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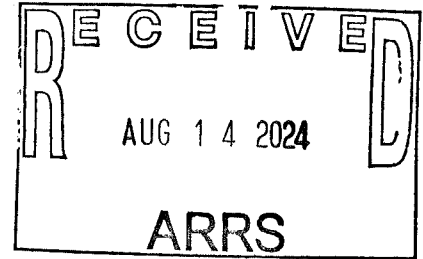


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COMMONWEALTH OF KENTUCKY
STATE BOARD OF ELECTIONS

August 14, 2024



Senator Robby Mills, Co-Chair
Representative Kevin D. Bratcher, Co-Chair
Representative David Hale, Co-Chair
Interim Joint Committee on State Government
c/o Emily Caudill, Regulations Compiler
Legislative Research Commission
083, Capitol Annex
Frankfort KY 40601

Re: 31 KAR 5:026. Ballot standards and election security.

Dear Co-Chairs Mills, Bratcher, and Hale:

After further consideration of the issues raised by 31 KAR 5:026, the State Board of Elections proposes the attached Agency Amendment to 31 KAR 5:026.

Sincerely,

A handwritten signature in black ink, appearing to read "TAB", with a horizontal line extending to the right.

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

**Agency Amendment for Interim Joint Committee on State Government
August 22, 2024 Meeting**

STATE BOARD OF ELECTIONS

31 KAR 5:026. Ballot standards and election security.

NOTE TO COMPILER: Apply changes to “As Amended at ARRS, July 9, 2024” version

RELATES TO

After “KRS”, insert “116.025”.

Section 10

After “Section 10.”, insert the following:

A voter who changes his or her place of registration to a different state while the registration books are closed in the new state of residence before a presidential election shall be permitted to cast an absentee ballot for President and Vice President only, pursuant to KRS 116.025(7) and 117.085(1)(h)4. by completing SBE Form 44P, Presidential Only Absentee Ballot Application.

NOTE TO COMPILER: Renumber the final Section of the administrative regulation on Incorporation by Reference as Section 11.

Section 11(1)(d) (As renumbered, previously Section 10.)

After “Form SBE 44E.”, insert “04/2024”.

Delete “04/2022”.

Section 11(1)(e)

After “03/2023;”, delete “and”.

Section 11(1)(f)

After “Form SBE 78, 04/2022”, insert the following:

; and

(g) “Presidential Only Absentee Ballot Application”, Form SBE 44P, 08/2024

MATERIAL INCORPORATED BY REFERENCE

At the time the agency files this agency amendment it needs to file one (1) clean copy of the following forms:

- **“Excused In-Person Absentee Ballot Application”, Form SBE 44E**
 - Includes an edition date of **04/2024**
 - Removes the last trimester of pregnancy attestation, and the wording about using an “x” instead of a signature, witnessed by two (2) co-signers for consistency with House Bill 580 from the 2024 Regular Session

- **“Presidential Only Absentee Ballot Application”, Form SBE 44P**
 - Includes an edition date of **08/2024**
 - References KRS 116.025(7)

EXCUSED IN-PERSON ABSENTEE BALLOT APPLICATION

ELECTION DATE: _____ **COUNTY:** _____

1. NAME OF VOTER (CLERK MUST TYPE HERE)	
2. ADDRESS WHERE VOTER LIVES FOR VOTER REGISTRATION PURPOSES	
3. CITY & ZIP CODE	
4. PRECINCT NAME OR NUMBER	
5. PARTY AFFILIATION	
6. DATE OF BIRTH	
7. TELEPHONE NUMBER	
8. STATEMENT OF CITY & STATE WHERE VOTER SHALL BE ON ELECTION DAY	

▶ GIVE REASON YOU CANNOT VOTE IN PERSON ON ELECTION DAY <i>(Check one of the following boxes.)</i>	
9.	Voter is a resident of Kentucky who is a covered voter as defined in KRS 117A.010, who will be absent from the county of his or her residence on the day of an election and during the days of no-excuse in-person absentee voting.
10.	Voter, or spouse of voter, who has surgery scheduled that will require hospitalization on the day of an election and during the days of no-excuse in person absentee voting.
11.	Voter who temporarily resides outside the state but is still eligible to vote in this state and will be absent from the county of his or her residence on the day of an election and during the days of no-excuse in-person absentee voting.
12.	Voter who is a resident of Kentucky who is a uniformed-service voter as defined in KRS 117A.010 confined to a military base on election day and during the days of no-excuse in-person absentee voting.
13.	Voter who is in her last trimester of pregnancy.
14.	Voter who has not been declared mentally disabled by a court of competent jurisdiction and, due to age, disability, or illness, is not able to appear at the polls on election day and during the days of no-excuse in-person absentee voting.
15.	Voter who is a student who temporarily resides outside the county of his or her residence and will be absent from the county of his or her residence on the day of an election and during the days of no-excuse in-person absentee voting.
16.	Voter who is employed in an occupation that is scheduled to work during all days and all hours, which shall include commute time, the polls are open on election day and during the days of no-excuse in-person absentee voting.
17.	Voter who is election officer tasked with election administration for the current election cycle.
18.	Voter who is person prevented from voting in person at the polls on election day and from casting a no-excuse in-person absentee ballot on all days no-excuse in-person absentee voting is conducted because he or she will be absent from the county of his or her residence during all days and all hours no excuse in-person absentee voting is conducted.

I, the undersigned, meet the eligibility requirements for voting in my precinct and do declare, under penalty of perjury, that the information given in this application is true and correct.

(Signature of Applicant)

(Date Signed)

COMMONWEALTH OF KENTUCKY
STATE BOARD OF ELECTIONS
PRESIDENTIAL ONLY
ABSENTEE BALLOT APPLICATION

FOR OFFICE USE ONLY

ELECTION DATE: _____ **COUNTY:** _____

1. NAME OF VOTER	
2. ADDRESS AT WHICH VOTER WAS PREVIOUSLY REGISTERED TO VOTE IN KENTUCKY	
3. DATE OF BIRTH	
4. PRECINCT NAME OR NUMBER	
5. VOTING LOCATION	
6. OUT-OF-STATE ADDRESS AT WHICH VOTER HAS MOVED TO	

Pursuant to KRS 116.025(7), any registered voter who changes his or her place of registration to a different state while the registration books are closed in their new state of residence before a presidential election shall be permitted to cast an absentee ballot for President and Vice President only, by mail or at the county clerk's office of the former residence or other place designated by the county board of elections and approved by the State Board of Elections.

I, the undersigned, do declare under the penalty of perjury that the information in this application is true and correct.

Signature of Applicant

Date