

1 AN ACT relating to voting.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 117 IS CREATED TO
4 READ AS FOLLOWS:

5 *(1) In-person early voting shall be conducted between the hours of 8 a.m. and 6 p.m.*
6 *on the three (3) Saturdays preceding any primary, regular election, or special*
7 *election.*

8 *(2) Any qualified voter in the county of his or her residence may, at any time between*
9 *the hours of 8 a.m. and 6 p.m. on the three (3) Saturdays preceding any primary,*
10 *regular election, or special election, make application in person to the county*
11 *clerk to cast an in-person early vote in the county clerk's office or other place*
12 *designated by the county board of elections and approved by the State Board of*
13 *Elections. The county clerk may provide for the early voting by utilizing the*
14 *voting equipment in general use in the county as follows:*

15 *(a) The precinct voting equipment;*

16 *(b) The equipment used to tabulate absentee ballots; or*

17 *(c) Any other voting equipment approved by the State Board of Elections for*
18 *use in Kentucky.*

19 *(3) The county clerk shall designate a location within his or her office where the*
20 *early voting ballots shall be cast secretly. The county board of elections, with the*
21 *approval of the State Board of Elections, may establish locations other than the*
22 *county clerk's main office in which the voters may execute their early voting*
23 *ballots. Public notice of the locations shall be given pursuant to KRS Chapter 424*
24 *and similar notice by mail shall be given to the county chairs of the two (2)*
25 *political parties whose candidates polled the largest number of votes in the county*
26 *at the last regular election.*

27 *(4) The early voting application form shall be in the form prescribed and supplied by*

1 the State Board of Elections in accordance with administrative regulations
2 promulgated by the board under KRS Chapter 13A, shall bear the seal of the
3 county clerk, and shall contain the following information: name, residential
4 address, precinct, party affiliation, a statement of compliance with residency
5 requirements for voting in the precinct, and signature. The voter's signature shall
6 constitute the voter's verification that the voter is properly registered and
7 qualified to vote.

8 (5) Before a person is permitted to cast an early vote, the county clerk or an election
9 official shall confirm that the person meets the eligibility requirements under
10 KRS 116.025 and the residency requirements under KRS 116.035, and shall
11 confirm the voter's identity in the manner provided by KRS 117.227. The county
12 clerk or an election official shall note the precinct number for each early vote
13 cast on the early voting application form.

14 (6) Any voter qualifying to vote by means of early voting in the county clerk's office
15 or other place designated by the county board of elections and approved by the
16 State Board of Elections under this section shall sign an Early Voter Signature
17 Roster. The county clerk or an election official shall note the precinct number for
18 each early vote cast on the Early Voter Signature Roster. The Early Voter
19 Signature Roster shall be in the form prescribed and supplied by the State Board
20 of Elections in accordance with administrative regulations promulgated by the
21 board under KRS Chapter 13A.

22 (7) Except for those voters who have been certified as requiring assistance in voting
23 on a permanent or annual basis, any person voting by means of early voting on
24 the voting equipment in the county clerk's office or other place designated by the
25 county board of elections and approved by the State Board of Elections, who
26 receives assistance in voting, shall be required to make and sign an oath that,
27 because of blindness, other physical disability, or an inability to read English, he

1 or she is unable to vote without assistance. The oath shall be upon the voter
2 assistance form prescribed by the State Board of Elections pursuant to KRS
3 117.255(2).

4 (8) Any person who assists another person in voting by means of early voting on the
5 voting equipment in the county clerk's office or other place designated by the
6 county board of elections, and approved by the State Board of Elections shall
7 complete the voter assistance form required by KRS 117.255(2).

8 (9) Any voter applying to cast an early vote in the county clerk's office or other place
9 designated by the county board of elections, and approved by the State Board of
10 Elections under this section, whose qualifications are challenged by any county
11 clerk, deputy county clerk, or challenger, shall complete an "Oath of Voter"
12 affidavit as to the voter's qualifications before the voter is permitted to vote. If the
13 right of a person to vote is disputed, the procedure set forth in KRS 117.245 shall
14 apply.

15 (10) A voter who changes his or her place of residence to a different state while the
16 registration books are closed in the new state of residence before a presidential
17 election shall be permitted to cast an in-person early vote ballot for President and
18 Vice President only, by making application in person to the county clerk to vote
19 on voting equipment in the county clerk's office or other place designated by the
20 county board of elections and approved by the State Board of Elections, during
21 those times provided for early voting.

22 (11) At 6 p.m. prevailing time, if voters are waiting at the county clerk's office or other
23 place designated by the county board of elections and approved by the State
24 Board of Elections to cast an early vote, an election official shall announce that a
25 voter wishing to cast an early vote must immediately get in line. When all voters
26 waiting to cast an early vote at that time are in line, the election officer shall
27 determine which voter is the last in line, and that voter shall be the last voter

1 permitted to cast an early vote. The election official shall wait in line with the last
2 voter who shall be permitted to vote until that voter has voted and shall inform
3 any voter who subsequently arrives at the polling place for early voting that no
4 one shall be permitted to cast an early vote after the last voter in line at 6 p.m.,
5 prevailing time. After the last voter waiting in line at 6 p.m., prevailing time, has
6 voted, the polls for early voting shall then be closed.

7 (12) The members of the county board of elections or their designees who provide
8 equal representation of both political parties may serve as precinct election
9 officers, without compensation, for all early voting performed on voting
10 equipment in the county clerk's office or other place designated by the county
11 board of elections and approved by the State Board of Elections. If the members
12 of the county board of elections or their designees serve as precinct election
13 officers for early voting, they shall perform the same duties and exercise the same
14 authority as precinct election officers who serve on the day of a primary, regular
15 election, or special election. If the members of the county board of elections or
16 their designees do not serve as precinct election officers for early voting, the
17 county clerk or deputy county clerk shall supervise early voting.

18 (13) Any individual qualified to appoint challengers for the day of a primary, regular
19 election, or special election may also appoint challengers to observe all early
20 voting performed at the county clerk's office or other place designated by the
21 county board of elections, and approved by the State Board of Elections, and
22 those challengers may exercise the same privileges as challengers appointed for
23 observing voting on the day of a primary, regular election, or special election at a
24 regular polling place.

25 (14) The State Board of Elections shall promulgate administrative regulations to
26 establish procedures for casting ballots as provided in subsection (2) of this
27 section.

- 1 (15) The county board of elections may appoint a central early voting ballot counting
2 board of not less than three (3) members, who shall be qualified voters and no
3 more than two-thirds (2/3) of whom shall be members of the same political party,
4 to count the ballots at the direction of the county board of elections. Members of
5 the central early voting ballot counting board, if one is appointed, shall not be
6 prohibited from simultaneously serving as members of the central absentee ballot
7 counting board as provided in subsection (2) of Section 2 of this Act, if one is
8 appointed.
- 9 (16) All voting equipment on which early voting ballots are cast as permitted in this
10 section shall be locked and the keys or other locking mechanism shall be retained
11 by the members of the central early voting ballot counting board, if one is
12 appointed, or by the members of the county board of elections, and shall remain
13 locked until the early voting ballots are counted.
- 14 (17) All early voting ballots cast on the voting equipment in the county clerk's office
15 or other place designated by the county board of elections and approved by the
16 State Board of Elections shall be counted in the same manner as in-person
17 absentee ballots as set out in Section 2 of this Act.
- 18 (18) The county clerk shall keep a list for each primary, regular election, or special
19 election of all persons who cast their ballots by means of early voting in the
20 county clerk's office or other place designated by the county board of elections
21 and approved by the State Board of Elections, and shall send a copy of each list to
22 the state board after the primary, regular election, or special election day for
23 which the list applies. Notwithstanding the provisions of the Kentucky Open
24 Records Act, KRS 61.870 to 61.884, each list of all persons who cast their ballots
25 through early voting in the county clerk's office or other designated and approved
26 place shall not be made public until after the close of business hours on the
27 primary, regular election, or special election day for which the list applies. The

1 county clerk and the Secretary of State shall keep a record of the number of votes
 2 cast through early voting on the voting equipment in the county clerk's office or
 3 other place designated by the county board of elections and approved by the State
 4 Board of Elections which are cast in any election as a part of the official returns
 5 of the primary, regular election, or special election.

6 (19) Except as provided in this section, early voting shall be conducted in the same
 7 manner as voting on a primary, regular election, or special election day. Conduct
 8 that is prohibited or restricted on a primary, regular election, or special election
 9 day shall be subject to the same prohibitions and restrictions on the three (3)
 10 Saturdays before the primary, regular election, or special election day during
 11 which early voting is conducted.

12 ➔Section 2. KRS 117.087 is amended to read as follows:

- 13 (1) The challenge of an absentee ballot returned by mail shall be in writing and in the
 14 hands of the county clerk before 8 a.m. on any primary, regular election, or special
 15 election day.
- 16 (2) The county board of elections shall count the absentee ballots returned by mail and
 17 the votes cast on the voting machine in the county clerk's office or other place
 18 designated by the county board of elections and approved by the State Board of
 19 Elections. The board may appoint a central ballot counting board of not less than
 20 three (3) members, who shall be qualified voters and no more than two-thirds (2/3)
 21 of whom shall be members of the same political party, to count the ballots at the
 22 direction of the county board of elections.
- 23 (3) Beginning at 8 a.m. on primary, regular election, or special election day, the board
 24 shall meet at the county clerk's office to count the absentee ballots returned by mail
 25 and the ballots cast on the voting machine in the county clerk's office or other place
 26 designated by the county board of elections and approved by the State Board of
 27 Elections. Candidates or their representatives shall be permitted to be present. The

1 county board of elections shall authorize representatives of the news media to
2 observe the counting of the ballots. The board shall open the boxes containing
3 absentee ballots returned by mail and remove the envelopes one (1) at a time. As
4 each envelope is removed, it shall be examined to ascertain whether the outer
5 envelope and the detachable flap are in proper order and have been signed by the
6 voter. A person having power of attorney for the voter and who signs the detachable
7 flap and outer envelope for the voter shall complete the voter assistance form
8 required by KRS 117.255. The signatures of two (2) witnesses are required if the
9 voter signs the form with the use of a mark instead of the voter's signature. All
10 unsigned absentee ballots shall be rejected automatically. The chair~~chairman~~ of
11 the county board of elections shall compare the signatures on the outer envelope and
12 the detachable flap with the signature of the voter that appears on the registration
13 card. If the outer envelope and the detachable flap are~~found to be~~ in order, the
14 chair~~chairman~~ shall read aloud the name of the voter. If the vote of the voter is
15 not rejected on a challenge~~then made~~ as provided in subsection (4) of this section,
16 the chair~~chairman~~ shall remove the detachable flap and place the inner envelope
17 unopened in a ballot box which has been provided for the purpose.

18 (4) When the name of a voter who cast an absentee ballot by mail is read aloud by the
19 chair~~chairman~~, the vote of the voter may be challenged by any board member or
20 by the written challenge provided in subsection (1) of this section and the challenge
21 may be determined and the vote accepted or rejected by the board as if the voter was
22 present and voting in person; but if the outer envelope and the detachable flap are
23 regular, and substantially comply with the provisions of this chapter, they shall be
24 considered as showing that the voter is prima facie entitled to vote. If the vote of a
25 voter is rejected pursuant to the challenge, the inner envelope shall not be opened,
26 but returned to the outer envelope upon which the chair~~chairman~~ shall write on
27 the envelope the word "rejected."

- 1 (5) After the challenges have been made and all the blank inner envelopes have been
2 placed in a ballot box, the box shall be thoroughly shaken to redistribute the
3 absentee ballots in the box. The board shall open the ballot box, remove the
4 absentee ballots from the inner envelopes, and count the ballots.
- 5 (6) The board shall unlock any voting equipment used to cast ballots in the county
6 clerk's office or other place designated by the county board of elections, and
7 approved by the State Board of Elections, as provided for in KRS 117.086, and a
8 total of all ballots shall be made and recorded on the form provided by the State
9 Board of Elections.
- 10 (7) The county board of elections, the county clerk, and all individuals permitted to be
11 present for the counting of absentee ballots pursuant to subsection (2) of this section
12 shall not make public the absentee ballot results determined as provided in this
13 section until after ~~8~~⁶ p.m. prevailing time.

14 ➔Section 3. KRS 117.165 is amended to read as follows:

- 15 (1) Upon completing the preparation of the machines in accordance with the provisions
16 of KRS 117.155, and not later than the Thursday preceding the day of the primary,
17 regular election, or special election, the county clerk shall notify the members of
18 the county board of elections that the machines are ready for use. The board shall
19 then~~thereupon~~ convene at the office of the county clerk, not later than the Friday
20 preceding the day of the primary, regular election, or special election, and examine
21 the machines to determine whether the requirements of KRS 117.155 have been
22 met. The county board of elections shall publish notice, in accordance with KRS
23 424.130(1)(d), at least twenty-four (24) hours in advance of the time when the
24 machines are to be examined by the board. If found in proper order, the members of
25 the county board of elections shall endorse their approval in the book in which the
26 county clerk has entered the numbers of the machines opposite the numbers of the
27 precincts. The county clerk shall then deliver all of the keys to the machines to the

1 county board of elections who shall give a receipt for the keys which shall contain
2 identification of the keys. Not later than one (1) hour before the time set for the
3 opening of the polls, the board shall deliver all election supplies including the
4 precinct list, tabulation sheets, and the key to the device covering the registering
5 counters and other keys necessary for the operation of the machine in registering
6 votes, to the election officers of the precinct in which the machine is being used,
7 who shall give the board a receipt containing identification of the keys. The master
8 key and all other keys shall remain in the possession of the county board of
9 elections.

10 (2) Not later than four (4) business days preceding the date set by the county board of
11 elections to conduct absentee voting in accordance with KRS 117.085(1)(c), the
12 county clerk shall notify the members of the county board of elections that the
13 voting machines designated for use during absentee voting are ready for use. The
14 board shall ~~then~~^{thereupon} convene at the office of the county clerk, not later than
15 three (3) business days preceding the date set by the county board of elections to
16 conduct absentee voting, and examine the machines to determine whether the
17 requirements of KRS 117.155 have been met. The county board of elections shall
18 publish notice, in accordance with KRS 424.130(1)(d), at least twenty-four (24)
19 hours in advance of the time when the absentee voting machines are to be examined
20 by the board. If found in proper order, the members of the county board of elections
21 shall endorse their approval in the book in which the county clerk has entered the
22 identification number of the machines designated for use during absentee voting.

23 (3) Not later than four (4) business days preceding the dates set to conduct early
24 voting in accordance with Section 1 of this Act, the county clerk shall notify the
25 members of the county board of elections that the voting machines designated for
26 use during early voting are ready for use. The board shall then convene at the
27 office of the county clerk, not later than three (3) business days preceding the

1 dates set to conduct early voting in accordance with Section 1 of this Act, and
 2 examine the machines to determine whether the requirements of KRS 117.155
 3 have been met. The county board of elections shall publish notice, in accordance
 4 with KRS 424.130(1)(d), at least twenty-four (24) hours in advance of the time
 5 when early voting machines are to be examined by the board. If found in proper
 6 order, the members of the county board of elections shall endorse their approval
 7 in the book in which the county clerk has entered the identification number of
 8 any machine designated for use during early voting.

9 **(4)** Any candidate, one (1) representative of each political party having candidates to be
 10 voted for at the primary, regular election, or special election, and representatives
 11 of the news media may be present when the examination of the machines is made
 12 by the county board of elections.

13 ➔Section 4. KRS 117.235 is amended to read as follows:

14 (1) No person, other than the election officers, challengers, or persons~~[person]~~ assisting
 15 voters in accordance with KRS 117.255(3)~~], and a minor child in the company of a~~
 16 ~~voter]~~, shall be permitted within the voting room while the vote is being polled,
 17 except as follows:

18 (a) For the purpose of voting;

19 (b) By authority of the election officers to keep order and enforce the law;

20 (c) With the express approval of the county board of elections to repair or replace
 21 voting equipment that is malfunctioning and to provide additional voting
 22 equipment; or

23 (d) At the voter's discretion, a minor child in the company of a voter may
 24 accompany the voter into a voting booth or other private area provided for
 25 casting a vote.

26 (2) No ~~officer of~~ election officer shall do any electioneering on primary, regular
 27 election, or special election day.

- 1 (3) (a) No person shall electioneer at the polling place on the day of any **primary,**
2 **regular election, or special** election, as established in KRS 118.025, within a
3 distance of one hundred (100) feet of any entrance to a building in which a
4 voting machine is located if that entrance is unlocked and is used by voters on
5 **any primary, regular election, or special** election day.
- 6 (b) No person shall electioneer within the interior of a building or affix any
7 electioneering materials to the exterior or interior of a building where the
8 county clerk's office is located, or any building designated by the county board
9 of elections and approved by the State Board of Elections for absentee voting,
10 during the hours absentee voting is being conducted in the building by the
11 county clerk pursuant to KRS 117.085(1)(c).
- 12 (c) **No person shall electioneer within the interior of a building or affix any**
13 **electioneering materials to the exterior or interior of a building where the**
14 **county clerk's office is located, or any building designated by the county**
15 **board of elections and approved by the State Board of Elections for early**
16 **voting, during the hours early voting is being conducted in the building by**
17 **the county clerk pursuant to Section 1 of this Act.**
- 18 (d) Electioneering shall include the displaying of signs, the distribution of
19 campaign literature, cards, or handbills, the soliciting of signatures to any
20 petition, or the solicitation of votes for or against any bona fide candidate or
21 ballot question in a manner which expressly advocates the election or defeat
22 of the candidate or expressly advocates the passage or defeat of the ballot
23 question, but shall not include exit polling, bumper stickers affixed to a
24 person's vehicle while parked within or passing through a distance of one
25 hundred (100) feet of any entrance to a building in which a voting machine is
26 located, private property as provided in subsection (7) of this section, or other
27 exceptions established by the State Board of Elections through the

1 promulgation of administrative regulations.

2 (4) No voter shall be permitted to converse with others while in any room in which
3 voting, including in-person absentee voting and early voting, is conducted
4 concerning their support or nonsupport of any candidate, party, or issue to be voted
5 on, except as provided in KRS 117.255.

6 (5) Any precinct election officer, county clerk, deputy county clerk, or any law
7 enforcement official may:

8 (a) Enforce the election laws and maintain law and order at the polls and within
9 one hundred (100) feet of any entrance to the building in which the voting
10 machine is located if that entrance is unlocked and is used by voters; and ~~[-]~~

11 (b) Request assistance ~~[- may be requested]~~ of any law enforcement officer.

12 (6) Notwithstanding the provisions of subsection (1) of this section, the State Board of
13 Elections may establish a program designed to instill in school children a respect for
14 the democratic principles of voting by conducting in any county a mock election for
15 school children in conjunction with any primary, ~~[- or]~~ regular election, or special
16 election. The State Board of Elections shall promulgate administrative regulations
17 regarding the mock elections to insure that the regular voting process will not be
18 impaired.

19 (7) Notwithstanding the provisions of subsection (3) of this section, nothing in this
20 section shall prohibit the displaying of political campaign signs on private property
21 or private establishments by a person having a leased or ownership interest in that
22 private property or private establishment within the campaign-free zone, regardless
23 of the distance from the polling place. In the case of a polling location being on
24 private property that is leased or otherwise under contract for the purpose of serving
25 as a polling location, the provisions of subsection (3) of this section shall be
26 applicable to that leased or contracted-for private property.

27 ➔Section 5. KRS 117.995 is amended to read as follows:

- 1 (1) Any person appointed to serve as an election officer but who shall knowingly and
2 willfully fail to serve and who is not excused by the county board of elections for
3 the reasons specified in this chapter shall be guilty of a violation and shall be
4 ineligible to serve as an election officer for a period of five (5) years.
- 5 (2) Any county clerk or member of the county board of elections who knowingly and
6 willfully violates any of the provisions of this chapter, including furnishing
7 applications for absentee ballots to persons other than those specified by the
8 provisions of this chapter and failure to type the name of the voter on the
9 application form as required by the provisions of this chapter, shall be guilty of a
10 Class D felony.
- 11 (3) Any officer who willfully fails to prepare or furnish ballot labels or absentee ballots
12 or fails to allow a qualified voter to cast his or her vote on the machine as required
13 of the voter by this chapter shall be guilty of a Class A misdemeanor.
- 14 (4) Any election officer who knowingly and willfully violates any of the provisions of
15 this chapter, including failure to enforce the prohibition against electioneering
16 established by KRS 117.235, shall be guilty of a Class A misdemeanor for the first
17 offense and a Class D felony for each subsequent offense.
- 18 (5) Any person who signs a name other than his or her own on an application for an
19 absentee ballot or on the verification form for the ballot or on an emergency
20 absentee ballot affidavit, or any person who votes an absentee ballot other than the
21 one issued in his or her name, or any person who applies for the ballot for the use of
22 anyone other than himself or herself or the person designated by the provisions of
23 this chapter, or any person who makes a false statement on an application for an
24 absentee ballot or on an emergency absentee ballot affidavit shall be guilty of a
25 Class D felony.
- 26 (6) **Any person who makes a false statement on an application to cast an in-person**
27 **early voting ballot shall be guilty of a Class D felony.**

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

6 ~~(8)~~~~(7)~~ Any person who knowingly and willfully prepares or assists in the preparation
 7 of an inaccurate or incomplete voter assistance form or fails to complete a voter
 8 assistance form when required shall be guilty of a Class A misdemeanor for the first
 9 offense and a Class D felony for each subsequent offense; however, if a voter has
 10 been permanently certified as requiring voting assistance, there shall be no offense
 11 for the failure of the voter to complete the form.

12 ~~(9)~~~~(8)~~ The members of a county board of elections that ~~fail~~~~fails~~ to provide the
 13 training to precinct election officers required by KRS 117.187(2) shall be subject to
 14 removal by the State Board of Elections.

15 ➔Section 6. KRS 118.035 is amended to read as follows:

16 (1) The polls shall be opened on the day of a primary, special election, or regular
 17 election at 6 a.m., prevailing time, and shall remain open until each voter who is
 18 waiting in line at the polls at ~~8~~~~6~~ p.m., prevailing time, has voted, except as
 19 established in subsection (2) of Section 1 of this Act. At ~~8~~~~6~~ p.m., prevailing time,
 20 if voters are waiting at the polls to vote, the precinct election sheriff shall announce
 21 that a voter wishing to vote must immediately get in line. When all voters waiting at
 22 the polls at that time are in line, the precinct election sheriff shall then determine
 23 which voter is the last in line, and that voter shall be the last voter permitted to vote.
 24 The precinct election sheriff shall wait in line with the last voter who shall be
 25 permitted to vote until that voter has voted and shall inform a voter who
 26 subsequently arrives at the polls that no one shall be permitted to vote after the last
 27 voter in line at ~~8~~~~6~~ p.m., prevailing time. After the last voter waiting in line at ~~8~~~~6~~

1 p.m., prevailing time, has voted, the polls shall then be closed.

2 (2) As provided in Section 148 of the Constitution of Kentucky, any person entitled to
 3 a] vote at any **primary, regular election, or special** election in this state shall~~], if he~~
 4 ~~has made application for leave prior to the day he appears before the county clerk to~~
 5 ~~request an application for or to execute an absentee ballot,]~~ be entitled to **be** absent~~]~~
 6 ~~himself]~~ from any services or employment in which he **or she** is then engaged or
 7 employed for a reasonable time, but not less than four (4) hours on the day he **or**
 8 **she:**

9 **(a) Appears**~~[appears]~~ before the **county** clerk to request an application for or to
 10 execute an absentee ballot, during normal business hours of the office of the
 11 **county** clerk, **if he or she has requested leave prior to that day;**

12 **(b) Casts**~~[or to cast]~~ his **or her** ballot on the day of the **primary, regular election,**
 13 **or special** election between the time of opening and closing the polls; **or**

14 **(c) Appears before the county clerk to request an application for and execute**
 15 **an early voting ballot on those days and during those hours early voting is**
 16 **conducted in the county clerk's office or other place designated by the**
 17 **county board of elections and approved by the State Board of Elections, if**
 18 **he or she has requested leave prior to that day.**

19 The employer may specify the hours during which an employee may **be** absent~~]~~
 20 ~~himself]~~.

21 (3) No person shall be penalized for taking a reasonable time off to vote, unless, under
 22 circumstances which did not prohibit him **or her** from voting, he **or she** fails to
 23 vote. Any qualified voter who exercises his **or her** right to voting leave under this
 24 section but fails to cast his **or her** vote, under circumstances which did not prohibit
 25 him **or her** from voting, may be subject to disciplinary action.

26 (4) Any person selected to serve as an election officer shall be entitled to **be** absent~~]~~
 27 ~~himself]~~ from any services or employment in which he **or she** is then engaged or

1 employed for a period of an entire day to attend training or to serve as an election
2 officer. The person shall not, because of *the absence* ~~so absenting himself~~, be
3 liable to any penalty. The employer may specify the hours during which the
4 employee may *be* absent ~~himself~~. No person shall refuse an employee the privilege
5 *that has been* ~~hereby~~ conferred, or discharge or threaten to discharge an employee
6 or subject an employee to a penalty, because of the exercise of the privilege.