

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

**31 KAR 6:010. State-based administrative complaint procedure.**

RELATES TO: KRS Chapter 13B, 117.015(1)(a), 52 U.S.C. 21112~~[42 U.S.C. 15512]~~

STATUTORY AUTHORITY: KRS 117.015(1)(a), 52 U.S.C. 21112~~[42 U.S.C. 15512(a)]~~

CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB6, Section 8.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 117.015(1)(a) authorizes the Kentucky State Board of Elections to promulgate administrative regulations necessary to properly carry out its duties in the administration of the election laws. The Help America Vote Act of 2002, 52 U.S.C. 21112~~[42 U.S.C. 15512, Section 402(a)]~~, requires the establishment of a state-based administrative complaint procedure to remedy grievances in elections for federal offices. This administrative regulation establishes an administrative complaint procedure to remedy grievances in elections for federal offices.

Section 1. Definitions.

- (1) "Board" means the State Board of Elections or their designee as defined in KRS 117.015 and 117.025.
- (2) "Complainant" means the person who files a complaint under this administrative regulation.
- (3) "Federal election" means a primary, general, or special election at which a federal office appears on the ballot.
- (4) "Presiding officer" means the person appointed by the executive director of the board to conduct a hearing on a complaint.
- (5) "Respondent" means any state or local election official whose actions are alleged, in a written complaint, to be in violation of Title III of the Help America Vote Act of 2002, 52 U.S.C. §§ 21081 – 21102~~[42 U.S.C. 15481]~~.
- (6) "State or local election official" means the Secretary of State, the State Board of Elections, a county clerk, a county board of elections, or any officer, agent, or appointee thereof.
- (7) "Title III" means Title III of the Help America Vote Act of 2002, Pub.L. 107-252, codified at 52 U.S.C. §§ 21081 – 21102~~[42 U.S.C. 15481]~~.

Section 2. Applicability. This administrative regulation shall be applicable to elections for federal office.

Section 3. Complaint Process.

- (1) Any person who believes there has been a violation of any provision of Title III by any election official may file a written complaint with the executive director of the board.
- (2) All complaints shall:
  - (a) Be limited to violations of the requirements placed upon the states by Title III, which are limited to claims for violations of the following:
    1. Standards for voting systems;
    2. Requirements for provisional voting and voting information; and
    3. Requirements for computerized statewide voter registration lists and for voters who register by mail.
  - (b) Be submitted in writing on the Complaint and Affidavit for Violation of Title III of the Help America Vote Act of 2002, and signed by the complainant under oath or affirmation before an officer authorized to administer oaths.
  - (c) Include the full name, address, and telephone number of the complainant.

- (d) Include a description of the alleged violation sufficient to apprise the board and the respondent of the nature and specific allegations of the complaint.
- (e) Be sent by mail or by delivery to the Offices of the State Board of Elections at 140 Walnut Street, Frankfort, Kentucky 40601.
- (f) Be filed within ninety (90) days of the alleged violation of Title III.

#### Section 4. Processing the Complaint and Response.

- (1) The executive director of the board may refuse to accept a complaint if the complaint does not comply with the requirements of Section 3 of this administrative regulation.
- (2) If a complaint does not comply with Section 3 of this administrative regulation, the executive director of the board shall, within three (3) days of receipt of the complaint, send the complainant a notice explaining the areas of noncompliance in the complaint.
- (3) The complainant shall correct a deficiency within seven (7) working days of receipt of notice of the deficiency. If the complainant fails to correct a deficiency or fails to state a violation of Title III, the board shall dismiss the complaint.
- (4) If a complaint complies with Section 3 of this administrative regulation and states on its face a Title III violation, the board shall accept the complaint and the complaint shall be deemed filed on the date of receipt at the offices of the board.
- (5) Upon receipt of a complaint, the board shall send a copy to the respondent along with a request for a response.
- (6) The respondent shall send a response to the board within ten (10) days of the date the respondent received notice from the board of the filed complaint.
- (7) Upon receipt of the respondent's response, the board shall within three (3) days, send the complainant a copy of the respondent's response and a notice explaining the complaint may be resolved informally by agreement of the parties or the complainant may request a hearing. The complainant shall have ten (10) days from the date the notice is received to request an informal resolution or a hearing.
- (8) The executive director of the board shall be responsible for arranging the date, time, and place for hearings, and appoint a qualified individual to serve as the presiding officer.
- (9) If at any time during the proceedings, the board believes that the person appointed by the executive director of the board is not performing his or her duties as presiding officer in the interest of justice and to ensure the fair administration of Title III, the board may withdraw the appointment of the presiding officer and appoint another qualified individual to serve as presiding officer.
- (10) The executive director shall send a notice of the identity of the presiding officer, time, date, and location of the hearing to the parties at least seven (7) days before the date scheduled for the hearing.
- (11) The board shall make a final determination of the complaint within ninety (90) days of the receipt of the complaint, unless the complainant agrees in writing to an extension.

Section 5. Consolidation. Upon its own motion, or upon motion of any party, the board or presiding officer may consolidate multiple complaints into a single proceeding if there exist common parties, common questions of law or fact, or both, or other circumstances as justice and the administration of the Act require.

Section 6. Severance. Upon its own motion, or upon motion of any party, the board or the presiding officer may, for good cause, order any proceeding severed with respect to some or all issues or parties.

#### Section 7. Hearings.

- (1) Hearings shall be conducted in accordance with KRS Chapter 13B.
- (2) Hearings shall be recorded. A transcript of the hearing shall not be made except upon request of a party who shall bear the cost of transcription. Any other party may request a copy of the transcript at his or her own expense.

- (3) Hearings may be held and testimony taken by teleconference or video conference with notice to the parties.
- (4) If any party fails, without good cause, to attend the hearing, they may be held in default and have a determination made against them.
- (5) All testimony shall be taken under oath or affirmation.
- (6) The complainant shall have the burden of proof.

Section 8. Presiding Officer's Findings of Fact, Conclusions of Law, and Recommended Order.

- (1) Within fourteen (14) days of the completion of the hearing, the presiding officer shall issue a findings of fact, conclusions of law, and recommended order to the board setting forth any findings of a past, present, or potential violation of Title III, if supported by the evidence presented, and a recommended remedy.
- (2) The recommended remedy shall be directed at the improvement of processes or procedures governed by Title III, consistent with federal and state law.
- (3) The recommended remedy shall not include money damages, costs, or attorney fees and shall be limited to bringing the election practice or election system referred to in the complaint into compliance with Title III.

Section 9. Final Determination.

- (1) The board shall review the presiding officer's findings of fact, conclusions of law, and recommended order at the next scheduled meeting of the board.
- (2) The board may adopt the presiding officer's findings of fact, conclusions of law, and recommended order as its final determination or issue its own findings of fact, conclusions of law, and final determination based on the evidence presented.
- (3) The board shall issue a final determination within thirty (30) days of receipt of the recommended order or within ninety (90) days of receipt of the complaint, whichever is shorter, unless the complainant agrees in writing to an extension of time.

Section 10. Alternative Dispute Resolution.

- (1) If a final determination of a complaint is not made within ninety (90) days of the filing of the complaint, and the complainant did not agree to an extension, then the complaint shall be referred to a review panel comprised of three (3) members of the board.
- (2) The review panel shall issue a final determination on the complaint within sixty (60) days of the referral.
- (3) The review panel shall make its determination on the record of the hearing conducted under this administrative regulation and shall not conduct any further proceedings.
- (4) If the hearing was not conducted or completed, then the review panel shall conduct a hearing under this administrative regulation.

Section 11. Publication of Final Determinations. All final determinations shall be posted on the internet homepage of the board, <http://www.elect.ky.gov>, and retained in the permanent archival records of the board by attaching to the minutes of the monthly meeting of the board for the month the final determination was issued.

Section 12. Incorporation by Reference.

- (1) "Complaint and Affidavit for Violation of Title III of the Help America Vote Act of 2002," SBE 21, 10/2025~~[December 2003]~~, is incorporated by reference.
- (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Offices of the State Board of Elections, 140 Walnut Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

*KAREN SELLERS, Executive Director*

APPROVED BY AGENCY: October 13, 2025

FILED WITH LRC: October 14, 2025 AT 11:55 a.m.

**PUBLIC HEARING AND COMMENT PERIOD:** A public hearing on this administrative regulation shall be held on December 22, 2025, at 11:00 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 December 31, 2025. 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.

## REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

**Contact Person:**Taylor Brown, phone: 502-782-9499, email: TaylorA.Brown@ky.gov

**Subject Headings:**Elections and Voting; County Clerks; Local Governments

**(1) Provide a brief summary of:**

**(a) What this administrative regulation does:**

This administrative regulation establishes an administrative complaint procedure to remedy grievances in elections for federal offices.

**(b) The necessity of this administrative regulation:**

This administrative regulation is necessary to maintain the maximum degree of correctness, impartiality, and efficiency in the procedures of voting.

**(c) How this administrative regulation conforms to the content of the authorizing statutes:**

KRS 117.015(1)(a) authorizes the State Board of Elections to promulgate administrative regulations necessary to properly carry out its duties.

**(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:**

This administrative regulation assists in maintaining the maximum degree of correctness, impartiality, and efficiency in the procedures of voting. (2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

**(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:**

**(a) How the amendment will change this existing administrative regulation:**

This amendment updates incorrect statutory citations and updates Form SBE 21.

**(b) The necessity of the amendment to this administrative regulation:**

This amendment updates Form SBE 21 for the first time since 2003.

**(c) How the amendment conforms to the content of the authorizing statutes:**

KRS 117.015(1)(a) authorizes the State Board of Elections to promulgate administrative regulations necessary to properly carry out its duties.

**(d) How the amendment will assist in the effective administration of the statutes:**

This amendment will assist in maintaining the maximum degree of correctness, impartiality, and efficiency in the procedures of voting.

**(3) Does this administrative regulation or amendment implement legislation from the previous five years?This amendment does not implement legislation from the previous five years.**

**(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:**

This administrative regulation will affect voters of the Commonwealth, county boards of election, and the State Board of Elections.

**(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:**

**(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment:**

. To comply with this amendment, those filing complaints will need to use the new Form SBE 21.

**(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4):**

The State Board of Elections estimates that the implementation of this administrative regulation will have minimal costs.

**(c) As a result of compliance, what benefits will accrue to the entities identified in question (4):**

Compliance with this new administrative regulation will benefit all by assisting in maintaining the maximum degree of correctness, impartiality, and efficiency in the procedures of voting.

**(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:**

**(a) Initially:**

The cost of the implementation of this administrative regulation for the State Board of Elections will be minimal.

**(b) On a continuing basis:**

The continuing costs of this administrative regulation for the State Board of Elections will be minimal.

**(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment:**

Funds from the State Board of Elections' administrative budget will be used in the implementation and enforcement of this administrative regulation.

**(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment:**

Implementation of this administrative regulation can be achieved without an increase in fees or funding by the General Assembly.

**(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees:**

No fees are associated with this administrative regulation.

**(10) TIERING: Is tiering applied?**

Tiering is not used in this administrative regulation, as a desired result of the promulgation of this administrative regulation is uniform procedures for the administration of elections throughout all of the counties in the Commonwealth.

## FISCAL IMPACT STATEMENT

**(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation:**

. KRS 117.015(1)(a) and 52 U.S.C. 21112 require and authorize the actions taken by this administrative regulation.

**(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act:**

This administrative regulation is expressly authorized by the creation of KRS 117.015(a), 2005 Ky. Acts ch. 91, sec. 2.

**(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions:**

This administrative regulation will affect the promulgating agency, the State Board of Elections.

**(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):**

**1. Expenditures:**

**For the first year:**The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.

**For subsequent years:**The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.

**2. Revenues:**

**For the first year:**It is not expected or intended that this administrative regulation will generate any revenue.

**For subsequent years:**It is not expected or intended that this administrative regulation will generate any revenue.

**3. Cost Savings:**

**For the first year:**The State Board of Elections expects that this administrative regulation will not generate any specific cost savings.

**For subsequent years:**The State Board of Elections expects that this administrative regulation will not generate any specific cost savings.

**(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts):**

This administrative regulation will affect county boards of election. (b) Estimate the following for the first year:

**(b) Estimate the following for each affected local entity identified in (4)(a):**

**1. Expenditures:**

**For the first year:**The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.

**For subsequent years:**The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.

**2. Revenues:**

**For the first year:**It is not expected or intended that this administrative regulation will generate any revenue.

**For subsequent years:**It is not expected or intended that this administrative regulation will generate any revenue.

**3. Cost Savings:**

**For the first year:**The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.

**For subsequent years:**The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.

**(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a):**

This administrative regulation will affect voters of the Commonwealth.

**(b) Estimate the following for each regulated entity identified in (5)(a):**

**1. Expenditures:**

**For the first year:**The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.

**For subsequent years:**The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.

**2. Revenues:**

**For the first year:**It is not expected or intended that this administrative regulation will generate any revenue.

**For subsequent years:**It is not expected or intended that this administrative regulation will generate any revenue.

**3. Cost Savings:**

**For the first year:**The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.

**For subsequent years:**The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.

**(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)**

**(a) Fiscal impact of this administrative regulation:**

The State Board of Elections expects that this administrative regulation will have little to no fiscal impact on the regulated entities, outside those expenditures already undertaken.

**(b) Methodology and resources used to reach this conclusion:**

This determination of this administrative regulation's fiscal impact is made by the listed contact person and other agency staff based on their collective experience with the subject matter.

**(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):**

**(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14):**

The State Board of Elections does not expect that this administrative regulation will result in a "major economic impact" as the combined implementation and compliance costs of an administrative regulation are not expected to rise to at least five hundred thousand dollars (\$500,000) over any two (2) year period.

**(b) The methodology and resources used to reach this conclusion:**

This conclusion is made by the listed contact person and other agency staff based on their collective experience with the subject matter.