

STATE BOARD OF ELECTIONS
(Amended at ARRS Committee)

31 KAR 4:230. Post-election audit procedures.

RELATES TO: KRS 117.383(8)

STATUTORY AUTHORITY: KRS 117.015(1)(a), 117.383(8)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 117.015(1) establishes the State Board of Elections as the independent agency of state government which shall administer the election laws of the state. KRS 117.383(8) requires the State Board of Elections to promulgate an administrative regulation providing for the conducting and review of an election audit through a hand-to-eye recount. This administrative regulation establishes the post-election audit to be performed throughout the Commonwealth.

Section 1. Definitions.

- (1) "Ballot" is defined by KRS 117.001(3).
- (2) "Ballot box" is defined by KRS 117.001(4).
- (3) "Ballot scanner" or "scanner" has the same definition as "automatic tabulating equipment" as defined by KRS 117.001(2).
- (4) "Designated marking area" means the area in the near vicinity of the area containing the oval, box, or space designating a candidate on a ballot.
- (5) "Election" is defined by KRS 117.001(6).
- (6) "Electronic or paper sign-in records" means the records contained in the signed voter rosters established in KRS 117.025 and in Form SBE 25, "Supplemental Precinct Signature Roster".
- (7) "Hand-to-eye recount" means the procedures established in KRS 117.383(8).
- (8) "Poll worker" means the same as "precinct election officer" defined by KRS 117.045.
- (9) "Race" means a single decision or set of associated decisions being put before voters for candidates to elected office.
- (10) "Register tape" means the return sheets established in KRS 117.275.
- (11) "Vote tallying equipment" has the same definition as "automatic tabulating equipment" defined by KRS 117.001(2).
- (12) "Voter intent" is defined through the uniform definition of a vote found in 31 KAR 6:030.

Section 2. Post-election Hand-to-eye Recount.

- (1) Following all elections for office in the Commonwealth there shall be a hand-to-eye recount of ballots, during which poll workers shall hand-tally ballots cast in the election on a Form SBE 90, "Post-election Hand-to-eye Recount Tally Sheet".
- (2) Determinations and findings made by a County Board of Elections following the hand-to-eye recount shall be recorded on a Form SBE 91, "Determinations and Findings Following Hand-to-eye Recount", for reporting to the Attorney General and Secretary of State. If a term used in KRS 117.383(8) is not defined in this administrative regulation or in the procedures established in KRS 117.383(8), the term shall be defined either through KRS 446.010 or by a vote of the County Board of Elections.

Section 3. Incorporation by Reference.

- (1) The following material is incorporated by reference:
 - (a) "Supplemental Precinct Signature Roster", Form SBE 25, 09/2020;
 - (b) "Post-election Hand-to-eye Recount Tally Sheet", Form SBE 90, 12/2024; and
 - (c) "Determinations and Findings Following Hand-to-eye Recount", Form SBE 91, 12/2024.

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(3) This material may also be obtained on the board's Web site at <https://elect.ky.gov>.

(51 Ky.R. 818, 1253; eff. 4-2-2025.)

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