

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

**31 KAR 4:170. Exceptions to prohibition on electioneering.**

RELATES TO: KRS 117.015, 117.235

STATUTORY AUTHORITY: KRS 117.015(1)(a), 117.235(3)(d)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 117.015(1) authorizes the State Board of Elections to promulgate administrative regulations necessary to properly carry out its duties. KRS 117.235(3)(c) authorizes the board to establish exceptions to the prohibition on electioneering through administrative regulations. This administrative regulation establishes these exceptions.

Section 1. Definitions.

- (1) "Bumper sticker" means a sticker that measures within fourteen (14) inches by five (5) inches for display on a vehicle bearing a printed message soliciting votes for or against any bona fide candidate or ballot question in a manner which expressly advocates the election or defeat of the candidate or expressly advocates the passage or defeat of the ballot question.
- (2) "Electioneering" is defined by KRS 117.235(3).
- (3) "Polling place" means a voting place established in accordance with the provisions of KRS 117.065.
- (4) "Voting room" means a room in which votes are polled as established in accordance with the provisions of KRS 117.235(1).

Section 2. Exceptions to Electioneering. Electioneering shall not include:

- (1) A bumper sticker affixed to a person's vehicle while parked within or passing through a distance of 100 feet of any polling place on the day of any election for a reasonable amount of time in which to vote; or
- (2) A voter's use of a personal telecommunications device, computer, or other information technology system, in the voting room to record or transmit electronically an image of his or her own personal likeness and ballot, if the voter does not use the picture:
  - (a) To solicit signatures to a petition or solicit votes for or against any bona fide candidate or ballot question in a manner that expressly advocates the election or defeat of the candidate or expressly advocates the passage or defeat of the ballot question; and
  - (b) Within a distance of 100 feet of any entrance to a building in which a voting machine is located if that entrance is:
    1. Unlocked; and
    2. Used by voters on election day.

*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](mailto:TaylorA.Brown@ky.gov).