

STATE BOARD OF ELECTIONS
(New Administrative Regulation)

31 KAR 4:210. Establishment of risk-limiting audit pilot program.

RELATES TO: KRS 117.383

STATUTORY AUTHORITY: KRS 117.015(1)(a)

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(8)-(9) require the State Board of Elections to promulgate administrative regulations related to the audit of elections and specifically calls for the establishment of a risk-limiting audit pilot program. This administrative regulation establishes a working-group to conduct and report on such a pilot program.

Section 1. Beginning March 2022 there shall be a working-group formed to establish recommendations for post-election audits in the counties of the Commonwealth. The working-group shall consist of members representing the State Board of Elections, the office of the Secretary of State, at least six (6) county clerks, an individual recognized to be an election auditing expert, and any other individuals the working-group may desire to include. The working-group shall, in the six (6) counties represented on the working-group, conduct a risk-limiting audit pilot program during the 2022 primary nomination of candidates and regular election. The working-group shall report any results, recommendations, or findings, regarding the implementation of risk-limiting audits to the State Board of Elections following the 2022 primary nomination of candidates and regular election.

KAREN SELLERS, Executive Director

APPROVED BY AGENCY: April 29, 2022

FILED WITH LRC: April 29, 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.