

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~~~~directs~~ 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~~~~boxes~~" is defined by KRS 117.001(4).
- (3) "Ballot scanner" or "scanner" has the same definition as "automatic tabulating equipment" as defined ~~by~~~~in~~ 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~~~~in~~ KRS 117.001(6).
- (6) "Electronic or paper sign-in records" means the records contained in the signed voter rosters ~~established~~~~described~~ in KRS 117.025 and in Form SBE 25, "Supplemental Precinct Signature Roster".
- (7) "Hand-to-eye recount" means the procedures ~~established~~~~found~~ in KRS 117.383(8).
- (8) "Poll worker" means the same as "precinct election officer" ~~defined by~~~~as found in~~ 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~~~~described~~ in KRS 117.275.
- (11) "Vote tallying equipment" has the same definition as "automatic tabulating equipment" ~~as~~ defined ~~by~~~~in~~ 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~~7~~".
- (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~~~~Should~~ a term used in KRS 117.383(8) ~~is~~ not ~~be~~ defined in this administrative regulation or in the procedures ~~established~~~~found~~ in KRS 117.383(8), the term ~~shall~~~~is~~ ~~to~~ 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~~09/2024~~; and

(c) "Determinations and Findings Following Hand-to-eye Recount", Form SBE 91, ~~12/2024/09/2024/~~.

(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.

(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.)

FILED WITH LRC: December 9, 2024

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