

**31 KAR 4:040. Procedures for absentee voting in county clerk's office.**

RELATES TO: KRS 117.085, 117.086(2), 117.235, 117.255

STATUTORY AUTHORITY: KRS 117.086(5)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 117.086(5) requires the State Board of Elections to establish administrative regulations to provide for casting ballots in accordance with KRS 117.086(2). KRS 117.086(2) requires certain absentee voters to vote at the main office of the county clerk or other place designated by the county board of elections, and approved by the State Board of Elections, prior to the day of election. This administrative regulation provides procedures for establishing a voting place while absentee voting is being conducted.

Section 1. Establish a place for absentee voting. (1) Not less than twelve (12) working days prior to any general, special, or regular election, the county clerk shall establish a special area to be used solely for the purpose of allowing those voters who qualify under the provisions of KRS 117.085(1) to secretly cast absentee ballots, pursuant to KRS 117.086.

(2) The designated area shall be sufficiently sized and located to allow ballots to be cast secretly. The clerk may utilize a special booth for casting absentee ballots.

(3) If the county clerk's office does not have sufficient physical space to designate an area away from the normal activities of the office, the booth or area may be located outside the physical limitations of the county clerk's office, if the area is capable of direct supervision by the county clerk or his or her staff while the area is utilized for the purpose of casting absentee ballots.

(4) The county clerk shall ensure that while a person is casting an absentee ballot, the area shall remain clear of any other person, except a person permitted to assist the voter pursuant to KRS 117.255. (17 Ky.R. 1231; eff. 12-7-1990; 32 Ky.R. 2310; 33 Ky.R. 375; eff. 9-1-2006; 44 Ky.R. 113; eff. 10-6-2017.)