity and security of voting systems.

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

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

- 20 (1) A "political party" is an affiliation or organization of electors representing a
21 political policy and having a constituted authority for its government and regulation,
22 and whose candidate received at least twenty percent (20%) of the total vote cast at
23 the last preceding election at which presidential electors were voted for;
- 24 (2) The word "election" used in reference to a state, district, county, or city election,
25 includes the decisions of questions submitted to the qualified voters as well as the
26 choice of officers by them;
- 27 (3) A "ballot" or "official ballot" means the official presentation of offices and

1 candidates to be voted for, including write-in candidates, and all public questions
2 submitted for determination, and shall include a voting machine ballot, a paper
3 ballot, an absentee ballot, a federal provisional ballot, a federal provisional absentee
4 ballot, or a supplemental paper ballot which has been authorized for the use of the
5 voters in any primary, regular election, or special election by the Secretary of State
6 or the county clerk;

7 (4) "Ballot box" means any box, bag, or other container that can be locked, sealed, or
8 otherwise rendered tamper-resistant, for receiving ballots;

9 (5) "Voting equipment" means any physical component of a voting system and includes
10 voting machines where voting machines are in operation;

11 (6) "Voting machine" or "machine" means a part of a voting system that consists of:

12 (a) A direct recording electronic voting machine that:

13 1. Records votes by means of a ballot display provided with mechanical or
14 electro-operated components that may be actuated by the voter;

15 2. Processes the data by means of a computer program;

16 3. Records voting data and ballot images in internal and external memory
17 components; and

18 4. Produces a tabulation of the voting data stored in a removable memory
19 component and on a printed copy; or

20 (b) One (1) or more electronic devices that operate independently or as a
21 combination of a ballot marking device and an electronic or automatic vote
22 tabulating device;

23 (7) "Voting system" means:

24 (a) The total combination of physical, mechanical, electromechanical, or
25 electronic equipment, including the software, hardware, firmware, and
26 documentation required to program, control, and support that equipment, that
27 is used to:

- 1 1. Define ballots;
- 2 2. Cast and count votes;
- 3 3. Report or display election results; and
- 4 4. Maintain and produce any audit trail information; and
- 5 (b) The practices and associated documentation used to:
 - 6 1. Identify system components and versions of those components;
 - 7 2. Test the system during its development and maintenance;
 - 8 3. Maintain records of system errors and defects;
 - 9 4. Determine specific system changes to be made to a system after the
 - 10 initial qualification of the system; and
 - 11 5. Make available any materials to the voter, such as notices, instructions,
 - 12 forms, or paper ballots;

13 **(8) "Registered independent" or "independent" means a voter who is not registered**
 14 **as a member of a political party, political organization, or political group as**
 15 **defined in this section;**

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

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

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

26 ➔Section 4. KRS 118.125 is amended to read as follows:

27 (1) Except as provided in KRS 118.155 **and a candidate registered as an independent,**

1 any person who is qualified under the provisions of KRS 116.055 to vote in any
2 primary for the candidates for nomination by the party at whose hands he or she
3 seeks the nomination, shall have his or her name printed on the official ballot of his
4 or her party for an office to which he is eligible in that primary, upon filing, with the
5 Secretary of State or county clerk, as appropriate, at the proper time, a notification
6 and declaration.

7 (2) The notification and declaration shall be in the form prescribed by the State Board
8 of Elections. It shall be signed by the candidate and by not less than two (2)
9 registered voters of the same party from the district or jurisdiction from which the
10 candidate seeks nomination. Signatures for nomination papers shall not be affixed
11 on the document to be filed prior to the first Wednesday after the first Monday in
12 November of the year preceding the year in which the office will appear on the
13 ballot. The notification and declaration for a candidate shall include the following
14 oath:

15 "For the purpose of having my name placed on the official primary election
16 ballot as a candidate for nomination by the ----- Party, I, ----- (name in full as
17 desired on the ballot as provided in KRS 118.129), do solemnly swear that my
18 residence address is ----- (street, route, highway, city if applicable, county, state, and
19 zip code), that my mailing address, if different, is ----- (post office address), and that
20 I am a registered ----- (party) voter in ----- precinct; that I believe in the principles
21 of the ----- Party, and intend to support its principles and policies; that I meet all
22 the statutory and constitutional qualifications for the office which I am seeking; that
23 if nominated as a candidate of such party at the ensuing election I will accept the
24 nomination and not withdraw for reasons other than those stated in KRS
25 118.105(3); that I will not knowingly violate any election law or any law relating to
26 corrupt and fraudulent practice in campaigns or elections in this state, and if finally
27 elected I will qualify for the office."

1 The declaration shall be subscribed and sworn to before an officer authorized to
2 administer an oath by the candidate and by the two (2) voters making the
3 declaration and signing the candidate's petition for office.

4 (3) When the notice and declaration has been filed with the Secretary of State or county
5 clerk, as appropriate, and certified according to KRS 118.165, the Secretary of State
6 or county clerk, as appropriate, shall have the candidate's name printed on the ballot
7 according to the provisions of this chapter, except as provided in KRS 118.185.

8 (4) Titles, ranks, or spurious phrases shall not be accepted on the filing papers and shall
9 not be printed on the ballots as part of the candidate's name; however, nicknames,
10 initials, and contractions of given names may be acceptable as the candidate's name.

11 ➔Section 5. KRS 118.571 is amended to read as follows:

12 To qualify to vote in a presidential preference primary in the Commonwealth a voter must
13 register to vote in the same manner as prescribed in KRS Chapter 116. A voter shall
14 vote~~[only]~~ in the presidential preference primary *in accordance with his or her*
15 *registration status pursuant to*~~[of the political party for which he has declared a~~
16 ~~preference as required by]~~ KRS 116.055.