

1 AN ACT relating to elections.

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

3 ➔Section 1. KRS 117.001 is amended to read as follows:

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

- 5 (1) "Audit log" means a detailed record of all actions and events that have occurred on
6 the voting system, including:
- 7 (a) Log-in attempts with username and time stamp;
 - 8 (b) Election definition and setup;
 - 9 (c) Ballot preparation and results processing;
 - 10 (d) Diagnostics of any type; and
 - 11 (e) Error and warning messages and operator response;
- 12 (2) "Automatic tabulating equipment" means apparatus necessary to automatically
13 examine and count votes as designated on ballots and data processing machines
14 which can be used for counting ballots and tabulating results;
- 15 (3) "Ballot" or "official ballot" means the official presentation of offices and candidates
16 to be voted for, including write-in candidates, and all public questions submitted for
17 determination, and shall include a voting machine ballot, a paper ballot, an absentee
18 ballot, a federal provisional ballot, a federal provisional absentee ballot, or a
19 supplemental paper ballot which has been authorized for the use of voters in any
20 primary, regular election, or special election by the Secretary of State or the county
21 clerk;
- 22 (4) "Ballot box" means any box, bag, or other container that can be locked, sealed, or
23 otherwise rendered tamper-resistant, for receiving ballots;
- 24 (5) "Ballot marking device" means any approved device for marking a ballot which
25 will enable the ballot to be tabulated manually or by means of automatic tabulating
26 equipment;
- 27 (6) "Election" or "elections" means any primary, regular election, or special election;

- 1 (7) "Election officer" has the same meaning as in KRS 118.015;
- 2 (8) "E-poll book" means an electronic device capable of holding a file of voter data and
3 related information for use in identifying registered voters prior to a voter's
4 receiving or casting a ballot, and allowing a voter to electronically sign in on an
5 electronic registered voter roster in lieu of signing a paper registered voter roster;
- 6 (9) "Federal provisional voter" means a person:
- 7 (a) Who does not appear to be registered to vote;
- 8 (b) Whose name does not appear on the precinct roster;
- 9 (c) Who has not provided proof of identification to the precinct election officer
10 before voting in a federal election; and
- 11 (d) Who elects to proceed with voting a federal provisional ballot under KRS
12 117.229;
- 13 (10) "Federal provisional ballot" or "federal provisional absentee ballot" means ballots
14 which have been authorized by the Secretary of State or the county clerk to be used
15 by federal provisional voters in any federal primary or election;
- 16 (11) "Inner envelope" or "secrecy envelope" means the envelope provided to the voter
17 with a ballot into which the voter shall place his or her voted ballot;
- 18 (12) "Political group" has the same meaning as in KRS 118.015;
- 19 (13) "Political organization" has the same meaning as in KRS 118.015;
- 20 (14) "Precinct ballot counter" means an automatic tabulating device used at the precinct
21 to tabulate and process ballots;
- 22 (15) **"Prevailing time" means:**
- 23 **(a) Local time, unless paragraph (b) of this subsection applies; or**
- 24 **(b) Central standard time, as designated in 15 U.S.C. sec. 263, when there is a:**
- 25 **1. Statewide candidate or issue on the ballot; or**
- 26 **2. Candidate that represents a district with more than one (1) time zone**
27 **on the ballot;**

1 (16) "Proof of identification" means a document that was issued by:

2 (a) The United States or the Commonwealth of Kentucky, and the document
3 contains:

4 1. The name of the individual to whom the document was issued; and

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

6 (b) The United States Department of Defense, a branch of the uniformed services,
7 the Merchant Marine, or the Kentucky National Guard, and the document
8 contains:

9 1. The name of the individual to whom the document was issued; and

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

11 (c) A public or private college, university, or postgraduate technical or
12 professional school located within the United States, and the document
13 contains:

14 1. The name of the individual to whom the document was issued; and

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

16 (d) Any city government, county government, urban-county government, charter
17 county government, consolidated local government, or unified local
18 government, which is located within this state, and the document contains:

19 1. The name of the individual to whom the document was issued; and

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

21 (17)~~[(16)]~~ "Risk-limiting audit" means an audit protocol that makes use of statistical
22 principles and methods and is designed to limit to acceptable levels the risk of
23 certifying a preliminary election outcome that constitutes an incorrect outcome;

24 (18)~~[(17)]~~ "Voting booth" or "ballot completion area" means an area in which a voter
25 casts his or her vote or completes his or her ballot which is designed to ensure the
26 secrecy of the vote;

27 (19)~~[(18)]~~ "Vote center" means a consolidated precinct of the county;

1 ~~(20)~~~~(19)~~ "Voting equipment" means any physical component of a voting system and
2 includes voting machines where voting machines are in operation;

3 ~~(21)~~~~(20)~~ "Voting machine" or "machine":

4 (a) Means a part of a voting system that consists of:

5 1. A direct recording electronic voting machine that:

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

9 b. Processes the data by means of a computer program;

10 c. Records voting data and ballot images in internal and external
11 memory components; and

12 d. Produces a tabulation of the voting data stored in a removable
13 memory component and on a printed copy; or

14 2. One (1) or more electronic devices that operate independently or as a
15 combination of a ballot marking device and an electronic or automatic
16 vote tabulation device; and

17 (b) Does not include an e-poll book;

18 ~~(22)~~~~(21)~~ "Voting system":

19 (a) Means the total combination of physical, mechanical, electromechanical, or
20 electronic equipment, including the software, hardware, firmware, and
21 documentation required to program, control, and support that equipment, that
22 is used to:

23 1. Define ballots;

24 2. Cast and count votes;

25 3. Report or display election results; and

26 4. Maintain and produce any audit trail information;

27 (b) Includes the practices and associated documentation used to:

- 1 1. Identify system components and versions of those components;
- 2 2. Test the system during its development and maintenance;
- 3 3. Maintain records of system errors and defects;
- 4 4. Determine specific system changes to be made to a system after the
- 5 initial qualification of the system;
- 6 5. Make available any materials to the voter, such as notices, instructions,
- 7 forms, or paper ballots; and

8 (c) Does not include an e-poll book; and

9 (23)~~[(22)]~~ "Voter-verified paper audit trail" means a contemporaneous paper record of a
 10 ballot printed for the voter to confirm his or her votes before the voter casts his or
 11 her ballot that:

- 12 (a) Allows the voter to verify the voter's ballot choices before the casting of the
- 13 voter's ballot;
- 14 (b) Is not retained by the voter;
- 15 (c) Does not contain individual voter information;
- 16 (d) Is produced on paper that is sturdy, clean, and resistant to degradation; and
- 17 (e) Is readable in a manner that makes the voter's ballot choices obvious to the
- 18 voter or any person without the use of computer or electronic code.

19 ➔Section 2. KRS 117.076 is amended to read as follows:

20 (1) Any voter who is qualified to vote on election day in the county of his or her
 21 residence may choose to cast a no-excuse in-person absentee ballot on the
 22 Thursday, Friday, or Saturday immediately preceding the day of an election. The
 23 available hours from which a voter may cast his or her vote during these three (3)
 24 days shall be no less than eight (8) hours between 6 a.m. and 8 p.m. prevailing time,
 25 as determined by the county board of elections of each county.

26 (2) Any voter who is qualified to vote on election day in the county of his or her
 27 residence may make application to cast an excused in-person absentee ballot during

1 normal business hours during the six (6) business days immediately preceding the
2 Thursday of no-excuse in-person absentee voting under subsection (1) of this
3 section. The voter who makes application under this subsection shall meet one (1)
4 of the following requirements in order to cast his or her excused in-person absentee
5 ballot:

- 6 (a) Is a resident of Kentucky who is a covered voter as defined in KRS 117A.010,
7 who will be absent from the county of his or her residence on the day of an
8 election and during the days of no-excuse in-person absentee voting;
- 9 (b) Has surgery, or whose spouse has surgery, scheduled that will require
10 hospitalization on the day of an election and during the days of no-excuse in-
11 person absentee voting;
- 12 (c) Temporarily resides outside the state, but is still eligible to vote in this state
13 and will be absent from the county of his or her residence on the day of an
14 election and during the days of no-excuse in-person absentee voting;
- 15 (d) Is a resident of Kentucky who is a uniformed-service voter as defined in KRS
16 117A.010 confined to a military base on election day and during the days of
17 no-excuse in-person absentee voting;
- 18 (e) Is in her last trimester of pregnancy and the voter completes the form that is
19 prescribed by the State Board of Elections, which contains a sworn statement
20 that the voter is in her last trimester of pregnancy at the time she wishes to
21 vote;
- 22 (f) Has not been declared mentally disabled by a court of competent jurisdiction
23 and, due to age, disability, or illness, is not able to appear at the polls on
24 election day and during the days of no-excuse in-person absentee voting;
- 25 (g) Is a student who temporarily resides outside the county of his or her residence
26 and will be absent from the county of his or her residence on the day of an
27 election and during the days of no-excuse in-person absentee voting;

- 1 (h) Any person employed in an occupation that is scheduled to work during all
2 days and all hours, which shall include commute time, the polls are open on
3 election day and during the days of no-excuse in-person absentee voting; or
- 4 (i) Any election officer tasked with election administration for the current
5 election cycle.
- 6 (3) Any voter who votes an in-person absentee or federal provisional in-person
7 absentee ballot shall provide proof of identification as defined in KRS 117.001 or
8 meet the requirements of KRS 117.228 or 117.229.
- 9 (4) In-person absentee voting shall be conducted in a location within the county clerk's
10 office where ballots shall be cast secretly. In-person absentee voting may occur in
11 another location within the county if the location is designated by the county board
12 of elections and approved by the State Board of Elections. The county clerk may
13 provide for voting by the voting equipment in general use in the county or any other
14 voting equipment approved by the State Board of Elections for use in Kentucky.
15 Public notice of the locations shall be given pursuant to KRS Chapter 424, and
16 similar notice by mail shall be given to the county chairs of the two (2) political
17 parties whose candidates polled the largest number of votes in the county at the last
18 regular election.
- 19 (5) Any voter qualifying to vote who receives assistance to vote in-person absentee
20 shall complete the voter assistance form required by KRS 117.255.
- 21 (6) Any voter qualifying to vote whose qualifications are challenged on grounds other
22 than inability to provide proof of identification by any clerk or deputy shall
23 complete an oath of voter affidavit.
- 24 (7) Each voter casting his or her vote in-person absentee shall sign an in-person
25 absentee ballot signature roster.
- 26 (8) The members of the county board of elections, or their designees who provide equal
27 representation of both political parties, may serve as precinct election officers,

1 without compensation, for all in-person absentee voting conducted. If the members
2 of the county board of elections or their designees serve as precinct election officers
3 for in-person absentee voting, they shall perform the same duties and exercise the
4 same authority as precinct election officers who serve on the day of an election. If
5 the members of the county board of elections or their designees do not serve as
6 precinct election officers for in-person absentee voting, the county clerk or deputy
7 county clerks shall supervise the in-person absentee voting.

8 (9) Any individual qualified to appoint challengers for the day of an election may also
9 appoint challengers to observe all in-person absentee voting, and those challengers
10 may exercise the same privileges as challengers appointed for observing voting on
11 the day of an election at a regular polling place.

12 (10) During the days of in-person absentee voting, all voting equipment on which in-
13 person absentee ballots are cast shall remain locked and the keys shall be retained
14 by at least two (2) members of the central ballot counting board who are not of the
15 same political affiliation or by two (2) members of the county board of elections
16 who are not of the same political affiliation, and the voting equipment shall remain
17 locked with a tamper-resistant seal until the ballots are counted.

18 (11) No person shall transmit or publicize any tallies or counts of in-person absentee
19 ballots, or any partial results, to any person~~[except those persons, election officials,~~
20 ~~or entities authorized by law to receive it,]~~ until 6 p.m. prevailing time on the day of
21 a primary or an election.

22 (12) (a) Before and after each day of in-person absentee voting, on all voting
23 equipment to be used, the tamper-resistant seal shall be checked to ensure it is
24 unaltered and the number on the public counter shall be read and recorded.
25 The status of the tamper-resistant seal shall be indicated and the number on
26 the public counter of each voting equipment shall be recorded by the county
27 clerk or his or her designated election official, member of the county board of

1 elections, or member of the central ballot counting board. The status of the
2 tamper-resistant seal and the number recorded from the public counter shall
3 be witnessed by an election official who is of a different political affiliation
4 than the person recording.

5 (b) The status of the tamper-resistant seal and the number on the public counter
6 shall be recorded on a form prescribed and furnished by the State Board of
7 Elections pursuant to administrative regulations promulgated under KRS
8 Chapter 13A.

9 (c) The witness who is present shall verify, through validity of his or her
10 signature on the form provided, the accuracy of the number recorded from the
11 public counter, the number recorded on the prescribed form, and the status of
12 the tamper-resistant seal.

13 (d) Any irregularities observed by the election official who is recording and the
14 election official who is a witness shall be immediately reported to the county
15 attorney or the Office of Attorney General.

16 (13) The State Board of Elections shall promulgate administrative regulations under
17 KRS Chapter 13A to provide for the casting of ballots in accordance with this
18 section.

19 ➔Section 3. KRS 117.087 is amended to read as follows:

20 (1) The challenge of a mail-in absentee ballot shall be in writing and in the hands of the
21 county clerk before 8 a.m. on the day preceding any primary, regular election, or
22 special election day.

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

27 (3) (a) Beginning at 8 a.m. on any primary, regular election, or special election day,

1 the county board of elections or central ballot counting board shall meet at the
2 county clerk's office or other place designated by the county board of
3 elections to process, review, and count~~[review]~~ the mail-in absentee ballots
4 returned. Candidates or their representatives shall be permitted to be present~~[-~~
5 ~~The county board of elections or central ballot counting board may meet up to~~
6 ~~fourteen (14) days prior to the day of a primary or election to review and~~
7 ~~process the mail-in absentee ballots cast in the county. The county board of~~
8 ~~elections or central ballot counting board shall meet as often as necessary~~
9 ~~during these fourteen (14) days to process and review returned mail in~~
10 ~~absentee ballots, including expediting any signature cures].~~

11 (b) The county board of elections or counting board chair or the chair's designee
12 shall provide each board member with a list of all voters who have returned a
13 mail-in absentee ballot by mail. If a list of all voters who have returned a
14 mail-in absentee ballot by mail is not provided to the board, the name of each
15 voter who cast an absentee ballot by mail shall be read aloud. The county
16 board of elections shall authorize representatives of the news media to
17 observe the processing, review, and counting~~[review]~~ of the ballots~~[- to~~
18 ~~determine their acceptance or rejection].~~

19 (c) Acceptance or rejection of the mail-in absentee ballots shall be determined as
20 follows:

- 21 1. The county board of elections or the central ballot counting board shall
22 open the boxes containing absentee ballots returned by mail, hand
23 delivered, or deposited in a drop-box or receptacle, and remove the
24 envelopes one (1) at a time. All mail-in absentee ballots returned shall
25 have their barcode or unique label scanned to note official receipt;
- 26 2. As each envelope is removed, it shall be examined to ascertain whether
27 the outer envelope and the detachable flap are in proper order and have

- 1 been signed by the voter, except if:
- 2 a. The detachable flap and outer envelope for the voter have been
- 3 signed by a person having power of attorney for the voter, and that
- 4 person has completed the voter assistance form required by KRS
- 5 117.255; or
- 6 b. The voter has signed the detachable flap and outer envelope with
- 7 the use of a mark instead of the voter's signature, the county board
- 8 of elections or the central ballot counting board shall verify that
- 9 the mark was made in the presence of two (2) witnesses;
- 10 3. Ballots with unsigned detachable flaps or outer envelopes shall be
- 11 rejected automatically;
- 12 4. Ballots that have not been sent by the county clerk to a qualified voter,
- 13 but are received by the county board of elections or the central ballot
- 14 counting board shall be rejected automatically;
- 15 5. The members of the county board of elections, or the members of the
- 16 central ballot counting board, shall compare the signatures on the outer
- 17 envelope and the detachable flap with the signature of the voter that
- 18 appears on the voter's signature of record, which record shall include the
- 19 signature on the voter's identity document as defined in KRS 186.010,
- 20 the voter's mail-in absentee ballot application, or the voter's registration
- 21 card. If a signature match cannot be made, the county board of elections,
- 22 central ballot counting board, or the county clerk shall make a
- 23 reasonable effort to contact the voter and provide notice to the voter
- 24 with a timeframe and manner in which the voter may cure his or her
- 25 signature relative to the mail-in absentee ballot signature. All signature
- 26 cures shall be completed before the closing of the polls on the day of a
- 27 primary or an election;

- 1 6. If the outer envelope and the detachable flap are found to be in order,
2 the members of the county board of elections or the members of the
3 central ballot counting board shall verify the voter's name from the list
4 of persons who were sent mail-in absentee ballots, but if a list has not
5 been provided to the board, the name of the voter shall be read aloud;
- 6 7. If the vote of the voter is not rejected on a challenge as provided in
7 subparagraph 8. of this paragraph or as otherwise provided in this
8 subsection, the members of the county board of elections or the
9 members of the central ballot counting board shall remove the
10 detachable flap and place the secrecy envelope unopened in a ballot box
11 which has been provided for the purpose;
- 12 8. When the name of a voter who cast a mail-in absentee ballot is
13 processed and reviewed by the members of the county board of elections
14 or the members of the central ballot counting board, the vote of the voter
15 may be challenged by any board member or by the written challenge
16 provided in subsection (1) of this section and the challenge may be
17 determined and the vote accepted or rejected by the board as if the voter
18 was present and voting in person; but if the outer envelope and the
19 detachable flap are regular, and each substantially comply with the
20 provisions of this chapter, they shall be considered as showing that the
21 voter is prima facie entitled to vote. If the vote of a voter is rejected
22 pursuant to the challenge, the secrecy envelope shall not be opened, but
23 returned to the outer envelope upon which the chair or member shall
24 write on the envelope the word "rejected";
- 25 9. If irregularities are discovered in the review and processing of the mail-
26 in absentee ballot, the county board of elections or the central ballot
27 counting board shall immediately report to the county attorney or the

1 Office of the Attorney General;~~and~~

2 10. The ballot box into which all accepted mail-in absentee ballots are
3 placed shall be locked with at least two (2) locks and the keys to the box
4 shall be retained by at least two (2) members of the county board of
5 elections who are not of the same political affiliation or two (2)
6 members of the central ballot counting board, who are not of the same
7 political affiliation. The box shall remain locked until the ballots are
8 counted; and

9 11. After the challenges have been made and all the blank secrecy
10 envelopes have been placed in a ballot box, the box shall be
11 thoroughly shaken or shuffled to redistribute the absentee ballots in
12 the box to ensure secrecy of the vote. Then the board shall open the
13 ballot box, remove the absentee ballots from the secrecy envelopes,
14 and count the ballots.

15 (d) The State Board of Elections shall promulgate administrative regulations
16 under KRS Chapter 13A establishing the form of the notice required under
17 this subsection for the curing of signatures.

18 ~~[(4) (a) Beginning at 8 a.m. local time on any primary, regular election, or special~~
19 ~~election day, the county board of elections or a central ballot counting board~~
20 ~~shall meet in the county clerk's office or other place designated by the county~~
21 ~~board of elections to:~~

22 ~~1. Review and process any mail-in absentee ballots returned using the~~
23 ~~procedures in subsection (3) of this section; and~~

24 ~~2. Count, or the county board of elections may oversee the count by the~~
25 ~~central ballot counting board, the accepted mail-in absentee ballots and~~
26 ~~total and record the in-person absentee votes cast.~~

27 ~~(b) During the review, processing, and counting of the absentee ballots and votes,~~

1 candidates or their representatives shall be permitted to be present, and the
2 county board of elections shall authorize representatives of the news media to
3 observe.

4 ~~(5) After the challenges have been made and all the blank secrecy envelopes have been~~
5 ~~placed in a ballot box, the box shall be thoroughly shaken or shuffled to redistribute~~
6 ~~the absentee ballots in the box to ensure secrecy of the vote. The board shall open~~
7 ~~the ballot box, remove the absentee ballots from the secrecy envelopes, and count~~
8 ~~the ballots.]~~

9 ~~(4)~~~~(6)~~ The board shall unlock and break the tamper-resistant seal to any voting
10 equipment used to cast in-person absentee ballots, as provided for in KRS 117.076,
11 and a total of all in-person absentee ballots shall be made and recorded on the form
12 provided by the State Board of Elections.

13 ~~(5)~~~~(7)~~ No person shall transmit or publicize any tallies or counts of the absentee
14 ballot results or any partial results as provided in this section to any person ~~except~~
15 ~~those persons, election officials, or entities authorized by law to receive it,] until 6~~
16 p.m. prevailing time on the day of a primary or an election.

17 ➔Section 4. KRS 117.275 is amended to read as follows:

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

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

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

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

- 1 (c) The number registered on the protective or cumulative counter or device; and
2 (d) The number or other designation of the voting equipment.

3 The certificate, with any additional certificate previously prepared under KRS
4 117.035, shall be returned by the judges of election to the officials authorized by
5 law to receive it. The judges shall compare the number of voters, as shown by the
6 counter of the voting equipment, with the number of those who have voted as
7 shown by the protective or cumulative counter or device.

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

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

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

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

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

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

25 (6) Each of the return sheets, if applicable, and the record of the voting equipment shall
26 be enclosed in an envelope. One (1) copy of the return sheets, if applicable, one (1)
27 copy of the record of the voting equipment, and the write-in roll, if any write-in

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

16 (7) During the period established by KRS 117.355(3), and following the tabulation of
17 all votes cast in the election, including absentee votes and write-in votes:

18 (a) The county board of elections shall mail, transmit via facsimile machine,
19 hand-deliver, or submit by electronic means a copy of the precinct-by-precinct
20 summary of the tabulation sheets showing the results from each precinct to the
21 State Board of Elections. The copy of the precinct-by-precinct summary of the
22 tabulation sheets showing the results from each precinct shall include the
23 votes cast on the day of an election and during in-person absentee voting; and

24 (b) The county clerk shall mail or deliver the precinct signature rosters from each
25 precinct and the in-person absentee ballot signature roster to the State Board
26 of Elections.

27 (8) For each voting location, as soon as possible after the completion of the count, the

1 two (2) election officers who are not of the same political affiliation shall return to
2 the county board of elections the keys to the voting equipment received and
3 receipted for by them, and the county clerk, in each voting location, shall have the
4 voting equipment properly boxed or securely covered and removed to a proper and
5 secure place of storage.

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

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

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

- 1 (12) The county board of elections shall tabulate the valid federal provisional ballots.
2 The results of the vote tally shall be certified by the county board of elections to the
3 county clerk and to the Secretary of State. The county board of elections shall mail
4 a copy of the precinct-by-precinct summary of the valid federal provisional ballot
5 tabulation sheets showing the results from each precinct to the State Board of
6 Elections.
- 7 (13) The county board of elections shall authorize the candidates, slates of candidates, or
8 their representatives, and representatives of the news media to be present during the
9 counting of the supplemental and federal provisional paper ballots.
- 10 (14) No person shall transmit or publicize any tallies or counts of ballots, or any partial
11 results, to any person ~~[except those persons, election officials, or entities authorized~~
12 ~~by law to receive it,]~~ until 6 p.m. prevailing time on the day of a primary or an
13 election.
- 14 (15) (a) Unofficial election results transmitted online to the county board of elections
15 or the State Board of Elections shall occur by means of a secure online
16 connection after results are tallied on the tally computer that has been certified
17 in accordance with KRS 117.379 as part of a voting system as defined in KRS
18 117.001.
- 19 (b) If an external device is used to upload election results for the subsequent
20 transmission, the device shall be used for that primary or election only and be
21 of a type approved by the State Board of Elections as part of a voting system
22 under KRS 117.379. The upload of the election results shall occur in the
23 presence of two (2) members of the county board of elections who are of a
24 different political affiliation.
- 25 (16) Except as otherwise required in this chapter, all records and papers relating to
26 specified elections shall be retained for twenty-two (22) months, and the county
27 clerk shall retain the voted federal provisional ballots, voter affirmations, election

1 official affirmations, and the supplemental paper ballots for twenty-two (22)
2 months and the unvoted federal provisional ballots, the voter affirmations, election
3 official affirmations, and the supplemental paper ballots for sixty (60) days after
4 each election day, after which time they shall be destroyed in a manner to render
5 them unreadable by the county board of elections if no contest or recount action has
6 been filed.