AN ACT relating to elections.

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

 SECTION 1. A NEW SECTION OF KRS CHAPTER 45A IS CREATED TO READ AS FOLLOWS:

(1) Any contract entered into under this chapter related to election administration shall require the contractor to disclose in writing to the Attorney General and Secretary of State, within five (5) business days, the substance of any communication directed to the contractor or his or her employee, made by an entity or person from a foreign country, federal government agency, or federal official.

(2) An employee or governmental body shall not accept any private monetary funds to assist with election administration within this state unless entered into as a lawful contract for goods and services.

 SECTION 2. A NEW SECTION OF KRS CHAPTER 65 IS CREATED TO READ AS FOLLOWS:

(1) Any communication related to election administration made by an entity or person from a foreign country, federal government agency, or federal official to an employee or contractor of any city, county, urban-county government, consolidated local government, unified local government, or charter county government shall require the local government employee or contractor to disclose, within five (5) business days, the substance of the communication in writing to the Attorney General and Secretary of State.

(2) A city, county, urban-county government, consolidated local government, unified local government, or charter county government shall not accept any private monetary funds to assist with election administration within this state unless entered into as a lawful contract for goods and services.

 ➔Section 3. KRS 116.045 is amended to read as follows:
(1) Any person may register as a voter during the period registration is open if he or she possesses, or will possess on the day of the next regular election, the qualifications set forth in KRS 116.025.

(2) The county clerk shall cause all registration to be closed the fourth Tuesday preceding through the first Monday following any primary or general election, and the twenty-eight (28) days prior to and seven (7) days following any special election. If the last day of registration falls on a state or federal holiday, the period runs until the end of the next day which is not a Saturday or Sunday nor a state or federal holiday. During the period that registration is closed, the county clerk may accept and process registrations. Any voter who registers during the period that registration is closed, except for any registered voter who transfers his or her registration pursuant to KRS 116.085(2) or (3), shall not be permitted to vote in the upcoming election.

(3) In all counties, the county clerk shall receive registrations, transfers, or changes of party affiliation at branch offices at any place in the county during those periods that the registration books are open except for those transfers pursuant to KRS 116.085(2) or 116.085(3). However, notice in the manner provided by KRS Chapter 424 shall be given at least three (3), but not more than fourteen (14), days in advance of the time and place of any branch registration, and ten (10) days' written notice shall be given to the county executive committee of each major political party in the county in which the branch registration is to be held.

(4) Any person may register to vote or may change his or her party affiliation in any of the following ways:

(a) In person;

(b) By mail;

(c) By means of the federal post card application, if the person is a resident of Kentucky and a member of the Armed Forces, or a dependent of members of
the Armed Forces, or overseas citizen;

(d) By mail-in application form prescribed by the Election Assistance Commission pursuant to the National Voter Registration Act of 1993; or

(e) By other methods of registration, or reregistration, approved by the State Board of Elections, including the use of voluntary interested groups and political parties, under the proper supervision and directions of the county clerk, which may include door to door canvassing.

(5) Upon receipt of the form prescribed by the State Board of Elections or the Election Assistance Commission pursuant to the National Voter Registration Act of 1993, properly filled out and signed by the applicant, the county clerk shall register the applicant.

(6) Any individual or group shall have access to a reasonable number of voter registration forms including the mail-in application form prescribed by the Election Assistance Commission pursuant to the National Voter Registration Act of 1993 in the county clerk's office. The individual or group shall act under the proper supervision and directions of the county clerk and shall return these completed forms to the county clerk for official registration by the county clerk.

(7) No later than December 31, 1994, the Transportation Cabinet shall equip all driver's license agencies to comply with the provisions of the National Voter Registration Act of 1993. The Secretary of State shall provide assistance and interpretation to the Transportation Cabinet in determining the requirements of the National Voter Registration Act of 1993.

(8) The county clerk shall enter the specific party identification of the voter with a political party, political organization, or political group as defined in KRS 118.015, or independent status, as indicated by the voter on the voter registration form, into the statewide voter registration system. The State Board of Elections shall promulgate regulations under KRS Chapter 13A to provide for tracking of the
registration of voters identifying with political organizations and political groups as defined in KRS 118.015, and voters of independent status.

(9) For purposes of voter registration, a county clerk or employee of any city, county, urban-county government, consolidated local government, unified local government, or charter county government shall not accept any private monetary funds to assist with voter registration activities.

Section 4. KRS 117.015 is amended to read as follows:

(1) There shall be a State Board of Elections that is an independent agency of state government, which shall administer the election laws of the state and supervise registration and purgation of voters within the state. The board:

(a) May promulgate administrative regulations necessary to properly carry out its duties;

(b) Shall promulgate administrative regulations establishing a procedure for elections officials to follow when an election has been suspended or delayed as described in KRS 39A.100;

(c) Shall not accept any private monetary funds for election administration unless accepted as part of a valid contract for goods and services; and

(d) Shall disclose in writing, within five (5) business days, to the Attorney General and Secretary of State any communication related to election administration made by an entity or person from a foreign country, federal government agency, or federal official to an employee or member of the State Board of Elections.

(2) The board shall consist of the following:

(a) The Secretary of State, who shall be an ex officio, nonvoting member, and who shall also serve as the chief election official for the Commonwealth;

(b) Two (2) members appointed by the Governor as provided in subsection (6) of this section;
(c) Six (6) voting members appointed by the Governor as provided in subsection (5) of this section; and

(d) An executive director appointed in accordance with KRS 117.025, who may vote only to break a tie regarding selection of the chair of the board.

(3) A chair of the board, who is a then-current voting member of the board, shall be elected as chair of the board by a majority of the voting members who serve on the board. The chair shall preside at the meetings of the board and vote on matters before the board.

(4) The members shall serve for a term of four (4) years or until their successors are appointed. Members shall be at least twenty-five (25) years of age and qualified voters of this state. No appointed member shall be a candidate for public office or have been a candidate for public office for two (2) years prior to his or her appointment, except as provided in subsection (2)(b) of this section. No member of the board shall have been convicted of any election law offense.

(5) Two (2) members shall be appointed by the Governor from a separate list of at least five (5) names submitted by the state central executive committee of each of the two (2) political parties that polled the largest vote in the last preceding election for state officials. The list shall be submitted to the Governor by February 15 of 1992, and the appointments of the Governor shall be made by April 1 of the same year. Two (2) separate lists shall be submitted to the Governor by August 15 of 1990 and every four (4) years thereafter, and two (2) appointments shall be made from these lists by September 15 of each year in which the lists are received.

(6) Two (2) members shall be appointed by the Governor from a separate list of at least four (4) names submitted by the Kentucky County Clerk's Association of each of the two (2) political parties that polled the largest vote in the last preceding regular election for state officials. Each of the two (2) members appointed under this subsection shall be former county clerks and shall be voting members. The lists
required under this subsection shall be submitted to the Governor by July 15, 2019,
and every four (4) years thereafter. The appointments made by the Governor under
this subsection shall be made by August 15, 2019, and every four (4) years
thereafter.

(7) Vacancies shall be filled in the same manner as provided for original appointments,
and the person appointed to fill the vacancy shall be of the same political party as
his or her predecessor.

(8) The board shall meet as often as necessary to carry out its duties and shall keep a
record of its acts, orders, findings, and proceedings. A majority of the board shall
constitute a quorum.

(9) The members of the board shall be paid a reasonable sum to be fixed by the
secretary of the Personnel Cabinet, with the approval of the secretary of the Finance
and Administration Cabinet, and in addition, their expenses in attending board
meetings. The compensation shall be paid out of the State Treasury upon requisition
signed by the chair of the board and approved by the secretary of the Finance and
Administration Cabinet.

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

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

(1) Ensure secrecy to the voter in the act of voting so that no person can see or know for
whom any other voter has voted or is voting, except for those voters requiring
assistance under KRS 117.255;

(2) Permit votes to be cast for any candidate entitled to have his or her name printed
upon the ballots at any primary, regular election, or special election, and for or
against any public question entitled to be placed upon the ballots;
(3) Except at a primary, permit a voter to vote for all the candidates of one (1) party or
for one (1) or more candidates of every party having candidates entitled to be voted
for, or for one (1) or more independent, political organization, or political group
candidates;

(4) Permit a voter to vote for as many persons for an office as the voter is lawfully
entitled to vote for, and no more;

(5) Prevent a voter from voting for more persons for any office than the voter is entitled
to vote for, and from voting for the same person, or for or against the same
question, more than once;

(6) Permit a voter to vote for or against any question the voter may have the right to
vote on, but no other;

(7) Provide for a nonpartisan ballot;

(8) Be capable of being adjusted for use in a primary so that a voter may not vote for
any person except those seeking nomination as candidates of the voter's party, as
candidates for a nonpartisan office, or as candidates for an office of the Court of
Justice;

(9) Permit each voter to vote for all the candidates for presidential electors of any party
by one (1) operation;

(10) Permit each voter to vote, in any regular or special election, for any person for
whom the voter desires to vote whose name does not appear upon the ballot by
providing a method of write-in voting;

(11) Be safe, efficient, and accurate in the conduct of elections, and correctly register and
accurately count all votes cast for each person, and for or against each public
question;

(12) (a) Provide each voter an opportunity to verify votes recorded on the permanent
paper ballot, either visually or using assistive voting technology, by producing
a voter-verified paper audit trail;
(b) Provide each voter an opportunity to change votes or correct any error before
the voter's ballot is cast and counted; and

(c) Provide a voter who spoils his or her ballot another ballot as provided under
this chapter;

(13) Use an individual, discrete, permanent, paper ballot cast by the voter for tabulating
purposes;

(14) Preserve the paper ballot as an official record available for use in any audit or
recount;

(15) Be suitably designed for the purpose used, constructed of a durable material, and
safely transportable;

(16) Be capable of determining whether the voting equipment has been unlocked and
operated or adjusted in any manner after once being locked;

(17) Have a public counter with a register which is visible from the outside of the
counter or device that will show at all times during an election how many persons
have voted;

(18) Have a protective cumulative counter indicating the number of votes cast for each
person, and the votes cast for or against each public question which cannot be seen,
reset, or tampered with without unlocking a covering device by a key or other
security apparatus that cannot unlock any other part of the equipment, and which
prevents changes to the cumulative counter once the system has been put into
operation on the day of any election;

(19) Provide for the tabulating of votes at the precinct as required under KRS 117.275;

(20) Provide locks or other security apparatus by which the operation of the voting
equipment may be locked before the time for opening the polls and after the time
for closing the polls;

(21) Permit a voter to readily learn the method of operating it, to expeditiously cast a
vote for all candidates and on all questions of the voter's choice, and when operated
(22) Bear a number or other unique designation that will distinguish it from any other voting equipment or voting system;

(23) Produce a real-time audit log record for the voting system, and produce a paper record with a manual audit capacity which shall be available as an official record for any recount conducted related to any primary or election in which the system is used;

(24) Be accessible for individuals with impairments, including nonvisual accessibility for the blind or visually impaired, in a manner that provides the same opportunity for access and participation, including privacy and independence, as for other voters;

(25) **Be prohibited from connecting to a public network, including the Internet;**

(26) Meet or exceed the standards for a voting system established by the Election Assistance Commission, as amended from time to time, and those approved under KRS 117.379; and

(27) Meet such other requirements as may be established by the State Board of Elections in administrative regulations promulgated under KRS Chapter 13A to reflect changes in technology to ensure the integrity and security of voting systems.

Section 6. KRS 117.155 is amended to read as follows:

In the following order, the county clerk shall:

(1) Place all ballots required to be placed upon voting equipment in such a manner as will most nearly conform to the plan of arrangement prescribed by the Secretary of State under KRS 118.215; the county clerk shall then

(2) See that the counters referred to in KRS 117.125(17) and (18) are set at zero, and shall lock the operating device and mechanism and the devices protecting the counters and ballots; the county clerk shall then

(3) Enter in an appropriate book, opposite the number of each precinct the
distinguishing number of the voting equipment or the unique designation to be used in that precinct; and

(4) Ensure that the voting system or voting equipment is not connected to a public network, including the Internet.

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

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

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

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

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

(5) Any person who violates KRS 117.0861, or who signs a name other than his or her own on an application for an absentee ballot, the verification form for the ballot, an emergency absentee ballot affidavit, a voter or election official affirmation, or any
person who votes an absentee ballot other than the one issued in his or her name, or
any person who applies for the ballot for the use of anyone other than himself or
herself or the person designated by the provisions of this chapter, or any person who
makes a false statement on an application for an absentee ballot or on an emergency
absentee ballot affidavit shall be guilty of a Class D felony.

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

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

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

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

(10) Any person who knowingly and willfully directly connects, or attempts to directly
connect, a voting system or voting equipment to a public network such as the
Internet at any time shall be guilty of a Class D felony for each offense.

⇒ Section 8. 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 permitted to be present and witness the count.

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

(a) That the voting equipment has been locked against voting and sealed;
(b) The number of voters, as shown on the public counters;
(c) The number registered on the protective or cumulative counter or device; and
(d) The number or other designation of the voting equipment.

The certificate, with any additional certificate previously prepared under KRS 117.035, shall be returned by the judges of election to the officials authorized by law to receive it. The judges shall compare the number of voters, as shown by the counter of the voting equipment, with the number of those who have voted as shown by the protective or cumulative counter or device.

(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.
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.

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.

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

Following the tabulation of all votes cast in the election, including absentee votes and write-in votes, the county board shall mail a copy of the precinct-by-precinct
summary of the tabulation sheets showing the results from each precinct to the State
Board of Elections and the county clerk shall mail or deliver the precinct signature
rosters from each precinct to the State Board of Elections during the period
established by KRS 117.355(3).

(8) As soon as possible after the completion of the count, the two (2) judges shall return
to the county board of elections the keys to the voting equipment received and
receipted for by them, and the county clerk in which the precinct is located shall
have the voting equipment properly boxed or securely covered and removed to a
proper and secure place of storage.

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

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

(11) The county board of elections, or its designee, shall count and tally the
supplemental paper ballots that have not been tabulated by automatic tabulating
equipment at the precinct, either manually or with the use of tabulating equipment that has been certified by the State Board of Elections for use for that purpose in the county clerk's office. The results of the vote tally shall be certified by the county board of elections to the county clerk and to the Secretary of State.

(12) The county board of elections shall tabulate the valid federal provisional ballots. The results of the vote tally shall be certified by the county board of elections to the county clerk and to the Secretary of State. The county board shall mail a copy of the precinct-by-precinct summary of the valid federal provisional ballot tabulation sheets showing the results from each precinct to the State Board of Elections.

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

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

(15) During or after the counting of the votes, the following information shall not be transmitted by any election official as election results to any entity or person except those persons, election officials, or entities authorized by law to receive it as prescribed in this section, or as otherwise stated in KRS Chapters 117 to 120, or pursuant to a lawful order:

(a) The completed certificate as described in subsection (2) of this section;
(b) Any additional certificate previously prepared under KRS 117.035;

(c) Any count of the votes in any precinct or vote center; and

(d) Votes on a return sheet, write-in votes, or recording of votes on any voting equipment, voting system, or automatic tabulating equipment.

(16) If unofficial election results are transmitted online to the county board of elections or the State Board of Elections, the transmission shall only occur by means of a secure online connection.