

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) "Proof of identification" means a document that was issued by:
- 23 (a) The United States or the Commonwealth of Kentucky, and the document
24 contains:
- 25 1. The name of the individual to whom the document was issued; and
26 2. A photograph of the individual to whom the document was issued;
- 27 (b) The United States Department of Defense, a branch of the uniformed services,

1 the Merchant Marine, or the Kentucky National Guard, and the document
2 contains:

- 3 1. The name of the individual to whom the document was issued; and
- 4 2. A photograph of the individual to whom the document was issued; or

5 ~~(c) [A public or private college, university, or postgraduate technical or
6 professional school located within the United States, and the document
7 contains:~~

- 8 ~~1. The name of the individual to whom the document was issued; and~~
- 9 ~~2. A photograph of the individual to whom the document was issued; or~~

10 ~~(d)~~ Any city government, county government, urban-county government, charter
11 county government, consolidated local government, or unified local
12 government, which is located within this state, and the document contains:

- 13 1. The name of the individual to whom the document was issued; and
- 14 2. A photograph of the individual to whom the document was issued;

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

18 (17) "Voting booth" or "ballot completion area" means an area in which a voter casts his
19 or her vote or completes his or her ballot which is designed to ensure the secrecy of
20 the vote;

21 (18) "Vote center" means a consolidated precinct of the county;

22 (19) "Voting equipment" means any physical component of a voting system and
23 includes voting machines where voting machines are in operation;

24 (20) "Voting machine" or "machine":

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

26 1. A direct recording electronic voting machine that:

27 a. Records votes by means of a ballot display provided with

1 mechanical or electro-operated components that may be actuated
2 by the voter;

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

4 c. Records voting data and ballot images in internal and external
5 memory components; and

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

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

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

12 (21) "Voting system":

13 (a) Means the total combination of physical, mechanical, electromechanical, or
14 electronic equipment, including the software, hardware, firmware, and
15 documentation required to program, control, and support that equipment, that
16 is used to:

17 1. Define ballots;

18 2. Cast and count votes;

19 3. Report or display election results; and

20 4. Maintain and produce any audit trail information;

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

22 1. Identify system components and versions of those components;

23 2. Test the system during its development and maintenance;

24 3. Maintain records of system errors and defects;

25 4. Determine specific system changes to be made to a system after the
26 initial qualification of the system;

27 5. Make available any materials to the voter, such as notices, instructions,

1 forms, or paper ballots; and

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

3 (22) "Voter-verified paper audit trail" means a contemporaneous paper record of a ballot
4 printed for the voter to confirm his or her votes before the voter casts his or her
5 ballot that:

6 (a) Allows the voter to verify the voter's ballot choices before the casting of the
7 voter's ballot;

8 (b) Is not retained by the voter;

9 (c) Does not contain individual voter information;

10 (d) Is produced on paper that is sturdy, clean, and resistant to degradation; and

11 (e) Is readable in a manner that makes the voter's ballot choices obvious to the
12 voter or any person without the use of computer or electronic code.

13 ➔Section 2. KRS 117.228 is amended to read as follows:

14 (1) Except as provided in subsection (4) of this section, on the day of a primary, an
15 election, or during in-person absentee voting, if a voter is unable to provide proof of
16 identification as required under KRS 117.225, and as defined under KRS 117.001, a
17 voter may cast a ballot if the individual:

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

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

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

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

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

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

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

- 1 5. The voter has not voted and will not vote in any other precinct;
- 2 6. The voter's current residential address, including the street address
- 3 number and, if different from the voter's current address, the voter's
- 4 residential address prior to the close of the registration books under KRS
- 5 116.045, and the date the voter moved;
- 6 7. The voter understands that making a false statement on the affirmation
- 7 is punishable under penalties of perjury; and
- 8 8. The voter has one (1) of the following impediments to procure proof of
- 9 identification as defined in KRS 117.001:
 - 10 a. Lack of transportation;
 - 11 b. Inability to obtain his or her birth certificate or other documents
 - 12 needed to show proof of identification;
 - 13 c. Work schedule;
 - 14 d. Lost or stolen identification;
 - 15 e. Disability or illness;
 - 16 f. Family responsibilities;
 - 17 g. The proof of identification has been applied for, but not yet
 - 18 received; or
 - 19 h. The voter has a religious objection to being photographed.
- 20 (2) In addition to the requirements of subsection (1) of this section, to cast a ballot, the
- 21 voter who is unable to provide proof of identification shall provide to an election
- 22 officer:
 - 23 (a) The voter's Social Security Card;
 - 24 (b) Any identification card issued by a county in this state which has the name of
 - 25 the voter stated and has been approved in writing by the State Board of
 - 26 Elections pursuant to administrative regulations promulgated under KRS
 - 27 Chapter 13A;

1 (c) Any identification card with the voter's photograph and the name of the voter
2 stated; or

3 (d) Any food stamp identification card, electronic benefit transfer card, or
4 supplemental nutrition assistance card, that is issued by this state and has the
5 name of the voter stated~~]; or~~

6 ~~(e) A credit or debit card with the name of the voter stated].~~

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

11 (4) If the voter is personally known to the election officer, the election officer may
12 execute an election officer affirmation, on a form prescribed and furnished by the
13 State Board of Elections pursuant to administrative regulations promulgated under
14 KRS Chapter 13A, affirming the voter's identification as being personally known to
15 him or her. Once the affirmation is executed by the election officer, the voter shall
16 sign the precinct signature roster and shall proceed to cast his or her vote in a ballot
17 completion area. For purposes of this subsection, "personally known" means that
18 the election officer knows the voter's name and that the voter is a resident of the
19 community.

20 (5) The voter affirmation and the election officer affirmations executed under this
21 section shall be processed in the same manner as an oath of voter affidavit as
22 prescribed by KRS 117.245(3) and (4).