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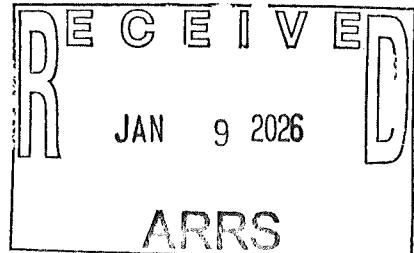
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COMMONWEALTH OF KENTUCKY  
STATE BOARD OF ELECTIONS

January 8, 2026

Senator Stephen West, Co-Chair  
Representative Derek Lewis, Co-Chair  
Legislative Research Commission  
083, Capitol Annex  
702 Capitol Avenue  
Frankfort KY 40601



Dear Co-Chairs West and Lewis:

After consideration of the issues raised by 31 KAR 2:010, 31 KAR 2:020, and 31 KAR 2:030, the State Board of Elections proposes the attached suggested substitutes to these ordinary administrative regulations.

Sincerely,

Taylor Austin Brown  
General Counsel  
State Board of Elections  
140 Walnut Street  
Frankfort, Kentucky 40601

140 WALNUT STREET  
FRANKFORT, KY 40601-3240

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SUGGESTED SUBSTITUTE

**STATE BOARD OF ELECTIONS**  
**(Amendment)**

**31 KAR 2:010. Preparation of ballots and voting systems prior to election day.**

RELATES TO: KRS 117.001, 117.076(1), 117.085(5), 117.145, 117.383, 117.389, 118.035, 118.215(1), 118.770[KRS 116.025, 116.065, 117.001, 117.085(5), 117.125, 117.145, 117.155, 117.165, 117.175, 117.195, 117.205, 117.255, 117.275, 117.377, 117.379, 117.383, 117.385, 117.389, 117.391, 117.393, 118.015, 118.025, 118.215(1), 118.770, 118A.010, 119.005, 424.290]

STATUTORY AUTHORITY: KRS 117.015(1)(a), 117.145(4), 117.383

CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB6, Section 8.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 117.015(1)(a) authorizes the State Board of Elections to promulgate administrative regulations necessary to administer the election laws of the state. KRS 117.145(4) requires the State board of Elections to establish methods of securing the integrity of the ballots from the time of certification of each candidate and each question to be voted upon in any primary or election until the conclusion of the primary or election, and the method of tracking all voted, unvoted, or spoiled ballots. KRS 117.383 requires the State Board of Elections to promulgate administrative regulations to maintain the maximum degree of correctness, impartiality, and efficiency of the procedures of voting. KRS 117.383(1) requires the State Board of Elections to promulgate administrative regulations to count, tabulate, and record votes. KRS 117.383(2) requires the State Board of Elections to promulgate administrative regulations to establish a method for placing items on any ballot, which shall, as closely as possible, follow the requirements pertaining to ballots. KRS 117.383(5) requires the State Board of Elections to promulgate administrative regulations to provide for checking the accuracy of the voting system. This administrative regulation establishes the procedures for the county clerk and the county board of elections to follow in preparing the ballots and the voting systems prior to each election.

Section 1. Definitions.

(1) "Accuracy Board" means the county board of elections, or at least two (2) individuals appointed by the county board of elections, assigned with the duty of overseeing the accuracy testing of the voting machines and the voting systems required by 31 KAR 2:020.

(2) "Accuracy test" means the procedures established by 31 KAR 2:020 for checking the accuracy of the voting system required by KRS 117.383(5), and the testing of the automatic tabulating equipment and voting systems required by KRS 117.389.

(3) "Ballot accountability statement" means a form created by the county clerk in accordance with Section 4 of this administrative regulation.

(4) "Ballot template" means a printout created by the program administrator of the voting systems that shows the results of the steps taken by the program administrator to place all candidates, races, and ballot questions on each ballot based on the information provided by the county clerk.

(5) "Certification" means the information provided by the county clerk to the program administrator that includes an accurate listing of all federal, state, county, and local candidates, offices and ballot questions to be placed on the ballot for each voting machine or voting system for each precinct within

five (5) days of receiving the certification of candidates by the Secretary of State, pursuant to KRS 118.215(1), or immediately after receiving the Secretary of State's certification pursuant to KRS 118.770.

(6) "E-poll book" is defined by KRS 117.001(9).

(7) "Program administrator" means the county clerk or authorized assistant designated to configure the voting machines and voting systems.

(8)[(7)] "Scan voting system" means a tabulating device that reads paper ballots by electronically detecting voters' marks.

(9)[(8)] "Voting machine" is defined by KRS 117.001(24)/(19)]~~means hardware, which is a component of the voting system, used or relied upon by a voter in casting and recording his or her votes in a precinct in an election, which has been approved by the State Board of Elections for use in elections in the Commonwealth of Kentucky pursuant to KRS 117.379].~~

(10)[(9)] "Voting system" is defined by KRS 117.001(25)/(20)]~~means a system of components of hardware and software, including the voting machine, used by a voter to cast a ballot and by the election officials to tabulate the votes on election day, which has been approved by the State Board of Elections for use in elections in the Commonwealth of Kentucky pursuant to KRS 117.379].~~

(11)[(10)] "Zero-file" means a computer-based electronic file type listing all electoral contests and questions, displaying precinct-by-precinct vote totals registering as zero, which includes all candidates, offices, and ballot questions in the order under which they have been certified pursuant to KRS 118.215(1) or KRS 118.770, for all mail-in absentee ballots, excused in-person absentee ballots, no-excuse in-person absentee ballots, and election day ballots.

## Section 2. Preparation of Each Voting Machine and Voting System.

(1) The county clerk shall designate a program administrator to configure the voting machines and voting systems for each election.

(2)

(a) Within five (5) days of receiving the certification of candidates by the Secretary of State, pursuant to KRS 118.215(1), or immediately after receiving the Secretary of State's certification pursuant to KRS 118.770, the county clerk shall provide a certification to the program administrator that includes an accurate listing of all federal, state, county, and local candidates, offices, and ballot questions.

(b) The program administrator shall place the information in the certification in the ballot template for each voting system and precinct.

(3) The program administrator, if other than the county clerk, shall provide a ballot template for each ballot to the county clerk not less than three (3) days before the deadline for printing ballots established in KRS 117.085(5) and 117.145(1).

(4) The county clerk shall compare the prepared ballots and ballot screens, if applicable, for each voting system with the ballot template and the certification supplied by the county clerk to the program administrator to ascertain that all federal, state, county, and local candidates, offices and ballot questions shall be the same as listed on the certification and shall appear in the correct positions.

(5) Once the county clerk has ascertained that all federal, state, county, and local candidates, offices and ballot questions are the same as listed on the certification and appear in the correct position, the program administrator shall electronically transmit to the State Board of Elections a zero-file in a format designated by the State Board of Elections.

(6) The county clerk shall provide the ballot templates to the county board of elections or designated Accuracy Board prior to the conduct of the accuracy tests required by 31 KAR 2:020.

(7) The county board of elections, or designated review board, shall review the ballot template and the certification supplied by the county clerk to the program administrator to ascertain that all federal, state,

county, and local candidates, offices and ballot questions shall be the same as listed on the certification and shall appear in the correct positions prior to the conduct of the accuracy tests required by 31 KAR 2:020.

(8) The county clerk shall review and verify the audio ballots to be placed on the accessible voting systems by listening to the audio ballot through a headset to ensure proper pronunciation of all candidate names and to confirm that all federal, state, county, and local candidates, offices and ballot questions shall be the same as listed on the certification and shall appear in the correct positions.

Section 3. Number of Ballots to be Printed. In addition to the requirements established in KRS 117.145, the county clerk shall provide a sufficient number of printed ballots for each precinct in a county that uses scan voting systems for each election. The number of ballots required to be printed and distributed to each precinct with scan voting systems shall be determined as follows:

- (1) For a primary, the number of ballots shall be at least ten (10) percent more than the total number of votes cast in each party's primary and nonpartisan race in the most recent presidential primary election;
- (2) For the general election, the number of ballots shall be at least ten (10) percent more than the total number of votes cast in the most recent general election in which votes were cast for the electors for the President of the United States; and
- (3) For a special election, the number of ballots shall be a sufficient number as determined by the county clerk considering the number of registered voters in the precinct and the type of special election to be held.

Section 4. Preparation and Delivery of Ballots.

- (1) The county clerk shall place into a container the paper ballots, if applicable, for each precinct.
- (2) The container shall be secured with a seal and contain a certificate signed by the county clerk recording the total number of ballots in the container and that the ballots were counted and sealed by the county clerk.
- (3) Ballots not issued to a precinct or assigned for absentee voting shall be secured and accounted for by the county clerk.
- (4) The county clerk shall maintain a record of the number of ballots and serial numbers of the voting systems issued to each precinct.
- (5) If using paper ballots for a scan voting system, the county clerk shall create a ballot accountability statement to be provided along with the ballots to each precinct that includes:
  - (a) In a primary, an accounting of the total number of ballots for each party primary and nonpartisan race submitted to the precinct to be completed by the county clerk;
  - (b) In a general election, an accounting of the total number of each type of ballot submitted to the precinct to be completed by the county clerk;
  - (c) An oath for the county clerk to sign attesting to the accuracy of the information provided by the county clerk on the statement;
  - (d) An accounting of the total number of ballots used, unused, and spoiled on election day to be completed by the precinct election clerk and signed by all four (4) precinct election officers;
  - (e) An accounting of the total number of ballots returned to the county clerk at the end of the election day to be completed by the precinct election clerk;
  - (f) A section that allows for the precinct election clerk to explain any discrepancies; and
  - (g) An oath for the precinct election officers to sign attesting to the accuracy of the information provided on the statement.

Section 5. Preparation of E-Poll Books Before Opening of Voting Locations. Each county board of elections shall ensure that there is adequate time before the polls open, as required by KRS 118.035 or KRS 117.076(1), for all e-poll books slated to be used at a voting location, on any day of in-person voting, to be powered on and receive all necessary updates.

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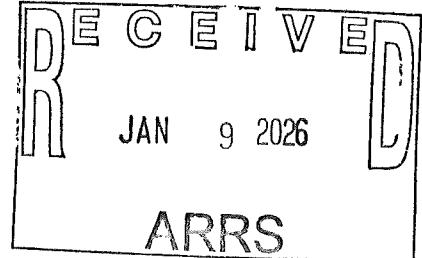


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A handwritten signature of Taylor Austin Brown.

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SUGGESTED SUBSTITUTE

**STATE BOARD OF ELECTIONS**  
**(Amendment)**

**31 KAR 2:020. Accuracy test and setting of voting systems prior to election day.**

RELATES TO: KRS 117.066, 117.155, 117.165, 117.215, 117.275, 117.379, 117.381, 117.383, 117.389, 118.215(1), 118.770~~[KRS 116.025, 116.065, 117.075, 117.125, 117.145, 117.155, 117.165, 117.175, 117.195, 117.205, 117.215, 117.255, 117.275, 117.285, 117.375, 117.377, 117.379, 117.381, 117.383, 117.385, 117.387, 117.389, 117.391, 117.393, 118.015, 118.215(1), 118.770, 118A.010, 119.005, 424.290]~~

STATUTORY AUTHORITY: KRS 117.015(1)(a), 117.383, 117.389~~[, 117.389]~~

CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB6, Section 8.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 117.015(1)(a) authorizes the State Board of Elections to promulgate administrative regulations necessary to administer the election laws of the state. KRS 117.383~~(1)~~ requires the State Board of Elections to promulgate rules and administrative regulations to achieve and maintain the maximum degree of correctness, impartiality, and efficiency of the procedures of voting. KRS 117.383~~(5)(6)~~ requires the State Board of Elections to promulgate rules and administrative regulations to provide for checking the accuracy of the voting system~~[equipment]~~. KRS 117.389 requires the State Board of Elections to prescribe the manner by which the county clerk shall have the automatic tabulating equipment tested on any day after ballots have been certified by the Secretary of State as provided in KRS 118.215, and petitions to allow consolidation of precincts have been approved by the State Board of Elections as provided in KRS 117.066, but not less than five (5) days prior to the election day. This administrative regulation establishes the procedures for checking the accuracy of the voting equipment and testing the automatic tabulating equipment prior to each election to achieve and maintain the maximum degree of correctness, impartiality, and efficiency of the procedures of voting and setting the voting equipment prior to the public examination performed according to KRS 117.165.

Section 1. Definitions.

- (1) "Accuracy Board" means the county board of elections or at least two (2) individuals appointed by the county board of elections in accordance with this administrative regulation.
- (2) "Accuracy test" means the checking of the accuracy of the voting system~~[equipment]~~ required by KRS 117.383~~(5)(6)~~ and the testing of the automatic tabulating equipment and voting systems required by KRS 117.389.
- (3) "Accuracy test checklist" means a checklist prepared by the county board of elections for each voting machine and voting system in accordance with Section 4 of this administrative regulation.
- (4) "Ballot style" means the ballot unique to a specific precinct listing the federal, state, county, and local candidates, offices, and ballot questions for which a voter in the precinct may cast a vote.
- (5) "Certificate" means the County Board of Elections Certificate of Completion of Accuracy Test, SBE 16.
- (6) "Certification" means the information provided by the county clerk to the program administrator that includes an accurate listing of all federal, state, county, and local candidates; offices; and ballot questions to be placed on the ballot for each voting machine or voting system for each precinct within

five (5) days of receiving the certification of candidates by the Secretary of State, pursuant to KRS 118.215(1), or immediately after receiving the Secretary of State's certification pursuant to KRS 118.770. (7) "Program administrator" means the county clerk or authorized assistant designated to configure the voting machines and voting systems as required by 31 KAR 2:010.

(8) "Public examination" means the examination conducted by the county board of elections prior to election day pursuant to KRS 117.165.

(9) "Tally sheet" means a listing of the results from the test deck to be compared to the results printout from each voting machine or voting system after an accuracy test.

(10) "Test deck" means a set of example ballots marked with predetermined results or a set of predetermined votes prepared by the Accuracy Board used to perform an accuracy test on each voting machine or voting system in accordance with Section 3 of this administrative regulation.

(11) "Verification sheet" means the sheet approved by the county board of elections for each voting machine and voting system in accordance with Section 6 of this administrative regulation.

(12) "Voting machine" is defined by KRS 117.001(24)/(19) [means hardware which is a component of the voting system, used or relied upon by a voter in casting and recording his or her votes in a precinct in an election, which has been approved by the State Board of Elections for use in elections in the Commonwealth of Kentucky, pursuant to KRS 117.379 and 117.381].

(13) "Voting system" is defined by KRS 117.001(25)/(20) [means a system of components of hardware and software, including the voting machine, used by a voter to cast a ballot and by the election officials to tabulate the votes on election day, which has been approved by the State Board of Elections for use in elections in the Commonwealth of Kentucky, pursuant to KRS 117.379 and 117.381].

## Section 2. Accuracy Board.

(1) The Accuracy Board shall oversee the conduct of an accuracy test on each voting machine or voting system and the completion of an accuracy test checklist on each voting machine and voting system prior to the public examination.

(2) The Accuracy Board shall consist of the members of the county board elections, or the county board of elections may designate at least two (2) individuals to perform the duties of the Accuracy Board. The appointed Accuracy Board shall include not more than one (1) employee of a [voting machine] vendor or manufacturer of a voting machine or system.

(3) The Accuracy Board shall sign the certificate upon completion of the accuracy tests on all voting machines or voting systems and the completion of an accuracy test checklist on each voting machine and voting system.

(4) The Accuracy Board shall provide the certificate and all accuracy test materials to the chair of the county board of elections not later than the date established for the public examination.

## Section 3. Preparation of the Test Deck.

(1) The Accuracy Board shall approve a test deck prior to an accuracy test.

(2) A test deck shall consist of all ballot styles to be used in the election or a predetermined series of votes for each ballot style to be used in the election.

(3) Multiple test desks may be approved by the county board of elections or Accuracy Board to complete an accuracy test on each voting machine or voting system.

(4) The test deck created shall include the following:

(a) One (1) or more ballots with a vote for each candidate for office and each option of a ballot question, if applicable;

(b) One (1) or more ballots that contain votes in excess of the total number of votes allowed by law to be cast by a voter;

- (c) One (1) or more ballots that contain fewer votes than the total number of votes allowed by law to be cast by a voter;
- (d) One (1) or more ballots that contain a straight-party vote, if applicable; and
- (e) One (1) or more ballots that contain a write-in vote, if applicable.

(5) The Accuracy Board shall approve a tally sheet showing the results of each test deck.

#### Section 4. Accuracy Test Checklist.

- (1) The county board of elections shall create an accuracy test checklist for each voting machine and voting system to be used in the election to be reviewed by the Accuracy Board after each accuracy test is performed on the voting machines or voting systems.
- (2) An accuracy test checklist shall include the following:
  - (a) The date; assigned precinct, if applicable; description of device; serial number; firmware version identification; confirmation that the firmware version has been certified by the Kentucky State Board of Elections, pursuant to KRS 117.379 and 117.381; and the name of the person completing the accuracy test checklist;
  - (b) Boxes to be checked to confirm the following shall be performed during an accuracy test:
    1. Visual inspection of the voting machine or voting system and all working parts to check for damage or defects;
    2. Visual inspection of all power sources, cables, card slots, and locking devices, including an accounting for all cables, batteries, power cords, and locking devices; and
    3. Completion of the processing of the test desk through the voting machine or voting system with a printout showing an errorless test upon comparison with the tally sheet. If the accuracy test may be performed on the voting system, then the checklist for each voting machine shall provide a space to indicate that an accuracy test was not performed on the individual voting machine because it was performed on the voting system; and
  - (c) A signature line for the person completing the accuracy test checklist.

#### Section 5. Conducting the Accuracy Test.

- (1) The Accuracy Board shall supervise the completion of an accuracy test checklist for each voting machine and voting system and an accuracy test of each voting machine or voting system and the automatic tabulation equipment prior to the public examination.
- (2) The Accuracy Board shall supervise the accuracy tests with the use of the test deck in the following manner:
  - (a) If the voting system to be used in the county on election day may be configured, in accordance with 31 KAR 2:010, with all possible ballot styles for every precinct to be used in the county during the election, the accuracy test shall be conducted by setting up at least one (1) voting machine connected to the voting system and testing each ballot style upon which voters may cast a ballot in the county during the election; or
  - (b) If the voting system to be used in the county during the election may only be prepared, in accordance with 31 KAR 2:010, with one (1) ballot style for each precinct, the accuracy test shall be conducted on each voting machine used in the county during the election.
- (3) The Accuracy Board shall indicate whether the accuracy tests were performed on the voting system or on each voting machine on the accuracy test checklist for each voting system and each voting machine.
- (4) An accuracy test shall be conducted by processing each test deck prepared under the direction of the county board of elections or the Accuracy Board for each voting machine or voting system to be used in the election.

(5) If an error in a voting machine or voting system is detected during an accuracy test, the cause shall be ascertained, the error shall be corrected, and the accuracy test shall be performed until an errorless count is ascertained.

(6) The Accuracy Board shall ensure that all sections of the accuracy test checklist shall be completed on each voting machine and voting system.

(7) A printout from each voting machine or voting system from the accuracy test shall be created, signed, and dated by the person conducting the test. The printout shall be attached to the accuracy test checklist for that voting machine or voting system.

(8) After reviewing all accuracy test checklists and applicable printouts, and after verifying that an errorless accuracy test was performed on each voting system or voting machine, the Accuracy Board shall sign the certificate.

(9) The accuracy test checklists, test decks, tally sheets, and signed printouts from the voting machines and voting systems shall be retained in a secure location until presentation to the county board of elections prior to the public examination.

#### Section 6. Setting of the Voting Systems After the Accuracy Test.

(1) The Accuracy Board shall supervise the setting of the voting machines and voting systems after the completion of an errorless accuracy test to prepare the voting machines and the voting systems to be turned over to the county board of elections before the public examination.

(2) The county clerk shall prepare or approve a verification sheet for each voting machine and voting system, containing the following:

- (a) The assigned precinct name and number, if applicable;
- (b) The serial numbers of the voting system components;
- (c) The seal numbers;
- (d) Counter number at the beginning of the election, if applicable;
- (e) Counter number at the end of the election, if applicable;
- (f) Signature line for the program administrator who sealed the voting system after the accuracy test; and
- (g) Signature lines for the precinct judges to be signed on the election day.

(3) A voting machine shall be identified with the precinct number in which it shall be used during the election on the verification sheet, unless the voting machine is designated to be held in reserve for use pursuant to KRS 117.20[4]5. If a voting machine is held in reserve, the precinct number and name shall be assigned on the verification sheet when delivered to the precinct.

(4) The serial numbers of the voting machine and the seal numbers used to seal the voting machine shall be recorded on the verification sheet for the precinct in which the voting machine is to be used. The program administrator who sealed the voting machine shall sign the verification sheet.

(5) The program administrator shall set the voting machine counters to zero, in accordance with KRS 117.155, creating a printout showing that the voting machine has been set to zero or by verifying and recording that the counter is set to zero on the verification sheet.

(6) Copies of the verification sheet shall remain with the program administrator, the voting machine, and the county clerk.

#### Section 7. The County Board of Elections Review of the Accuracy Test.

(1) After the Accuracy Board has completed the accuracy tests, signed the certificate, and provided the accuracy test materials to the chair of the county board of elections, the county board of elections shall review the accuracy test materials.

(2) After ascertaining that an errorless accuracy test has been performed on each voting machine or voting system and the completion of an accuracy test checklist on each voting machine and voting system, the county board of elections shall verify that the voting machines and the voting systems are prepared for the public examination and shall sign the certificate.

(3) The county board of elections shall secure all test decks, tally sheets, printouts, accuracy test checklists, and the county board of elections' certificate with the election materials to be retained with the county clerk for the retention period prescribed by KRS 117.275(15)(16)[(8)]. A copy of the county board of elections' certificate shall be attached to the minutes of the county board of elections' meeting in which the public examination occurs.

#### Section 8. Public Examination.

(1) When the voting machines and voting systems have been prepared for the election, the county board of elections shall review the verification sheets for each voting machine and voting system at the public examination conducted pursuant to KRS 117.165.

(2) The verification sheet that remains with the voting machine shall be signed by the precinct election judges on the election day.

(3) At the end of the election day the verification sheets shall be returned to the county clerk along with the election supplies and retained by the county clerk for the retention period prescribed by KRS 117.275(15)(16)[(8)].

#### Section 9. Incorporation by Reference.

(1) "County Board of Elections Certificate of Completion of Accuracy Test", Form SBE 16, (10/2025) [September 2009], is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the State Board of Elections, 140 Walnut Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. **This material may also be obtained on the board's website at <https://elect.ky.gov>.**

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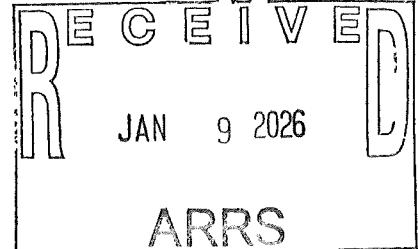


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General Counsel  
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140 Walnut Street  
Frankfort, Kentucky 40601

SUGGESTED SUBSTITUTE

**STATE BOARD OF ELECTIONS**  
**(Amendment)**

**31 KAR 2:030. E-poll book product certification.**

RELATES TO: KRS 117.001~~(9)(8)~~, 117.379(2)(c)

STATUTORY AUTHORITY: KRS 117.015(1)(a), 117.379(2)(c)

CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB6, Section 8.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 117.015(1)(a) authorizes the State Board of Elections to promulgate administrative regulations necessary to administer the election laws of the state~~[properly carry out its duties]~~. KRS 117.379(2)(c) requires the State Board of Elections to promulgate administrative regulations that establish certification requirements for the approval and certification of e-poll book products used in the Commonwealth. This administrative regulation provides for those measures.

Section 1. ~~[Beginning September 1, 2022, ]~~All e-poll book products, as defined by KRS 117.001~~(9)(8)~~, sought to be used in the Commonwealth shall be approved and certified if the examiners' report outlined in KRS 117.379(2)(c), and the State Board of Elections find that the e-poll book product meets the certification requirements outlined in Form SBE 2030, "Certification Procedures For E-Poll Book Products," 09/2022.

Section 2. Incorporated by Reference.

(1) "Certification Procedures For E-Poll Book Products," Form SBE 2030, 09/2022, **is incorporated by reference.**

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the State Board of Elections, 140 Walnut Street, Frankfort, Kentucky Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. **This material may also be obtained on the board's website at <https://elect.ky.gov>.**

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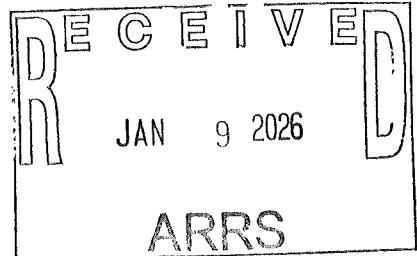
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Frankfort KY 40601



Dear Co-Chairs West and Lewis:

After consideration of the issues raised by 31 KAR 4:020, 31 KAR 4:031, 31 KAR 4:100, 31 KAR 4:120, 31 KAR 4:150, 31 KAR 4:160, and 31 KAR 4:220 the State Board of Elections proposes the attached suggested substitutes to these ordinary administrative regulations.

Sincerely,

A handwritten signature of Taylor Austin Brown.

Taylor Austin Brown  
General Counsel  
State Board of Elections  
140 Walnut Street  
Frankfort, Kentucky 40601

SUGGESTED SUBSTITUTE

**STATE BOARD OF ELECTIONS  
(Amendment)**

**31 KAR 4:020. Election costs and county clerk reimbursement and form.**

RELATES TO: KRS 117.343

STATUTORY AUTHORITY: KRS 117.015(1)(a), 117.343

CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB6, Section 8.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 117.015(1)(a) authorizes the State Board of Elections to promulgate administrative regulations necessary to implement the provisions of KRS Chapter 117. KRS 117.343 authorizes the State Board of Elections to promulgate administrative regulations prescribing the method and forms for documenting and submitting claims by a county clerk to request reimbursement from the State Board of Elections for the costs of employing office personnel necessary for the conduct of elections, including registration and purgation of voters in the county. This administrative regulation establishes the method and form for a county clerk to request reimbursement from the State Board of Elections for the costs of employing office personnel necessary to conduct elections.

Section 1.

- (1) County clerk reimbursement shall be based on the number of registered voters for the general election held in November.
- (2) To apply for reimbursement, a county clerk shall complete and submit the original, signed **SBE 2000** form, State Board of Elections Reimbursement of Personnel Election Expenses, to the Kentucky State Board of Elections.

Section 2. Incorporation by Reference.

- (1) "State Board of Elections Reimbursement of Personnel Election Expenses", SBE 2000, 10/25[November 2009], is incorporated by reference.
- (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the office of the State Board of Elections, 140 Walnut Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. **This material may also be obtained on the board's website at <https://elect.ky.gov>.**

Karen Sellers  
Executive Director  
Karen.Sellers@ky.gov

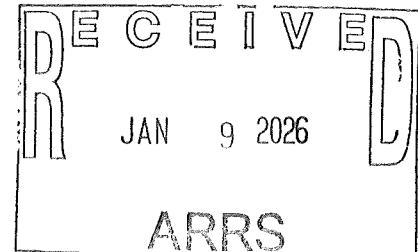


Richard House  
Assistant Director  
Richard.House@ky.gov

Taylor Brown  
General Counsel  
TaylorA.Brown@ky.gov

COMMONWEALTH OF KENTUCKY  
STATE BOARD OF ELECTIONS

January 8, 2026



Senator Stephen West, Co-Chair  
Representative Derek Lewis, Co-Chair  
Legislative Research Commission  
083, Capitol Annex  
702 Capitol Avenue  
Frankfort KY 40601

Dear Co-Chairs West and Lewis:

After consideration of the issues raised by 31 KAR 4:020, 31 KAR 4:031, 31 KAR 4:100, 31 KAR 4:120, 31 KAR 4:150, 31 KAR 4:160, and 31 KAR 4:220 the State Board of Elections proposes the attached suggested substitutes to these ordinary administrative regulations.

Sincerely,

A handwritten signature of Taylor Austin Brown.

Taylor Austin Brown  
General Counsel  
State Board of Elections  
140 Walnut Street  
Frankfort, Kentucky 40601

SUGGESTED SUBSTITUTE

**STATE BOARD OF ELECTIONS**  
**(Amendment)**

**31 KAR 4:031. Reporting.**

RELATES TO: KRS 117.085, 117.086, 117.235, 117.255, 117.265, 117.275, 117.355, 118.025, 118.215, 118.425, 118.770, 119.307

STATUTORY AUTHORITY: KRS 117.015(1)(a), 117.086(5), 117.275 **(14)(15)**, 117.355(4), 118.425(4)

CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB6, Section 8.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 117.015(1)(a) authorizes the State Board of Elections to promulgate administrative regulations necessary to implement the provisions of KRS Chapter 117. KRS 117.355 requires the State Board of Elections to prescribe the forms for the precinct election sheriff and the county board of elections to report election irregularities and recommendations for improving the election process, to report special ballot and voter assistance usage statistics, and to report other information required by the state board. KRS 117.086(5) requires the State Board of Elections to prescribe a form on which the county board of elections shall report the number of rejected absentee ballots and the reasons for rejection of those ballots. KRS 118.425(4) requires the State Board of Elections to prescribe a form by which the county board of elections shall make out duplicate certificates of the total number of votes received by each of the candidates for office and the total number of votes for **and** **an** against each of the ballot questions. KRS 117.275 **(14)(15)** requires a secure online connection be available for the transmission of unofficial election results from county boards of election to the State Board of Elections following the tallying of votes. This administrative regulation establishes the procedure and forms for the county clerk, the county board of elections, and the precinct election sheriff to report election and voting data after the election.

Section 1. Reporting forms shall be filed and pursuant to:

- (1) KRS 117.355(1), the precinct election sheriff shall file the Precinct Election Sheriff's Post-election Report, SBE 53, with the chair of the county board of elections and the local grand jury;
- (2) KRS 117.355(2), the county board of elections shall file the County Board of Elections Post-election Report, SBE 54, with the State Board of Elections and the local grand jury;
- (3) KRS 117.275 **(6)(7)** and 117.355 **(3)(2)**, the county board of elections shall file the County Board of Elections Post-election Statistical Report, SBE 54A, with the State Board of Elections;
- (4) KRS 117.355(2), the county board of elections shall file the County Board of Elections Precinct Election Officials Absence Report, SBE 54B, with the State Board of Elections;
- (5) KRS 117.275 **(11)(12)** and 117.086(4)(c), the county clerk shall file the County Board of Elections Provisional Ballots Issued to Voters and Counted, SBE 54C, with the State Board of Elections;
- (6) KRS 117.086(4)(a)-(b), the county clerk shall file the Absentee Ballot Report, SBE 33A, with the State Board of Elections;
- (7) KRS 117.086(5), the county board of elections shall file the Number of Rejected Absentee Ballots and Reasons for Rejected Ballots, SBE 33B, as well as Number Of Issued, Returned, And Rejected Absentee Ballots To Military, Their Dependents, And Overseas Voters, SBE 33C; and

(8) KRS 117.275(11)-(12) and 118.425(4), the county board of elections shall file the Certification Official Count and Record of Election Totals, SBE 49, with the Secretary of State.

Section 2. Any form described in Section 1 of this administrative regulation that is capable of being recorded or filled automatically through the State Board of Elections' Voter Registration System may be deemed by the State Board of Elections as being transmitted following the successful capture of all required information by the Voter Registration System.

Section 3.

(1) Pursuant to KRS 117.275(14)(15), the State Board of Elections shall develop and maintain a platform with a secure online connection for the transmission of unofficial election results from county boards of election to the State Board of Elections following the tallying of votes for all primary, and regular elections, as well as special elections for statewide office, the General Assembly, and the United States Congress.

(2) Beginning at 6:00 p.m., prevailing time, on the day of a primary or regular election, as well as a special election for statewide office, the General Assembly, and the United States Congress, county boards of election shall use the secure online platform maintained by the State Board of Elections to transmit their county's unofficial election tally. The unofficial vote tally transmitted shall include precinct-by-precinct totals from counts of all mail-in absentee ballots, excused in-person absentee ballots, no-excuse in-person absentee ballots, and election day ballots, and shall include totals for those candidates who have filed a declaration of intent with the Secretary of State to be a write-in candidate pursuant to KRS 117.265(2), provided five (5) percent or more of the votes cast in that candidate's election, were for write-in candidates. Unofficial vote tallys transmitted using the secure online platform shall be transmitted using a computer-file-type and format selected by the State Board of Elections, which shall be selected following the certification of candidates by the Secretary of State pursuant to KRS 118.215(1), or immediately after receiving the Secretary of State's certification pursuant to KRS 118.770.

(3) The State Board of Elections shall display the tally information received from the county boards of election through the secure online transmittal platform on a secure website[Web-site] freely available to the general public. The display shall list precinct-by-precinct tallys for all candidates and questions, but shall only list a candidate's precinct absentee vote totals as cumulative.

(4) County boards of election or county clerks shall verify with the State Board of Elections that their county's unofficial vote tally has been successfully transmitted to the State Board of Elections no later than six (6) hours after the close of polls. If a county's tally is not completed six (6) hours after the close of polls, a representative of the county clerk's office shall update the State Board of Elections by telephone as to the status of the tally transmittal at the end of the sixth hour and then subsequently at the top of each following hour unless the transmittal is completed before that time.

Section 4. Incorporation by Reference.

(1) The following material is incorporated by reference:

- (a) "Precinct Election Sheriff's Post-election Report", SBE 53, 04/2024;
- (b) "County Board of Elections Post-election Report", SBE 54, 04/2024;
- (c) "County Board of Elections Post-election Statistical Report", SBE 54A, 04/2024;
- (d) "County Board of Elections Precinct Election Officials Absence Report", SBE 54B, 04/2024;
- (e) "County Board of Elections Provisional Ballots Issued to Voters and Counted", SBE 54C, 10/2025[04/2024];
- (f) "Absentee Ballot Report", SBE 33A, 04/2024;
- (g) "Number of Rejected Absentee Ballots and Reasons for Rejected Ballots", SBE 33B, 04/2024; [and]

(h) Number Of Issued, Returned, And Rejected Absentee Ballots To Military, Their Dependents, And Overseas Voters, SBE 33C, 10/2025; and

(i) "Certification Official Count and Record of Election Totals", SBE 49, 10/2025[04/2024].

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the State Board of Elections, 140 Walnut Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. This material may also be obtained on the board's website/Web site] at <https://elect.ky.gov>.

Karen Sellers  
Executive Director  
Karen.Sellers@ky.gov

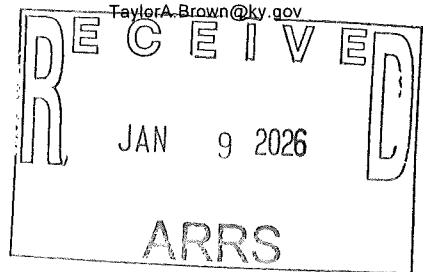


COMMONWEALTH OF KENTUCKY  
STATE BOARD OF ELECTIONS

January 8, 2026

Richard House  
Assistant Director  
Richard.House@ky.gov

Taylor Brown  
General Counsel  
Taylor.A.Brown@ky.gov



Senator Stephen West, Co-Chair  
Representative Derek Lewis, Co-Chair  
Legislative Research Commission  
083, Capitol Annex  
702 Capitol Avenue  
Frankfort KY 40601

Dear Co-Chairs West and Lewis:

After consideration of the issues raised by 31 KAR 4:020, 31 KAR 4:031, 31 KAR 4:100, 31 KAR 4:120, 31 KAR 4:150, 31 KAR 4:160, and 31 KAR 4:220 the State Board of Elections proposes the attached suggested substitutes to these ordinary administrative regulations.

Sincerely,

A handwritten signature of Taylor Austin Brown.

Taylor Austin Brown  
General Counsel  
State Board of Elections  
140 Walnut Street  
Frankfort, Kentucky 40601

140 WALNUT STREET  
FRANKFORT, KY 40601-3240

The Kentucky state logo, featuring a horse and the text "Kentucky" and "UNBRIDLED SPIRIT".  
AN EQUAL OPPORTUNITY EMPLOYER M/F/D  
www.elect.ky.gov

PHONE (502) 573-7100

SUGGESTED SUBSTITUTE

**STATE BOARD OF ELECTIONS  
(Amendment)**

**31 KAR 4:100. Evaluation of precinct election officers.**

RELATES TO: KRS 117.045~~[(1)(c)]~~

STATUTORY AUTHORITY: KRS 117.015(1)(a), 117.045(1)(c)

CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB6, Section 8.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 117.015(1)(a) authorizes the State Board of Elections to promulgate administrative regulations necessary to properly carry out its duties. KRS 117.045(1)(c) requires the State Board of Elections to promulgate an administrative regulation establishing evaluation procedures that[which] county boards of elections may use to qualify persons nominated to serve as precinct elections officers. This administrative regulation establishes those evaluation procedures.

Section 1. In evaluating if a person nominated to serve as a precinct election officer is qualified to serve in that capacity, a county board of elections may use the following evaluation procedures:

- (1) Determine if the person submitted a signed statement in accordance with KRS 117.045(2);
- (2) Determine if the person meets the qualifications established[set forth] in KRS 117.045(9); and
- (3) Determine if the person has a history of refusing to follow election procedures or has demonstrated a [complete-]lack of understanding of proper election procedures while serving as a precinct election officer in the past.

Section 2. A county board of elections shall refuse to appoint a person nominated to serve as a precinct election officer if it determines that the person is not qualified based on the evaluation procedures established[set forth] in Section 1 of this administrative regulation.

Section 3. Once the county board of elections has appointed the precinct election officers, the full name, address, phone number, and Social Security number, if available, of each person appointed shall be submitted to the State Board of Elections within three (3) days of the appointment on SBE 22, List for[ef] Appointment of Precinct Election Officers.

Section 4. Incorporation by Reference.

- (1) "List for Appointment of Precinct Election Officers", SBE 22, 10/2025[February 2007], is incorporated by reference.
- (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the State Board of Elections, 140 Walnut Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. This material may also be obtained on the board's website at <https://elect.ky.gov>.

Karen Sellers  
Executive Director  
Karen.Sellers@ky.gov



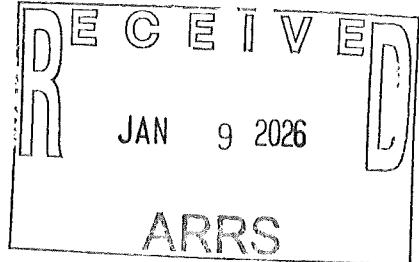
Richard House  
Assistant Director  
Richard.House@ky.gov

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Taylor.A.Brown@ky.gov

COMMONWEALTH OF KENTUCKY  
STATE BOARD OF ELECTIONS

January 8, 2026

Senator Stephen West, Co-Chair  
Representative Derek Lewis, Co-Chair  
Legislative Research Commission  
083, Capitol Annex  
702 Capitol Avenue  
Frankfort KY 40601



Dear Co-Chairs West and Lewis:

After consideration of the issues raised by 31 KAR 3:010 the State Board of Elections proposes the attached suggested substitute to this ordinary administrative regulation.

Sincerely,

A handwritten signature of Taylor Austin Brown over a horizontal line.

Taylor Austin Brown  
General Counsel  
State Board of Elections  
140 Walnut Street  
Frankfort, Kentucky 40601

**SUGGESTED SUBSTITUTE**  
**STATE BOARD OF ELECTIONS**

**31 KAR 3:010. Current address of Kentucky registered voters and distribution of voter registration lists.**

RELATES TO: KRS 116.085, 116.155, 117.025, 117.225

STATUTORY AUTHORITY: KRS 117.015(1)(a)

CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB6, Section 8.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 117.015(1)(a) authorizes the [Kentucky] State Board of Elections to promulgate administrative regulations necessary to administer the election laws of the state~~[properly carry out its duties]~~. KRS 117.025(3)(i) requires/instructs the board to furnish precinct lists to those statutorily qualified to receive them, and[as well as] to those who may be deemed eligible to receive them at the board's discretion. This administrative regulation establishes the procedures for election officials and voters to follow to correct and maintain voter registration records and establishes standards for the State Board of Elections to follow when reviewing a request for a voter registration list.

Section 1. Definitions.

(1) "Advertisement" means any attempt by publication, dissemination, solicitation, or circulation to induce any person to enter into any obligation, or acquire any title or interest in any good or service.

(2) "Alphabetical labels" means labels of registered voters within the precinct with one (1) name per label and sorted in alphabetical order.

(3) "Alphabetical lists" means lists of registered voters generated from the statewide electronic voter registration system[database] and sorted in alphabetical order by last name within a precinct that have the name, address, age code, party, gender, zip code, and five (5) year voting history of every voter in the precinct.

(4) "Duly qualified candidate" means any person who has filed:

(a) A letter of intent with the Kentucky Registry of Election Finance; or

(b) Nomination papers with the Office of the Secretary of State or county clerk.

(5) "Household labels by street order" means labels that are generated from the statewide electronic voter registration system[database] and sorted by street address within the precinct with as many as four (4) names per label of the voters whose last name and address are an identical match.

(6) "Household labels by zip code order" means labels that are generated from the statewide electronic voter registration system[database] and sorted by zip code within the county with as many as four (4) names per label of the voters whose last name and address are an identical match.

(7) "Sale" means any sale, rental, distribution, offer for sale, rental, or distribution, or attempt to sell, rent, or distribute any good or service to another.

(8) "Statewide electronic voter registration system[database]" means a complete roster of all qualified voters within the state by county and precinct that the State Board of Elections is required to maintain pursuant to KRS 117.025(3)(a).

(9) "Street order lists" means lists of registered voters generated from the statewide electronic voter registration system[database] sorted in street order within a precinct and contain the name, address, age code, party, gender, zip code, and a five (5) year voting history of every registered voter in the precinct.

(10) "Voter registration list" has the same meaning as the term "precinct list" as used in KRS 117.025(3)(i) and in this administrative regulation, and means a list of registered voters generated from the statewide electronic voter registration system[database] in any format ~~[in any given election]~~

~~precinct in the Commonwealth of Kentucky~~] that the State Board of Elections is required to furnish pursuant to KRS 117.025(3)(i)(h)].

Section 2. Correction of Voter Registration Records.

- (1) Each county clerk shall instruct the precinct election officers of the necessity for informing each voter that he or she shall correct any error existing in his or her address as it appears upon the ~~[precinct]~~ signature roster.
- (2) Each precinct election officer shall instruct each voter to correct any error existing in his or her address as it appears upon the ~~[precinct]~~ signature roster provided under KRS 117.025(3)(b) or (c).
- (3) Each voter shall, when he or she signs the ~~[precinct]~~ signature roster, correct any error existing in his or her address as it appears upon the ~~[precinct]~~ signature roster.
- (4) Each county clerk shall take all steps necessary to correct and update each voter's address upon the statewide electronic voter registration systemdatabase.

Section 3. Interpretation of Commercial Use. Commercial use, as that term is used in KRS 117.025(3)(i)(h)], shall be interpreted by the Board of Elections to mean:

- (1) The use by the requester of the voter registration list, or any part thereof, in any form, for profit, the solicitation of donations, or for the sale or advertisement of any good, [or] service, or publication; or
- (2) The transfer or sale of a voter registration list by the requester to any other person whom the requester knew or should have known intended to use the voter registration list, or any part thereof, in any form, for profit, the solicitation of donations, or for the sale or advertisement of any good, service, or publication.

Section 4. Exceptions to Commercial Use Interpretation. Commercial use shall not include use of a voter registration list, or any part thereof, for the following purposes:

- (1) Use for scholarly, journalistic, political (including political fund raising), or governmental purposes; or
- (2) Use for publication, broadcast, or related use by a newspaper, magazine, radio station, television station, or other news medium in its news or other publications or broadcasts.

Section 5. State Board to Prohibit Foreign Access to Voter Registration Lists. The board's discretion to furnish precinct lists to other persons, as stated in KRS 117.025(3)(i)(h)], shall not extend to:

- (1) Requests known to come from outside of the United States or from requestors known to be closely associated with other persons known to be located outside of the United States, or;
- (2) Requests of which, the board believes if filled, would reasonably be expected to result in voter registration data leaving the United States.

Section 6. Requests for Voter Registration Lists. A request for voter registration lists shall be made by submitting a completed Request for Voter Registration Data, form SBE-84, to the State Board of Elections with payment of fees established in form SBE-84.

Section 7. Incorporation by Reference.

- (1) "Request for Voter Registration Data", SBE 84, 10/2025~~December 2021~~, is incorporated by reference.
- (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the State Board of Elections, 140 West Walnut Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.
- (3) This material may also be obtained on the board's Web site at <https://elect.ky.gov/Candidates/Pages/Request-Voter-Registration-Data.aspx>.

CONTACT PERSON: Taylor Brown, General Counsel, 140 Walnut Street, Frankfort, Kentucky 40601, Phone: (502) 782-9499, Email: [TaylorA.Brown@ky.gov](mailto:TaylorA.Brown@ky.gov).

Karen Sellers  
Executive Director  
Karen.Sellers@ky.gov



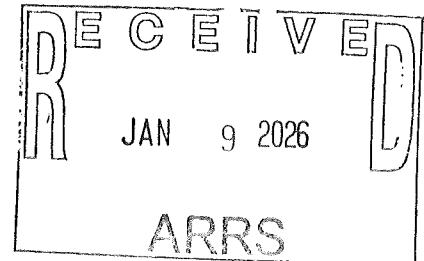
Richard House  
Assistant Director  
Richard.House@ky.gov

Taylor Brown  
General Counsel  
TaylorA.Brown@ky.gov

COMMONWEALTH OF KENTUCKY  
STATE BOARD OF ELECTIONS

January 8, 2026

Senator Stephen West, Co-Chair  
Representative Derek Lewis, Co-Chair  
Legislative Research Commission  
083, Capitol Annex  
702 Capitol Avenue  
Frankfort KY 40601



Dear Co-Chairs West and Lewis:

After consideration of the issues raised by 31 KAR 4:020, 31 KAR 4:031, 31 KAR 4:100, 31 KAR 4:120, 31 KAR 4:150, 31 KAR 4:160, and 31 KAR 4:220 the State Board of Elections proposes the attached suggested substitutes to these ordinary administrative regulations.

Sincerely,

Taylor Austin Brown  
General Counsel  
State Board of Elections  
140 Walnut Street  
Frankfort, Kentucky 40601

140 WALNUT STREET  
FRANKFORT, KY 40601-3240

  
AN EQUAL OPPORTUNITY EMPLOYER M/F/D  
www.elect.ky.gov

PHONE (502) 573-7100

SUGGESTED SUBSTITUTE

**STATE BOARD OF ELECTIONS**  
**(Amendment)**

**31 KAR 4:120. Additional and emergency precinct officers.**

RELATES TO: KRS[117.015,] 117.045

STATUTORY AUTHORITY: KRS 117.015(1)(a), 117.045(6)

CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB6, Section 8.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 117.015(1)(a) authorizes the State Board of Elections to promulgate administrative regulations necessary to properly carry out its duties [~~implement the provisions of KRS Chapter 117~~]. KRS 117.045(6) requires the State Board of Elections to promulgate an administrative regulation establishing conditions under which additional precinct officers may be approved. This administrative regulation establishes the conditions under which additional precinct officers may be approved[,] and establishes the form of the list of emergency election officer appointments required by KRS 117.045(5).

Section 1. Request to Appoint Additional Precinct Officers. A county board of elections seeking permission to appoint additional precinct officers, pursuant to KRS 117.045(6), shall file with the State Board of Elections SBE 23, Additional Precinct Officer Request, that contains the following information:

- (1) The precinct number of each precinct for which approval of additional officers is sought;
- (2) For each designated precinct, the reasons additional precinct officers are necessary;
- (3) For each designated precinct, whether one (1) or two (2) additional precinct officers are requested; and
- (4) The election for which approval is sought, designating whether the election is a primary, general, or special election.

Section 2. Approval of Request.

- (1) The State Board of Elections may approve a request to appoint additional precinct officers if the request sets forth a reasonable explanation why voting may not be conducted safely and expediently unless additional precinct officers are appointed.
- (2) Approval of a request to appoint additional precinct officers shall be granted for one (1) election only.
- (3) Approval of a request to appoint additional precinct officers may authorize a county board of elections to appoint one (1) or two (2) additional precinct officers.
- (4) If a county board of elections requests and is approved to appoint two (2) additional precinct officers:
  - (a) The two (2) additional precinct officers shall not be of the same political party; and
  - (b) If it appears from the list of precinct officers submitted to the State Board of Elections pursuant to KRS 117.045(8) that the two (2) additional precinct officers are of the same political party, then the State Board of Elections shall revoke its approval of the request to appoint additional precinct officers and the appointments shall be invalid.

Section 3. Duties of Additional Precinct Officers. The duties of additional precinct officers shall be prescribed by the county board of elections.

Section 4. Request to Appoint Emergency Precinct Officers. A county board of elections seeking permission to appoint emergency precinct officers pursuant to KRS 117.045(5) shall file with the State Board of Elections SBE 24, Emergency Precinct Officer Request, which contains the following information:

- (1) The precinct number of each precinct for which approval of additional officers is sought;
- (2) The name of the officer requested, the registered party of the officer, and the party the officer will be serving as for the specified election;
- (3) The election for which approval is sought, designating whether the election is a primary, general, or special election; and
- (4) A description of the efforts made to acquire precinct officers in the party, democrat or republican, which did not have enough workers as required by KRS 117.045(5).

Section 5. Incorporation by Reference.

- (1) The following material is incorporated by reference:
  - (a) "Additional Precinct Officer Request", SBE 23, 10/2025[January 2015 edition]; and
  - (b) "Emergency Precinct Officer Request", SBE 24, 10/2025[August 2007] edition.
- (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the State Board of Elections, 140 Walnut Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. **This material may also be obtained on the board's website at <https://elect.ky.gov>.**

Karen Sellers  
Executive Director  
Karen.Sellers@ky.gov



Richard House  
Assistant Director  
Richard.House@ky.gov

Taylor Brown  
General Counsel  
TaylorA.Brown@ky.gov

COMMONWEALTH OF KENTUCKY  
STATE BOARD OF ELECTIONS

January 8, 2026

Senator Stephen West, Co-Chair  
Representative Derek Lewis, Co-Chair  
Legislative Research Commission  
083, Capitol Annex  
702 Capitol Avenue  
Frankfort KY 40601

Dear Co-Chairs West and Lewis:

After consideration of the issues raised by 31 KAR 4:020, 31 KAR 4:031, 31 KAR 4:100, 31 KAR 4:120, 31 KAR 4:150, 31 KAR 4:160, and 31 KAR 4:220 the State Board of Elections proposes the attached suggested substitutes to these ordinary administrative regulations.

Sincerely,

A handwritten signature of Taylor Austin Brown in black ink, followed by a solid horizontal line.

Taylor Austin Brown  
General Counsel  
State Board of Elections  
140 Walnut Street  
Frankfort, Kentucky 40601

SUGGESTED SUBSTITUTE

**STATE BOARD OF ELECTIONS  
(Amendment)**

**31 KAR 4:150. Tracking registration of voters identifying with political organizations and groups, and voters of independent status.**

RELATES TO: KRS **116.045(8), 117.015, 117.025**, 118.015 (1), (10), (11), ~~(11), 116.045(8)~~ [KRS 117.015(1), 118.015 (8), (9), 116.045 (8)]

STATUTORY AUTHORITY: KRS 116.045(8), 117.015(1)(a)[(1)]

CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB6, Section 8.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 117.015(1)(a) authorizes the State Board of Elections to promulgate administrative regulations necessary to properly carry out its duties. KRS 116.045 (8) requires the State Board of Elections to promulgate administrative regulations 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. This administrative regulation establishes those requirements.

Section 1. Definitions.

- (1) "Board" means the State Board of Elections or their designee as defined in KRS 117.015 and 117.025.
- (2) "Political group" is defined by KRS 118.015(11)[(9)].
- (3) "Political organization" is defined by KRS 118.015(10)[(8)].
- (4) "Political party" is defined by KRS 118.015(1).
- (5) "Track" means compiling information from the statewide voter registration system for the purposes of KRS 116.045(8).

Section 2. Tracking Process.

- (1) The board shall track the registration of voters identifying with political organizations and political groups known as:

- (a) Constitution Party;
- (b) Green Party;
- (c) Kentucky Party;
- ~~(d)[(e)] Libertarian Party;~~
- ~~(e)[(d)] Reform Party; and~~
- ~~(f)[(e)] Socialist Workers Party.~~

- (2) The board shall track the registration of voters of independent status.

- (3) Information tracked **pursuant to** ~~under~~ KRS 116.045(8) shall be retained by the board as a permanent record and in accordance with the requirements of the Department of Libraries and Archives, KRS 171.410 to 171.740 and 725 KAR Chapter 1.

Karen Sellers  
Executive Director  
Karen.Sellers@ky.gov



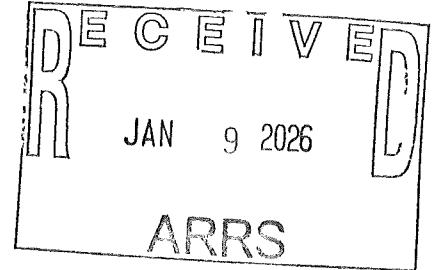
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COMMONWEALTH OF KENTUCKY  
STATE BOARD OF ELECTIONS

January 8, 2026

Senator Stephen West, Co-Chair  
Representative Derek Lewis, Co-Chair  
Legislative Research Commission  
083, Capitol Annex  
702 Capitol Avenue  
Frankfort KY 40601



Dear Co-Chairs West and Lewis:

After consideration of the issues raised by 31 KAR 4:020, 31 KAR 4:031, 31 KAR 4:100, 31 KAR 4:120, 31 KAR 4:150, 31 KAR 4:160, and 31 KAR 4:220 the State Board of Elections proposes the attached suggested substitutes to these ordinary administrative regulations.

Sincerely,

Taylor Austin Brown  
General Counsel  
State Board of Elections  
140 Walnut Street  
Frankfort, Kentucky 40601

140 WALNUT STREET  
FRANKFORT, KY 40601-3240

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SUGGESTED SUBSTITUTE

**STATE BOARD OF ELECTIONS**  
**(Amendment)**

**31 KAR 4:160. Elections Emergency Contingency Plan.**

RELATES TO: KRS 39A.100, 117.045, 117.065, 117.066, 117.085, 117.165, 117.187, 117.275[117.285], Chapter 424

STATUTORY AUTHORITY: KRS 39A.100(1)(k), 117.015(1)(b)

CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB6, Section 8.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 117.015(1)(b) requires the State Board of Elections to promulgate administrative regulations establishing a procedure for election officials to follow if an election has been suspended or delayed as described in KRS 39A.100(1)(k). This administrative regulation establishes this procedure.

Section 1. Definitions.

(1) "Affected county board of elections" means a county board of election that is required to suspend or delay an election pursuant to an executive order issued pursuant to KRS 39A.100(1)(k).

(2) "Affected county clerk" means a county clerk in a county that is required to suspend or delay an election pursuant to an executive order issued pursuant to KRS 39A.100(1)(k).

(3) "Affected election area" means an election area for which a state of emergency has been declared for all or part of an election area as specifically described by the Governor in an executive order issued pursuant to KRS 39A.100(1)(k).

(4) "Elections Emergency Contingency Plan" means the procedures established by a county board of elections to address the specific needs of their county in the event the Governor issues an executive order delaying or rescheduling an election pursuant to KRS 39A.100(1)(k). [this administrative regulation for election officials to follow if an election has been suspended or delayed pursuant to KRS 39A.100(1)(k) through the Governor's executive order.]

(5) "Precinct election officer" means an individual who has been appointed to serve as an election officer in a precinct in accordance with the provisions of KRS 117.045.

(6) "Voting place" means a place for voting established in accordance with the provisions of KRS 117.065 and KRS 117.066.

Section 2. General Provisions.

(1) ~~[Election officials shall follow the Elections Emergency Contingency Plan as specifically mandated by this administrative regulation in accordance with the Governor's executive order, pursuant to KRS 39A.100(1)(k), suspending or delaying an election.]~~

[2] The procedures in the general election laws, KRS Chapters 116 to 121A, shall be applicable to an election conducted pursuant to the Elections Emergency Contingency Plan, unless superseded by[:]

[a] the Governor's executive order, pursuant to KRS 39A.100(1)(k); or

[b] [Provisions of this administrative regulation].

(2)(3)] County boards of elections shall establish procedures to address the specific needs of their county in the event the Governor issues an executive order delaying or rescheduling an election pursuant to KRS 39A.100(1)(k)[to implement the provisions of this administrative regulation at the local level] and shall file the ~~[-]~~ County Board of Elections Notice of Establishment of Local Elections Emergency Contingency Plan Procedures, ~~[-]~~ Form SBE 20, on or before the first day of March of each year in which a general election occurs.

(3)(4)] County boards of elections shall, in accordance with KRS 117.187, train all precinct election officers prior to each primary and general election on the procedures established by the county boards of elections to implement the Elections Emergency Contingency Plan.

Section 3. Notification. After the Governor has issued an executive order pursuant to KRS 39A.100(1)(k), the State Board of Elections shall notify all county clerks in the affected election area or statewide, in accordance with the Governor's executive order.

Section 4. Voting Places. After notification from the State Board of Elections of an executive order suspending or delaying an election, an affected county board of elections shall:

- (1) Identify the number of voting places that are functional, that can be repaired, and that have been destroyed; and
- (2) Establish new voting places, if needed, in a manner consistent with KRS 117.065 and KRS 117.066.

Section 5. Precinct Election Officers. If an affected county board of elections determines that new precinct election officers are required because of an emergency, the affected county board of elections shall use the same list of precinct election officers from the suspended election and may create a new list of additional precinct election officers in a manner consistent with the provisions of KRS 117.045.

Section 6. Procedures for Conducting an Election Rescheduled Prior to the Original Election Day.

(1) Notification. After notification from the State Board of Elections of an executive order suspending or delaying an election, prior to the original date scheduled for an election by law, the affected county clerk shall ensure that the public receives prompt notification of the suspension or delay of an election in accordance with KRS Chapter 424, if possible, and any other means available.

(2) Absentee voting. After notification from the State Board of Elections of an executive order suspending or delaying an election, an affected county clerk shall immediately:

- (a) Suspend all forms of absentee voting being conducted ~~[pursuant to KRS 117.085(1)(e)]~~; and
- (b) Secure all voting machines being used for all forms of absentee voting until absentee voting may be resumed ~~[in accordance with KRS 117.085(1)(e)]~~.

(3) Mail-in absentee ballots. After notification from the State Board of Elections of an executive order suspending or delaying an election, an affected county clerk shall immediately deposit all unvoted mail-in absentee ballots and related materials in a secured and locked storage container or area until mail-in absentee voting may be resumed ~~[in accordance with KRS 117.085(1)(e)]~~.

(4) Examination of voting equipment.

(a) The date of examination of voting equipment, conducted pursuant to KRS 117.165, which has been previously noticed, but is affected by the suspension or delay of an election, shall be re-noticed pursuant to KRS Chapter 424, if possible, and any other means available.

(b) The affected county board of elections shall not conduct a reexamination of the voting equipment if the affected county board of elections has already conducted the examination required by KRS 117.165 prior to receipt of the notice of the rescheduled election.

Section 7. Procedures for Conducting an Election Rescheduled After the Commencement of the Original Election Day.

(1) Notification. After notification from the State Board of Elections of an executive order suspending or delaying an election after the commencement of an election, the affected county clerk shall ensure that the public receives immediate notification of the suspension of the election and the date of the rescheduled election by any means possible, including all electronic media available and notice in accordance with KRS Chapter 424.

(2) Suspend general voting. After notification from the State Board of Elections of an executive order suspending or delaying an election, an affected county board of elections shall immediately:

(a) Suspend general voting being conducted on all voting systems;

(b) Instruct the precinct election officers to secure all voting machines being used for general voting until voting may be resumed in accordance with the executive order issued pursuant to KRS 39A.100(1)(k);

(c) Instruct the precinct election officers to not closeout or tally the votes in the voting machines. The precinct election officers shall ensure that all seals on the voting machines are intact prior to storage in a secure location;

(d) Instruct the precinct election officers to record the public counter number on the form furnished by the county board of elections. The form shall be signed by all present precinct election officers; and

(e) Instruct the precinct election officers to return all election materials to the county board of elections.

(3) Ballots and election materials. After notification from the State Board of Elections of an executive order suspending or delaying an election, an affected county clerk shall immediately deposit all election materials, including unvoted absentee ballots, paper ballots, provisional ballots, e-poll books[precinct signature rosters], and related materials, in a secured and locked storage container or area until voting may be resumed in accordance with the executive order issued pursuant to KRS 39A.100(1)(k).

(4) Conduct of rescheduled election.

(a) If the e-poll books[precinct signature roster] and voting machines are intact from the original election[-date], then only those persons duly registered to vote during the originally scheduled election[upon the original election date] who did not previously vote [on that date] shall be entitled to vote on any[the] additional day of voting [in that precinct].

(b) If the e-poll books[precinct signature rosters] or the voting machines are not intact from the original election[-date]:

1. Any person duly registered to vote during[upon] the originally[original] scheduled election[-date], regardless of whether that person previously voted during [on] the originally[original] scheduled election[-date], shall be entitled to vote on any[the] additional day of voting in that precinct;

2. If the e-poll books[signature rosters] are destroyed or incomplete and the voting machines are intact, the county board of elections shall acquire replacement e-poll books[use a new set of precinct signature rosters provided by the State Board of Elections], clear the voting machines of all votes, and reset the machines for use in the rescheduled election; and

3. If the voting machines are not intact, the county board of elections shall repair, replace, or acquire additional[new] voting machines.

(c) [Voting on the rescheduled election day shall be accomplished by physically appearing at the voting place.] The time set by law for casting or canvassing a military, mail-in absentee, or special presidential ballot shall not be extended by the executive order rescheduling the election. Any mail-in absentee, military, or special presidential ballot duly received on the original election date shall be valid.

Section 8. Release and Certification of Election Returns.

(1) If a statewide election is affected by the suspension or delay of an election in an affected election area pursuant to KRS 39A.100 (1)(k):

(a) County boards of elections not located in the affected election area that have races affected by the suspension or delay of an election in an affected election area shall:

1. Withhold returns for affected races until the county boards of elections in those counties where an election has been suspended or delayed have conducted rescheduled elections and are able to certify returns to the Secretary of State;
2. Not release any vote totals for the affected races until the suspended election has been completed in the affected counties;
3. Instruct the precinct election officers to not closeout or tally the votes in the voting machines;
4. Instruct the precinct election officers to remove the memory device that stores the vote totals on each voting machine, to secure and seal each voting machine, and to not post the vote totals of the affected races at the precinct as required by KRS 117.27[8]5(3). The precinct election officers shall immediately return all election materials to the county board of elections; and
5. Tally the vote totals from each precinct and only post at the county clerk's office the vote totals for those races not affected by the suspension or delay pursuant to KRS 39A.100(1)(k).

(b) The State Board of Elections shall notify the county boards of elections not located in the affected election area that have races affected by the suspension or delay of an election in an affected election area if vote totals are to be delayed and when vote totals shall be certified to the Secretary of State.

(2) If a county election, or any part of a county election, is suspended, the vote totals from an affected race shall not be released by the affected county board of elections until after the polls have closed in those voting locations[precincts] with delayed elections.

Section 9. Post-Election Deadlines. All post-election timeframes and deadlines not specifically addressed in the provisions of this administrative regulation that are enumerated in general election laws shall be suspended until the rescheduled election occurs, in accordance with the Governor's executive order, pursuant to KRS 39A.100(1)(k).

Section 10. Incorporation by Reference.

(1) "County Board of Elections Notice of Establishment of Local Elections Emergency Contingency Plan Procedures", SBE 20, 10/2025[(December 2005 edition)], is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the State Board of Elections, 140 Walnut Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. **This material may also be obtained on the board's website at <https://elect.ky.gov>.**

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Executive Director  
Karen.Sellers@ky.gov



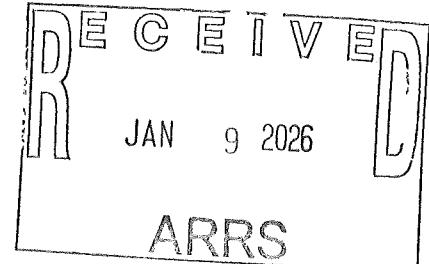
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COMMONWEALTH OF KENTUCKY  
STATE BOARD OF ELECTIONS

January 8, 2026

Senator Stephen West, Co-Chair  
Representative Derek Lewis, Co-Chair  
Legislative Research Commission  
083, Capitol Annex  
702 Capitol Avenue  
Frankfort KY 40601



Dear Co-Chairs West and Lewis:

After consideration of the issues raised by 31 KAR 4:020, 31 KAR 4:031, 31 KAR 4:100, 31 KAR 4:120, 31 KAR 4:150, 31 KAR 4:160, and 31 KAR 4:220 the State Board of Elections proposes the attached suggested substitutes to these ordinary administrative regulations.

Sincerely,

A handwritten signature of Taylor Austin Brown.

Taylor Austin Brown  
General Counsel  
State Board of Elections  
140 Walnut Street  
Frankfort, Kentucky 40601

SUGGESTED SUBSTITUTE

**STATE BOARD OF ELECTIONS**  
**(Amendment)**

**31 KAR 4:220. Recount procedures.**

RELATES TO: KRS 62.020, 117.035, 118.025, 120.095, 120.157, 120.185, 120.260, 120.290

STATUTORY AUTHORITY: KRS 117.015(1)(a)

CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB6, Section 8.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 117.015(1)(a) ~~authorizes~~ requires the State Board of Elections, as an independent agency of state government, to administer the election laws of the state. KRS 120.095, 120.157, 120.185, 120.260, and 120.290 all authorize the post-election recounting of ballots cast, but are all largely without procedures for how the event is required to occur. This administrative regulation establishes procedures for the recounting of ballots for an established standard throughout the Commonwealth.

Section 1. Definition. "Recount" means a post-election retallying of ballots cast in a primary, general, or special election, as authorized ~~pursuant to~~ under KRS 120.095, 120.157, 120.185, 120.260, or 120.290.

Section 2. Locations. Upon identifying that a recount will be taking place, an affected county board of elections shall identify a suitable location, within the county, where the recount ~~may~~ can take place.

(1) A suitable location shall be one (1) where all of the voting equipment and ballot boxes required for the recount can be housed in one (1) location and there is ample space for the personnel required for the task and all authorized observers, who shall have a dedicated area within the location to witness the recount.

(2) If a recount is to occur pursuant to KRS 120.290, the Franklin County Clerk shall assist the Franklin Circuit Court in finding a location for the commencing of the recount if the Court finds the courthouse at Frankfort unsuitable for the event.

Section 3. Recount Personnel.

(1) Pursuant to KRS 117.035(5), an affected county board of elections may employ a bipartisan staff sufficient to carry out the duties of the recount. Once a county board identifies that a recount will be taking place, the board shall immediately seek out citizens of the county who may wish to work for the county board on a temporary basis as recount officials.

(2) County boards shall recruit enough citizens of the county to work as recount officials so that the recount may be completed before any statutory deadline.

(a) Citizens hired to work as recount officials shall be registered voters of the county in which they desire to work.

(b) Recount officials shall be paid an hourly wage for their work during the entirety of the recount process. The hourly wage shall be set uniformly for all recount officials by the county board of elections at a rate that is both prevailing in the jurisdiction at the time for the type of work to be done and that is high enough to entice applicants qualified for a short-term, temporary assignment.

(c) Before any recount official shall be allowed to work, the individual shall take the oath found in Section 228 of the Kentucky Constitution, which shall be administered by any officer authorized under KRS 62.020.

#### Section 4. Procedures as to Election Vendors.

- (1) Upon identifying that a recount will be taking place, county clerks shall work with their voting equipment vendors to begin programming, distributing, and setting the voting equipment necessary for the recount.
- (2) Election equipment shall be set to isolate the race or question subject to the recount and the straight-party option, if applicable.

#### Section 5. Initiating the Recount.

- (1) Before recount proceedings may begin, on the day fixed for the recount, the county board of elections shall meet to confirm the integrity of the ballots subject to the recount.
- (2) The confirmation of the integrity of the ballots shall be reflected in the recorded minutes of the meeting of the county board of elections.
- (3) Absent a showing of clear and convincing evidence that the ballots have been purposefully disturbed and tampered with, the integrity of the ballots shall be proven.

#### Section 6. Securing the Integrity of the Recount.

- (1) Before members of the recount teams shall be allowed to handle individual ballots, each member shall present their hands and fingernails to the members of the county board of elections for visual inspection. Before proceeding to handle ballots, county board of elections members shall confirm that each recount official's hands and fingernails are clean enough so as to not transfer any ink, lead, or other markings onto the ballots.
- (2) Only red ink pens, a blank pad of paper, and manilla envelopes large enough to contain multiple ballots shall be allowed in any area in the direct proximity of voting equipment or ballots during the counting of ballots.
- (3) The use of cell phones or other electronic devices shall not be permitted within the direct proximity of voting equipment or ballots. Any capturing of photographic or video images of ballots shall be prohibited.
- (4) Food or drink shall not be permitted in any area in the direct proximity of voting equipment or ballots without prior authorization from the county board of elections.

#### Section 7. Before Voting Equipment is Opened.

- (1) The county board of elections or the county clerk shall split the recount officials into recount teams of two (2) so that each team contains individuals registered of differing political party affiliations.
- (2) Each recount team shall be assigned to only one (1) piece of voting equipment at any one (1) time, and a piece of voting equipment shall not have more than one (1) recount team operating it at any one (1) time.
- (3) Before a piece of voting equipment is opened by a recount team, the information from the voting equipment's Machine Verification Form shall be transposed onto the Form SBE 82, Recount Tabulation Form.

#### Section 8. Opening the Voting Equipment.

- (1) Once a recount team opens a piece of voting equipment, the seal number, beginning counter number, and lifetime counter number shall be checked to match the Machine Verification Form.

(2) Once the ballot box or tub containing the ballots is opened, the seal number shall be recorded on the Form SBE 82, Recount Tabulation Form.

(3) Each ballot from the ballot box or tub shall be removed and placed on a segregated table next to the voting equipment, and the broken seal shall be placed inside the ballot box or tub. Ballots from one (1) ballot box or tub shall not be comingled with any other materials, including ballots from another ballot box or tub. Ballots shall not be left outside of a ballot box or tub unattended.

#### Section 9. Procedure to Recount Ballots.

(1) Each ballot removed from a ballot box or tub for a recount shall be scanned back through the piece of voting equipment from which the ballot box or tub was originally associated, one (1) ballot at a time. If a county is in possession of a separate piece of voting equipment designed and regularly used to count larger amounts of ballots, the use of the voting equipment shall be authorized.

(2) Scanned ballots shall be counted by the electronic voting equipment in accordance with 31 KAR 6:030, Section 2[4](1), and the cumulative totals for each slate of candidates shall be recorded on the Form SBE 82, Recount Tabulation Form.

(3) If a ballot does not scan through the piece of voting equipment on the first attempt, each member of the associated recount team shall attempt to scan the ballot one (1) additional time each. If, after three (3) unsuccessful attempts, a ballot does not scan, it shall be set aside for later adjudication.

(4) Once only those ballots set aside remain, they shall be adjudicated as one (1) of three (3) types:

(a) An overvote, meaning that upon visual inspection of the ballot, more than one (1) slate of candidates appears to have been selected by the voter;

(b) An undervote, meaning that upon visual inspection, no slate of candidates appears to have been selected by the voter on the ballot; or

(c) A damaged ballot, no longer capable of being scanned into the voting equipment because of damage sustained to the physical ballot, but clearly having a selection for only one (1) slate of candidates or that slate's straight-party option.

(5) The number of undervotes, overvotes, and damaged ballots shall be recorded on the Form SBE 82, Recount Tabulation Form.

(6) The recount officials shall place the cumulative number of undervotes in a manilla envelope, seal the envelope with tape, label it with the word "undervotes," and then sign it alongside the date and time of their signature. This procedure shall then be followed for envelopes labeled "overvotes" and "damaged ballots." If the cumulative number of undervotes, overvotes, or damaged ballots will not fit inside one (1) manilla envelope, multiple envelopes may be used.

(7) Once the undervotes, overvotes, and damaged ballots are placed in envelopes, the envelopes shall be placed back in the ballot box or tub on top of the ballots already recounted by the electronic voting equipment.

(8) Once a conclusive accounting has been reached for all ballots removed from the ballot box or tub, the voting equipment shall be secured with a seal of a color not previously used in the election, and the serial number of the seal shall be recorded on the Form SBE 82, Recount Tabulation Form.

(9) The Form SBE 82, Recount Tabulation Form, shall be signed by the recount team members and all members of the county board of elections.

(10) Once this process is complete for one (1) piece of voting equipment, a recount team may move on to a new piece of voting equipment and begin the process of recounting the ballots found within.

(11)

(a) Once all ballots have been counted by the electronic voting equipment and all Form SBE 82, Recount Tabulation Forms, have been completed, the county clerk shall scan and email all Form SBE 82, Recount Tabulation Forms, to the State Board of Elections.

(b) For a recount conducted under KRS 120.157, the State Board of Elections shall examine the statewide Form SBE 82, Recount Tabulation Forms, and tally the results submitted.

1. If the tally of results submitted shows that the count of ballots by the electronic voting equipment did not result in a margin of victory of 0.25% or less, the State Board of Elections shall notify each county that their recount is complete.
2. If the tally of results submitted shows that the count of ballots by the electronic voting equipment did result in a margin of victory of 0.25% or less, the State Board of Elections shall tally the total number of overvotes and damaged ballots reported on the submitted Form SBE 82, Recount Tabulation Forms.
3. If the cumulative number of overvotes and damaged ballots is large enough to overcome the machine-established margin of victory, the State Board of Elections shall notify the counties that they are to meet immediately to count the overvotes and damaged ballots.
4. If the cumulative number of overvotes and damaged ballots is not large enough to overcome the machine-established margin of victory, the State Board of Elections shall notify the counties that their recount is complete.

(12) Upon the need for a count of overvotes and damaged ballots, the county board of elections shall meet to remove all manila folders containing overvotes and damaged ballots. Overvotes and damaged ballots shall be adjudicated by the full county board of elections using the procedures described in 31 KAR 6:030, Section 2[4](2) and (3). Overvotes shall also be subject to the allowances of 31 KAR 6:030, Section 2[4](4).

- (a) Each adjudicated ballot, shall, by majority vote of the county board of elections, result in a vote for either:
  1. One (1) valid candidate, one (1) valid slate of candidates, or valid answer to a question;
  2. One (1) valid write-in candidate or slate of candidates; or
  3. No candidate, slate of candidates, or answer to a question.
- (b) The adjudication of each ballot shall be recorded onto the Form SBE 82, Recount Tabulation Form.
- (c) After overvotes and undervotes are adjudicated, they shall be placed, along with the original manila envelope, in a new manila envelope. The county board of elections shall seal the envelope with tape, label it as "overvotes," or "damaged ballots," accordingly, and then sign it alongside the date and time of their signature.

#### Section 10. Reporting of Recount Totals.

- (1) Once every piece of voting equipment has been opened, all ballots have been recounted, and a conclusive recount total for each piece of equipment has been established, the county board of elections shall transfer the totals for each candidate or question from each Form SBE 82, Recount Tabulation Form onto a Form SBE 49, Official Count and Record of Election Totals.
- (2) The same totals recorded onto the Form SBE 49, Official Count and Record of Election Totals shall also concurrently be input into an online portal belonging to the Secretary of State if available.
- (3) The members of the county board of elections shall affix their signatures to the completed Form SBE 49, Official Count and Record of Election Totals, which shall mark the completion of the recount.
- (4) Once the Form SBE 49, Official Count and Record of Election Totals is signed, the county board of elections shall fax a copy the document to the office of the Secretary of State, no later than 4:00 p.m., local time, on the day following the completion of the county's recount. Each county clerk shall retain a

copy of the completed Form SBE 49, Official Count and Record of Election Totals for their records and mail the original signed copy to the office of the Secretary of State.

Section 11. Reimbursement of Recount Costs. All costs associated with the recount proceedings, including items such as personnel expenses and vendor charges, shall be recorded and documented by the county clerk.

Section 12. Incorporation by Reference.

(1) The following material is incorporated by reference:

- (a) "Recount Tabulation Form", Form SBE 82, 04/2024; and
- (b) "Official Count and Record of Election Totals", Form SBE 49, 10/2025[04/2024].

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the State Board of Elections, 140 Walnut Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. This material is also available on the board's Web site at <https://elect.ky.gov>.

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Executive Director  
Karen.Sellers@ky.gov

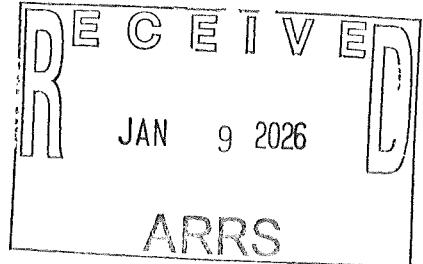


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COMMONWEALTH OF KENTUCKY  
STATE BOARD OF ELECTIONS

January 8, 2026



Senator Stephen West, Co-Chair  
Representative Derek Lewis, Co-Chair  
Legislative Research Commission  
083, Capitol Annex  
702 Capitol Avenue  
Frankfort KY 40601

Dear Co-Chairs West and Lewis:

After consideration of the issues raised by 31 KAR 6:010, 31 KAR 6:020, and 31 KAR 6:040, the State Board of Elections proposes the attached suggested substitutes to these ordinary administrative regulations.

Sincerely,

A handwritten signature of Taylor Austin Brown in black ink.

Taylor Austin Brown  
General Counsel  
State Board of Elections  
140 Walnut Street  
Frankfort, Kentucky 40601

140 WALNUT STREET  
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Kentucky  
UNBRIDLED SPIRIT  
AN EQUAL OPPORTUNITY EMPLOYER M/F/D  
www.elect.ky.gov

PHONE (502) 573-7100

## **SUGGESTED SUBSTITUTE**

### **STATE BOARD OF ELECTIONS (Amendment)**

#### **31 KAR 6:010. State-based administrative complaint procedure.**

RELATES TO: KRS Chapter 13B, 117.015(1)(a), 52 U.S.C. 21081-21112[42 U.S.C. 15512]

STATUTORY AUTHORITY: KRS 117.015(1)(a), 52 U.S.C. 21112[42 U.S.C. 15512(a)]

CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB6, Section 8.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 117.015(1)(a) authorizes the Kentucky State Board of Elections to promulgate administrative regulations necessary to properly carry out its duties in the administration of the election laws. The Help America Vote Act of 2002, 52 U.S.C. 21112[42 U.S.C. 15512, Section 402(a)], requires the establishment of a state-based administrative complaint procedure to remedy grievances in elections for federal offices. This administrative regulation establishes an administrative complaint procedure to remedy grievances in elections for federal offices.

#### **Section 1. Definitions.**

- (1) "Board" means the State Board of Elections or their designee as defined in KRS 117.015 and 117.025.
- (2) "Complainant" means the person who files a complaint under this administrative regulation.
- (3) "Federal election" means a primary, general, or special election at which a federal office appears on the ballot.
- (4) "Presiding officer" means the person appointed by the executive director of the board to conduct a hearing on a complaint.
- (5) "Respondent" means any state or local election official whose actions are alleged, in a written complaint, to be in violation of Title III of the Help America Vote Act of 2002, 52 U.S.C. §§ 21081 – 21102[42 U.S.C. 15481].
- (6) "State or local election official" means the Secretary of State, the State Board of Elections, a county clerk, a county board of elections, or any officer, agent, or appointee thereof.
- (7) "Title III" means Title III of the Help America Vote Act of 2002, Pub.L. 107-252, codified at 52 U.S.C. §§ 21081 – 21102[42 U.S.C. 15481].

Section 2. Applicability. This administrative regulation shall be applicable to elections for federal office.

#### **Section 3. Complaint Process.**

- (1) Any person who believes there has been a violation of any provision of Title III by any election official may file a written complaint with the executive director of the board.
- (2) All complaints shall:

(a) Be limited to violations of the requirements placed upon the states by Title III, which are limited to claims for violations of the following:

1. Standards for voting systems;
2. Requirements for provisional voting and voting information; and
3. Requirements for computerized statewide voter registration lists and for voters who register by mail.

(b) Be submitted in writing on the Complaint and Affidavit for Violation of Title III of the Help America Vote Act of 2002, and signed by the complainant under oath or affirmation before an officer authorized to administer oaths.

(c) Include the full name, address, and telephone number of the complainant.

(d) Include a description of the alleged violation sufficient to apprise the board and the respondent of the nature and specific allegations of the complaint.

(e) Be sent by mail or by delivery to the Offices of the State Board of Elections at 140 Walnut Street, Frankfort, Kentucky 40601.

(f) Be filed within ninety (90) days of the alleged violation of Title III.

#### Section 4. Processing the Complaint and Response.

(1) The executive director of the board may refuse to accept a complaint if the complaint does not comply with the requirements of Section 3 of this administrative regulation.

(2) If a complaint does not comply with Section 3 of this administrative regulation, the executive director of the board shall, within three (3) days of receipt of the complaint, send the complainant a notice explaining the areas of noncompliance in the complaint.

(3) The complainant shall correct a deficiency within seven (7) working days of receipt of notice of the deficiency. If the complainant fails to correct a deficiency or fails to state a violation of Title III, the board shall dismiss the complaint.

(4) If a complaint complies with Section 3 of this administrative regulation and states on its face a Title III violation, the board shall accept the complaint and the complaint shall be deemed filed on the date of receipt at the offices of the board.

(5) Upon receipt of a complaint, the board shall send a copy to the respondent along with a request for a response.

(6) The respondent shall send a response to the board within ten (10) days of the date the respondent received notice from the board of the filed complaint.

(7) Upon receipt of the respondent's response, the board shall within three (3) days, send the complainant a copy of the respondent's response and a notice explaining the complaint may be resolved informally by agreement of the parties or the complainant may request a hearing. The complainant shall have ten (10) days from the date the notice is received to request an informal resolution or a hearing.

(8) The executive director of the board shall be responsible for arranging the date, time, and place for hearings, and appoint a qualified individual to serve as the presiding officer.

(9) If at any time during the proceedings, the board believes that the person appointed by the executive director of the board is not performing his or her duties as presiding officer, in the interest of justice and to ensure the fair administration of Title III, the board may withdraw the

appointment of the presiding officer and appoint another qualified individual to serve as presiding officer.

(10) The executive director shall send a notice of the identity of the presiding officer, time, date, and location of the hearing to the parties at least seven (7) days before the date scheduled for the hearing.

(11) The board shall make a final determination of the complaint within ninety (90) days of the receipt of the complaint, unless the complainant agrees in writing to an extension.

Section 5. Consolidation. Upon its own motion, or upon motion of any party, the board or presiding officer may consolidate multiple complaints into a single proceeding if there exist common parties, common questions of law or fact, or both, or other circumstances as justice and the administration of **Title III[the Act]** require.

Section 6. Severance. (1) Upon its own motion, or upon motion of any party, the board or the presiding officer may, for good cause, order any proceeding severed with respect to some or all issues or parties.

#### Section 7. Hearings.

(1) Hearings shall be conducted in accordance with KRS Chapter 13B.

(2) Hearings shall be recorded. A transcript of the hearing shall not be made except upon request of a party who shall bear the cost of transcription. Any other party may request a copy of the transcript at his or her own expense.

(3) Hearings may be held and testimony taken by teleconference or video conference with notice to the parties.

(4) If any party fails, without good cause, to attend the hearing, they may be held in default and have a determination made against them.

(5) All testimony shall be taken under oath or affirmation.

(6) The complainant shall have the burden of proof.

#### Section 8. Presiding Officer's Findings of Fact, Conclusions of Law, and Recommended Order.

(1) Within fourteen (14) days of the completion of the hearing, the presiding officer shall issue a findings of fact, conclusions of law, and recommended order to the board setting forth any findings of a past, present, or potential violation of Title III, if supported by the evidence presented, and a recommended remedy.

(2) The recommended remedy shall be directed at the improvement of processes or procedures governed by Title III, consistent with federal and state law.

(3) The recommended remedy shall not include money damages, costs, or attorney fees and shall be limited to bringing the election practice or election system referred to in the complaint into compliance with Title III.

#### Section 9. Final Determination.

(1) The board shall review the presiding officer's findings of fact, conclusions of law, and recommended order at the next scheduled meeting of the board.

(2) The board may adopt the presiding officer's findings of fact, conclusions of law, and recommended order as its final determination or issue its own findings of fact, conclusions of law, and final determination based on the evidence presented.

(3) The board shall issue a final determination within thirty (30) days of receipt of the recommended order or within ninety (90) days of receipt of the complaint, whichever is shorter, unless the complainant agrees in writing to an extension of time.

#### Section 10. Alternative Dispute Resolution.

(1) If a final determination of a complaint is not made within ninety (90) days of the filing of the complaint, and the complainant did not agree to an extension, then the complaint shall be referred to a review panel comprised of three (3) members of the board.

(2) The review panel shall issue a final determination on the complaint within sixty (60) days of the referral.

(3) The review panel shall make its determination on the record of the hearing conducted under this administrative regulation and shall not conduct any further proceedings.

(4) If the hearing was not conducted or completed, then the review panel shall conduct a hearing under this administrative regulation.

#### Section 11. Publication of Final Determinations. All final determinations shall be posted on the internet homepage of the board, <http://www.elect.ky.gov>, and retained in the permanent archival records of the board by attaching to the minutes of the monthly meeting of the board for the month the final determination was issued.

#### Section 12. Incorporation by Reference.

(1) "Complaint and Affidavit for Violation of Title III of the Help America Vote Act of 2002," SBE 21, 10/2025[December 2003], is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Offices of the State Board of Elections, 140 Walnut Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

**(3) This material may also be obtained on the board's website at <https://elect.ky.gov>.**

Karen Sellers  
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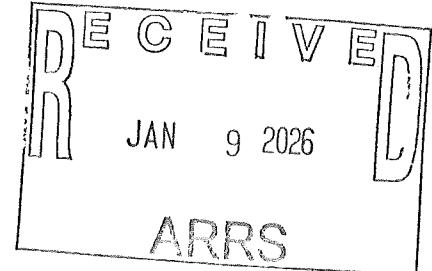


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COMMONWEALTH OF KENTUCKY  
STATE BOARD OF ELECTIONS

January 8, 2026



Senator Stephen West, Co-Chair  
Representative Derek Lewis, Co-Chair  
Legislative Research Commission  
083, Capitol Annex  
702 Capitol Avenue  
Frankfort KY 40601

Dear Co-Chairs West and Lewis:

After consideration of the issues raised by 31 KAR 6:010, 31 KAR 6:020, and 31 KAR 6:040, the State Board of Elections proposes the attached suggested substitutes to these ordinary administrative regulations.

Sincerely,

A handwritten signature of Taylor Austin Brown.

Taylor Austin Brown  
General Counsel  
State Board of Elections  
140 Walnut Street  
Frankfort, Kentucky 40601

## **SUGGESTED SUBSTITUTE**

### **STATE BOARD OF ELECTIONS (Amendment)**

#### **31 KAR 6:020. Provisional voting.**

RELATES TO: KRS 117.015(1)(a), 117.275, 117.305, 52 U.S.C. 21082~~[42 U.S.C. 15482]~~

STATUTORY AUTHORITY: KRS 117.015(1)(a), 52 U.S.C. 21082~~[42 U.S.C. 15482, sec. 302(d)]~~

CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB6, Section 8.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 117.015(1)(a) authorizes the Kentucky State Board of Elections to promulgate administrative regulations necessary to properly carry out its duties in the administration of the election laws. The Help America Vote Act of 2002, 52 U.S.C. 21082~~[42 U.S.C. 15482, Section 302(d)]~~ requires the state to comply with the provisions of that section concerning provisional voting in elections for federal offices. This administrative regulation establishes procedures for provisional voting.

#### **Section 1. Definitions.**

- (1) "Provisional ballot" means a ballot cast in an election for federal office by an individual who resides in a voting precinct but whose eligibility to vote is in question or is not determinable on election day.
- (2) "Provisional ballot inner envelope" means the envelope with the words "provisional ballot" printed on the front.
- (3) "Provisional ballot outer envelope" means the envelope with the following printed on the front:
  - (a) Precinct election officer checklist of circumstances for issuing a provisional ballot;
  - (b) Provisional ballot affirmation; and
  - (c) The county board of elections checklist for indicating whether the ballot was counted and if not counted the reason why.

Section 2. Applicability. This administrative regulation shall be applicable to special, primary, and general elections for the federal elective offices of President/Vice President, United States Senator, and United States House of Representatives.

#### **Section 3. Precinct Election Officer Notice.**

- (1) A precinct election officer who cannot confirm a potential voter's eligibility to vote on election day shall notify the individual of the option of appearing before the county board of elections to dispute eligibility or voting a provisional ballot in that precinct if the individual resides at a residence within the geographical boundaries of the precinct.
- (2) If the individual chooses to cast a provisional ballot, then the individual shall not be eligible to vote in any other manner.

Section 4. Procedures and Circumstances for Casting a Provisional Ballot.

- (1) The individual shall sign a provisional ballot precinct signature roster, SBE 35, which contains the individual's name, address, signature, date of birth, political party affiliation, identification type, and precinct officer initials.
- (2) The precinct election officer shall check the appropriate box next to the circumstance for issuing the provisional ballot.
- (3) The circumstances for issuing the provisional ballot:
  - (a) Voter whose name does not appear on the precinct roster and whose registration status cannot be determined by the precinct officer;
  - (b) Voter whose name does not appear on the precinct roster and who has been verified as ineligible to vote;
  - (c) Voter who does not have identification;
  - (d) Voter who is voting as a result of a federal or state court order or any order under state law in effect ten (10) days prior to election day which extends polling hours; or
  - (e) Voter has been challenged by all four (4) precinct election officers.
- (4) The precinct election officer shall give the individual the provisional ballot, a provisional ballot inner envelope, SBE 39, and the provisional ballot outer envelope, SBE 38.
- (5) To cast a provisional ballot, an individual shall execute the written affirmation on the provisional ballot outer envelope before a precinct officer at the voting place declaring the individual is a registered voter in the county and resides within the geographical boundaries of the precinct. The written affirmation executed by the individual shall state:
  - (a) The individual's name;
  - (b) Current residential address;
  - (c) Political party affiliation;
  - (d) That the individual is a registered voter in the county and resides in the precinct;
  - (e) That the individual knows of no legal reason to prevent his or her vote from being cast and counted;
  - (f) That the individual has not voted and shall not vote in another precinct or by absentee ballot in this state during this election;
  - (g) That the individual understands that any person who falsely signs and verifies any form requiring verification shall be guilty of perjury and subject to penalties therefore; and
  - (h) That the individual further understands that if he or she executes the affirmation and is not a registered voter at the current address stated, the individual has committed a criminal act.
- (6) The precinct election officer shall direct the individual to a private voting area in which the individual shall cast his or her provisional ballot.
- (7)
  - (a) An individual may spoil up to two (2) provisional ballots and shall not be issued more than a total of three (3) provisional ballots.
  - (b) Spoiled ballots shall be placed in the provisional ballot inner envelope, sealed by the individual, and returned to a precinct election officer who shall mark on the provisional ballot stub of the issued ballot and on the front of the envelope "spoiled ballot".

(8) The individual shall place the voted provisional ballot in the provisional ballot inner envelope and seal. The individual shall place the sealed provisional ballot inner envelope in the provisional ballot outer envelope and seal.

(9) The individual shall return the sealed provisional ballot outer envelope to the precinct election officer.

(10) The precinct election officer, upon receiving the sealed provisional ballot outer envelope from the individual, shall give the individual the provisional ballot information sheet, SBE 36, which explains the individual's right to contact their local county clerk to learn if the provisional ballot was counted, and if not counted, the reason why.

(11) A precinct election officer shall place sealed provisional ballot outer envelopes and sealed spoiled provisional ballot inner envelopes in a container and transmit to the county board of elections.

(12) The county board of elections shall determine the eligibility to vote of each individual casting a provisional ballot, in accordance with KRS Chapters 116 to 118 and 31 KAR Chapters 2 to 6.

(13) If the county board of elections determines the individual is eligible to vote in the precinct in the election, the vote shall be counted, and the county board shall so indicate on the provisional ballot outer envelope.

(14) If the county board of elections determines the individual is ineligible to vote in the precinct in the election, the vote shall not be counted, and the county board shall so indicate on the provisional ballot outer envelope.

#### Section 5. Provisional Ballot During Extension of Time to Close Polls.

(1) An individual who votes in an election for federal office as a result of a federal or state court order or any other order extending the time established for closing the polls by a state law in effect ten (10) days before the date of that election may only vote in that election by casting a provisional ballot.

(2) A provisional ballot cast during an extension of the time for closing the polls required by orders described in this section shall be separated and held apart from other provisional ballots cast by those not affected by the order.

#### Section 6. Responsibilities.

(1) The county board of elections shall count all eligible provisional ballots.

(2) The county board of elections shall begin counting provisional ballots no later than 9 a.m. prevailing time on the day following the election.

(3) The provisional ballot count shall be certified by the county board of elections on the Certification Official Count and Record of Election Totals prescribed by the State Board of Elections in 31 KAR 4:031[0], which contains the office name, name of candidate, machine vote totals, absentee machine vote totals, paper absentee ballot vote totals, provisional ballot vote totals, and total votes. This form shall be certified to the Secretary of State's Office not later than 12 p.m., prevailing time, on the Friday following the election. For special elections, this

form shall be certified to the Secretary of State's Office not later than 12 p.m., prevailing time, on the day following the election.

(4) Upon completion of a recanvass of vote totals, the county board of elections shall report recanvassed vote totals on the Recanvass of Official Count and Record of Election Totals form, prescribed by the State Board of Election in 31 KAR 4:071[~~31 KAR 4:070~~], which contains the office name, name of candidate, machine vote totals, absentee machine vote totals, paper absentee ballot vote totals, provisional ballot vote totals, and total votes. The recanvassed vote totals shall be certified and immediately reported to the Secretary of State's Office.

(5) County clerks shall cause provisional ballots to be printed. The provisional ballots shall be printed with a ballot stub that will be consecutively numbered with a place for voter name, precinct election officer initials, and marked by precinct officers if it was a spoiled ballot.

(6) County clerks shall post instructions in each precinct on how to cast a provisional ballot, in accordance with Section 4 of this administrative regulation.

(7)

(a) For general and special elections, a minimum of twenty (20) provisional ballots and other applicable forms shall be sent to each precinct.

(b) For primary elections, a minimum of twenty (20) provisional ballots and other applicable forms shall be sent for each party to each precinct.

(8) After the county board of elections has completed its investigation of each provisional ballot and marked the face of the provisional ballot outer envelope appropriate to its findings, the county clerk shall photocopy the face of each outer envelope for future access to convey to the individual whether or not the ballot was counted, and if not counted, the reason why, and shall immediately enter the information in the Statewide Voter Registration Database.

(9) Provisional ballots and all envelopes from a general election shall be locked for thirty (30) days and retained for twenty-two (22) months. Provisional ballot and all envelopes from a primary or special election shall be locked for ten (10) days and retained for twenty-two (22) months.

(10) A provisional ballot accountability statement for provisional ballots, SBE 37, shall be sent to each precinct and returned to the county board of elections, which contains the county name, precinct name, number of ballots issued, ballot stub numbers, number of provisional ballots used, number of provisional ballots unused, number of provisional ballots spoiled and place for the signature of all four (4) precinct election officers.

(11) The chairman of the county board of elections shall file a completed "County Board of Elections Provisional Ballots Issued to Voters and Counted" form, SBE 54C, with the State Board of Elections within ten (10) days after any special, primary, or general election for the federal elective offices of President/Vice President, United States Senator, and United States House of Representatives.

## Section 7. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Provisional Ballot Precinct Signature Roster - SBE 35", 10/2025[~~(6/17)~~];

(b) "Provisional Ballot Informational Sheet - SBE 36", 10/2025[~~(9/04)~~];

- (c) "Provisional Ballot Accountability Sheet - SBE 37", 10/2025[12/05]];
- (d) "Provisional Ballot Outer Envelope - SBE 38", (6/17);
- (e) "Provisional Ballot Inner Envelope - SBE 39", (11/03); and
- (f) "County Board of Elections Provisional Ballots Issued to Voters and Counted - SBE 54C" 10/2025[2/04].

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the State Board of Elections, 140 Walnut Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

**(3) This material may also be obtained on the board's website at <https://elect.ky.gov>.**

Karen Sellers  
Executive Director  
Karen.Sellers@ky.gov



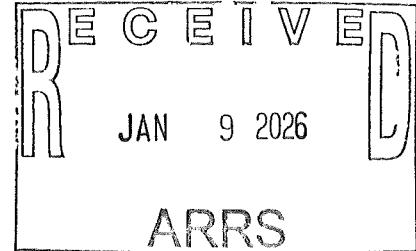
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COMMONWEALTH OF KENTUCKY  
STATE BOARD OF ELECTIONS

January 8, 2026

Senator Stephen West, Co-Chair  
Representative Derek Lewis, Co-Chair  
Legislative Research Commission  
083, Capitol Annex  
702 Capitol Avenue  
Frankfort KY 40601



Dear Co-Chairs West and Lewis:

After consideration of the issues raised by 31 KAR 6:010, 31 KAR 6:020, and 31 KAR 6:040, the State Board of Elections proposes the attached suggested substitutes to these ordinary administrative regulations.

Sincerely,

A handwritten signature of Taylor Austin Brown.

Taylor Austin Brown  
General Counsel  
State Board of Elections  
140 Walnut Street  
Frankfort, Kentucky 40601

140 WALNUT STREET  
FRANKFORT, KY 40601-3240

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## **SUGGESTED SUBSTITUTE**

### **STATE BOARD OF ELECTIONS (Amendment)**

#### **31 KAR 6:040. Elections and Voting Equipment Security Plan.**

RELATES TO: KRS 117.015, 117.076, 117.085, 117.086, 117.187, 117.275, 117.383, 52 U.S.C. 21081[42 U.S.C. 15481]

STATUTORY AUTHORITY: KRS 117.015(1)(a), 117.383, 52 U.S.C. 21081[42 U.S.C. 1548]

CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB6, Section 8.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 117.015(1)(a) authorizes the State Board of Elections to promulgate administrative regulations necessary to properly carry out its duties. KRS 117.383[~~(1)~~] requires the State Board of Elections to prescribe rules and administrative regulations to achieve and maintain the maximum degree of correctness, impartiality, and efficiency of the procedures of voting. ~~[42 U.S.C. 15481, Section 301 of]~~ The Help America Vote Act of 2002, codified at 52 U.S.C. 21081, requires the states to maintain voting systems that preserve the privacy of the voter and the confidentiality of the ballot, produce a record of the election, and provides accessibility for individuals with disabilities. This administrative regulation establishes procedures for maintaining security in the election process ensuring the maximum degree of correctness, impartiality, and efficiency in elections and ensures that the voting systems used in the state are maintained in a condition to meet the requirements of 52 U.S.C. 21081[42 U.S.C. 15481].

#### **Section 1. General Provisions.**

(1) The county board of elections shall:

- (a) Establish an election and voting equipment security plan covering all elections in the county and the security of all voting systems and equipment used in the county; and
- (b) File the County Board of Elections Notice of Establishment of Elections and Voting Equipment Security Plan Form SBE 19~~[, on or before the first day of August of 2008 and]~~ on or before the first day of March of each year [beginning in 2009].

(2) The county boards of elections shall train all precinct election officers prior to each primary and general election on the procedures established by the county boards of elections to implement the Elections and Voting Equipment Security Plan during the training required by KRS 117.187.

#### **Section 2. The Elections and Voting Equipment Security Plan shall include security measures in each of the following areas:**

(1) The storage of election equipment hardware and software and related election materials, including maintaining the following:

- (a) A list of all personnel with keys and access to the election equipment storage area;

- (b) An access log including sign in and out times and dates of all personnel given access to the storage area;
- (c) A list of all equipment by serial number and quantity; and
- (d) An inventory record of each piece of voting equipment, including the following:
  1. Serial number;
  2. A history of repairs, replacements, and upgrades, if applicable, including who performed and who witnessed the maintenance performed;
  3. Current location and condition;
  4. Precinct assignments for Election Day; and
  5. A detailed log of delivery to and from precincts on election day;

(2) The storage and tracking of paper ballots, providing an accounting for all ballots issued to a precinct on election day and a record of all security seal numbers used to seal ballot containers and tabulators;

(3) The processing and storage of voter registration and voting records in the clerk's office;

(4) Password administration, including designating a member of the county clerk's staff as the "password administrator" to issue passwords, maintain a master list of all passwords issued, and reissue all passwords on a periodic basis;

(5) Absentee voting conducted~~[for mail-in ballots and in-house voting,]~~ pursuant to KRS 117.076 and 117.085~~[and 117.086]~~;

(6) A checklist for precinct election officers to follow for opening and closing the precincts on Election Day, including:

- (a) Designating a secure location in each precinct for the voting equipment to be stored upon delivery and until the precinct election officers arrive at the precinct;
- (b) A procedure for placement of the voting equipment in the precinct to limit access to the voting equipment's power control, counter controls, and results storage media to only authorized personnel;
- (c) A procedure to verify the serial numbers, security seals, and protective counter number of each piece of voting equipment prior to the opening of the polls;
- (d) A procedure to count and verify all paper ballots, provisional ballots, and election supplies prior to the opening of the polls;
- (e) A procedure to validate the number of voter activation devices after the polls have closed and secure the devices for transport back to the county clerk's office; and
- (f) A procedure for securing and accounting for all voting equipment after the closing of the polls; and

(7) Securing and storing the voting equipment after Election Day and in between elections and maintenance of election materials for the period required pursuant to KRS 117.275.

### Section 3. Incorporation by Reference.

(1) "County Board of Elections Notice of Establishment of Elections and Voting Equipment Security Plan", SBE 19 10/2025~~[2/08]~~, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to *applicable* copyright law, at the State Board of Elections, 140 Walnut Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

**(3) This material may also be obtained on the board's website at <https://elect.ky.gov>.**