

**117.086 Marking of absentee ballot -- Deposit of returned ballots -- Record -- Disclosure of information. (Effective until July 1, 2014)**

- (1) The voter returning his absentee ballot by mail shall mark his ballot, seal it in the inner envelope and then in the outer envelope, and mail it to the county clerk as shall be provided by this chapter. The voter shall sign the detachable flap and the outer envelope in order to validate the ballot. A person having power of attorney for the voter and who signs the detachable flap and outer envelope for the voter shall complete the voter assistance form as required by KRS 117.255. The signatures of two (2) witnesses are required if the voter signs the form with the use of a mark instead of the voter's signature. A resident of Kentucky who is a member of the Armed Forces, a dependent of a member of the Armed Forces, or a citizen residing overseas who has received an absentee ballot transmitted by facsimile machine shall transmit the voted ballot to the county clerk by mail only, conforming with ballot security requirements that may be promulgated by the state board by administrative regulation. In order to be counted, the ballots shall be received by the clerk by at least the time established by the election laws generally for the closing of the polls, which time shall not include the extra hour during which those voters may vote who were waiting in line to vote at the scheduled poll closing time.
- (2) Any voter who shall be absent from the county on election day, but who does not qualify to receive an absentee ballot by mail under the provisions of KRS 117.085, and all voters qualified to vote prior to the election under the provisions of KRS 117.085, shall vote at the main office of the county clerk or other place designated by the county board of elections, and approved by the State Board of Elections, prior to the day of election. The clerk may provide for such voting by the voting equipment in general use in the county either at the precinct, the equipment as may be used to tabulate absentee ballots, or any other voting equipment approved by the State Board of Elections for use in Kentucky, except as follows:
  - (a) Any voter qualifying to vote in the clerk's office or other place designated by the county board of elections, and approved by the State Board of Elections, who receives assistance to vote shall complete the voter assistance form required by KRS 117.255.
  - (b) Any voter qualifying to vote in the clerk's office or other place designated by the county board of elections, and approved by the State Board of Elections, whose qualifications are challenged by any clerk or deputy shall complete an "Oath of Voter" affidavit.
- (3) When the clerk uses general voting equipment as provided for in subsection (2) of this section, each voter casting his vote at the clerk's office or other place designated by the county board of elections, and approved by the State Board of Elections, shall sign an "Absentee Ballot Signature Roster."
- (4) The clerk shall designate a location within his office where the ballots shall be cast secretly. The county clerk, with the approval of the State Board of Elections, may establish locations other than his main office in which the voters may execute their ballots. Public notice of the locations shall be given pursuant to KRS Chapter 424 and similar notice by mail shall be given to the county chairmen of the two (2)

political parties whose candidates polled the largest number of votes in the county at the last general election.

- (5) The State Board of Elections shall promulgate administrative regulations to provide for casting ballots as provided in subsection (2) of this section.
- (6) The clerk shall deposit all of the absentee ballots returned by mail in a locked ballot box immediately upon receipt without opening the outer envelope. The ballot box shall be locked with three (3) locks. The keys to the box shall be retained by the three (3) members of the central absentee ballot counting board, if one is appointed, or by the members of the board of elections, and the box shall remain locked until the ballots are counted. All voting equipment on which ballots are cast as permitted in subsection (2) of this section shall also remain locked and the keys shall be retained by the three (3) members of the central absentee ballot counting board, if one is appointed, or by the members of the board of elections, and the equipment shall remain locked until the ballots are counted.
- (7) The clerk shall keep a list for each election of all persons who return their absentee ballots by mail or cast their ballots in the clerk's office or other place designated by the county board of elections and approved by the State Board of Elections, and shall send a copy of each list to the state board after the election day for which the list applies. Notwithstanding the provisions of the Kentucky Open Records Act, KRS 61.870 to 61.884, each list of all persons who return their absentee ballots by mail or cast their ballots in the clerk's office or other designated and approved place shall not be made public until after the close of business hours on the election day for which the list applies. The county clerk and the Secretary of State shall keep a record of the number of votes cast by absentee ballots returned by mail and on the voting machine in the county clerk's office or other place designated by the county board of elections, and approved by the State Board of Elections, cast in any election as a part of the official returns of the election.
- (8) The county board of elections shall report to the State Board of Elections within ten (10) days after any primary or general election as to the number of rejected absentee ballots and the reasons for rejected absentee ballots on a form prescribed by the State Board of Elections in administrative regulations promulgated under KRS Chapter 13A.

**Effective:** June 25, 2013

**History:** Amended 2013 Ky. Acts ch. 124, sec. 3, effective June 25, 2013. -- Amended 2002 Ky. Acts ch. 3, sec. 3, effective February 15, 2002. -- Amended 2000 Ky. Acts ch. 134, sec. 2, effective March 17, 2000. -- Amended 1998 Ky. Acts ch. 243, sec. 7, April 1, 1998; and ch. 386, sec. 2, effective April 7, 1998. -- Amended 1994 Ky. Acts ch. 394, sec. 12, effective July 15, 1994. -- Amended 1990 Ky. Acts ch. 48, sec. 19, effective July 13, 1990. -- Amended 1988 Ky. Acts ch. 341, sec. 28, effective July 15, 1988. -- Amended 1986 Ky. Acts ch. 287, sec. 6, effective July 15, 1986; and ch. 470, sec. 10, effective July 15, 1986. -- Repealed and reenacted 1980 Ky. Acts ch. 73, sec. 2, effective July 15, 1980. -- Amended 1978 Ky. Acts ch. 71, sec. 2, effective June 17, 1978. -- Created 1974 Ky. Acts ch. 130, sec. 46, effective June 21, 1974.

**Formerly codified as** KRS 117.325