

STATE BOARD OF ELECTIONS
(New Administrative Regulation)

31 KAR 4:141. Submission of the federal postcard application via electronic mail.

RELATES TO: KRS 116.045(4)(e), 117.079, 117.085, 117A.030(4), 117A.050(3), 117A.060(3), 52 U.S.C. 20302(e)

STATUTORY AUTHORITY: KRS 116.045(4)(e), 117.079, 117.086(1), 52 U.S.C. 20302(e)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 117.079 requires the State Board of Elections, as circumstances warrant and with the concurrence of the Attorney General, to promulgate necessary administrative regulations to preserve the absentee voting rights of residents of Kentucky who are covered voters as defined in KRS 117A.010. 52 U.S.C. 20302(e) requires the states to provide not less than one (1) means of electronic communication for use by absent uniformed services voters and overseas voters who wish to register to vote or vote in any jurisdiction in the state to request voter registration applications and absentee ballot applications, for use by the state to send voter registration applications and absentee ballot applications, and for the purpose of providing related voting, balloting, and election information to uniformed services voters and overseas voters. KRS 116.045(4)(e) authorizes the State Board of Elections to approve methods of registration for any person to register to vote or change his or her party affiliation. KRS 117.086(1) authorizes the board to promulgate administrative regulations establishing security requirements for the transmission of voted absentee ballots. This administrative regulation authorizes covered voters to submit federal postcard applications via electronic mail and establishes the procedures for the county clerk to follow when a federal postcard application is submitted via electronic mail.

Section 1. Definitions.

- (1) "Covered voter" is defined by KRS 117A.010(1).
- (2) "Federal postcard application" is defined by KRS 117A.010(3).
- (3) "Military-overseas ballot" is defined by KRS 117A.010(5).

Section 2. County Clerk's Electronic Mailing Address. The county clerk shall use the county clerk's electronic mailing address provided or recognized by the Kentucky Department of Transportation to send to and receive from covered voters: voter registration applications, military-overseas ballot applications, military-overseas ballots, and related voting, balloting, and election information.

Section 3. Federal Postcard Applications Submitted Via Electronic Mail.

- (1) A covered voter may submit a federal postcard application to the county clerk via electronic mail to register, reregister, and to apply for a military-overseas ballot.
- (2) The county clerk shall treat a federal postcard application submitted by a covered voter via electronic mail in the same manner as a federal postcard application submitted via the electronic transmission system established under KRS 117A.030(4).

Filed with the concurrence of the Attorney General
KAREN SELLERS, Executive Director

APPROVED BY AGENCY: April 28, 2022

FILED WITH LRC: April 28, 2022 at 9:58 a.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on July 26, 2022, at 10:00 a.m. ET, at the Office of the State Board of Elections. Individuals interested in being heard at this hearing shall notify this agency in writing by five (5) workdays prior to the hearing, of their intent to

attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. This hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until July 31, 2022. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Taylor Brown, General Counsel, 140 Walnut Street, Frankfort, Kentucky 40601, phone (502) 782-9499, email TaylorA.Brown@ky.gov.