

STATE BOARD OF ELECTIONS
(Amended at ARRS Committee)

31 KAR 4:031. Reporting.

RELATES TO: KRS 117.085, 117.086, 117.235, 117.255, 117.265, 117.275, 117.355, 118.025, 118.215, 118.425, 118.770, 119.307

STATUTORY AUTHORITY: KRS 117.015(1)(a), 117.086(5), 117.275(15), 117.355(4), 118.425(4)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 117.015(1)(a) authorizes the State Board of Elections to promulgate administrative regulations necessary to implement the provisions of KRS Chapter 117. KRS 117.355 requires the State Board of Elections to prescribe the forms for the precinct election sheriff and the county board of elections to report election irregularities and recommendations for improving the election process, to report special ballot and voter assistance usage statistics, and to report other information required by the state board. KRS 117.086(5) requires the State Board of Elections to prescribe a form on which the county board of elections shall report the number of rejected absentee ballots and the reasons for rejection of those ballots. KRS 118.425(4) requires the State Board of Elections to prescribe a form by which the county board of elections shall make out duplicate certificates of the total number of votes received by each of the candidates for office and the total number of votes for an against each of the ballot questions. KRS 117.275(15) requires a secure online connection be available for the transmission of unofficial election results from county boards of election to the State Board of Elections following the tallying of votes. This administrative regulation establishes the procedure and forms for the county clerk, the county board of elections, and the precinct election sheriff to report election and voting data after the election.

Section 1. Reporting forms shall be filed and pursuant to:

- (1) KRS 117.355(1), the precinct election sheriff shall file the Precinct Election Sheriff's Post-election Report, SBE 53, with the chair of the county board of elections and the local grand jury;
- (2) KRS 117.355(2), the county board of elections shall file the County Board of Elections Post-election Report, SBE 54, with the State Board of Elections and the local grand jury;
- (3) KRS 117.275(7) and 117.355(2), the county board of elections shall file the County Board of Elections Post-election Statistical Report, SBE 54A, with the State Board of Elections;
- (4) KRS 117.355(2), the county board of elections shall file the County Board of Elections Precinct Election Officials Absence Report, SBE 54B, with the State Board of Elections;
- (5) KRS 117.275(12) and 117.086(4)(c), the county clerk shall file the County Board of Elections Provisional Ballots Issued to Voters and Counted, SBE 54C, with the State Board of Elections.
- (6) KRS 117.086(4)(a)-(b), the county clerk shall file the Absentee Ballot Report, SBE 33A, with the State Board of Elections;
- (7) KRS 117.086(5), the county board of elections shall file the Number of Rejected Absentee Ballots and Reasons for Rejected Ballots, SBE 33B; and
- (8) KRS 117.275(11)-(12) and 118.425(4), the county board of elections shall file the Certification Official Count and Record of Election Totals, SBE 49, with the Secretary of State.

Section 2. Any form described in Section 1 of this administrative regulation that is capable of being recorded or filled automatically through the State Board of Elections' Voter

Registration System may be deemed by the State Board of Elections as being transmitted following the successful capture of all required information by the Voter Registration System.

Section 3.

(1) Pursuant to KRS 117.275(15), the State Board of Elections shall develop and maintain a platform with a secure online connection for the transmission of unofficial election results from county boards of election to the State Board of Elections following the tallying of votes for all primary, and regular elections, as well as special elections for statewide office, the General Assembly, and the United States Congress.

(2) Beginning at 6:00 p.m., prevailing time, on the day of a primary or regular election, as well as a special election for statewide office, the General Assembly, and the United States Congress, county boards of election shall use the secure online platform maintained by the State Board of Elections to transmit their county's unofficial election tally. The unofficial vote tally transmitted shall include precinct-by-precinct totals from counts of all mail-in absentee ballots, excused in-person absentee ballots, no-excuse in-person absentee ballots, and election day ballots, and shall include totals for those candidates who have filed a declaration of intent with the Secretary of State to be a write-in candidate pursuant to KRS 117.265(2), provided five (5) percent or more of the votes cast in that candidate's election, were for write-in candidates. Unofficial vote tallies transmitted using the secure online platform shall be transmitted using a computer-file-type and format selected by the State Board of Elections, which shall be selected following the certification of candidates by the Secretary of State pursuant to KRS 118.215(1), or immediately after receiving the Secretary of State's certification pursuant to KRS 118.770.

(3) The State Board of Elections shall display the tally information received from the county boards of election through the secure online transmittal platform on a secure Web site freely available to the general public. The display shall list precinct-by-precinct tallies for all candidates and questions, but shall only list a candidate's precinct absentee vote totals as cumulative.

(4) County boards of election or county clerks shall verify with the State Board of Elections that their county's unofficial vote tally has been successfully transmitted to the State Board of Elections no later than six (6) hours after the close of polls. If a county's tally is not completed six (6) hours after the close of polls, a representative of the county clerk's office shall update the State Board of Elections by telephone as to the status of the tally transmittal at the end of the sixth hour and then subsequently at the top of each following hour unless the transmittal is completed before that time.

Section 4. Incorporation by Reference.

(1) The following material is incorporated by reference:

- (a) "Precinct Election Sheriff's Post-election Report", SBE 53, 04/2024;
- (b) "County Board of Elections Post-election Report", SBE 54, 04/2024;
- (c) "County Board of Elections Post-election Statistical Report", SBE 54A, 04/2024;
- (d) "County Board of Elections Precinct Election Officials Absence Report", SBE 54B, 04/2024;
- (e) "County Board of Elections Provisional Ballots Issued to Voters and Counted", SBE 54C, 04/2024;
- (f) "Absentee Ballot Report", SBE 33A, 04/2024;
- (g) "Number of Rejected Absentee Ballots and Reasons for Rejected Ballots", SBE 33B, 04/2024; and
- (h) "Certification Official Count and Record of Election Totals", SBE 49, 04/2024.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the State Board of Elections, 140 Walnut Street, Frankfort, Kentucky 40601,

Monday through Friday, 8 a.m. to 4:30 p.m. This material may also be obtained on the board's Web site at <https://elect.ky.gov>.

(50 Ky.R. 2321; 51 Ky.R. 241, 657; eff. 12-31-2024.)

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