

STATEMENT OF EMERGENCY

31 KAR 4:240E.

This emergency administrative regulation is being promulgated pursuant to KRS 13A.190(1)(a)(1), to meet an imminent threat to public safety and welfare. Section 150 of the Kentucky Constitution requires free and fair elections in the Commonwealth. KRS 118.025(3) sets May 19, 2026, as the date for the next primary election. KRS 14.318 authorizes the State Board of Elections to promulgate administrative regulations to implement KRS 14.312 and 117.085. So that all Kentuckians may continue to cast their ballots with the highest degrees of ease and security, this is being filed as an emergency administrative regulation to ensure the procedures afforded by statute to promote free and fair elections are in effect for the upcoming election. This emergency administrative regulation is temporary in nature and will be replaced by an ordinary administrative regulation. The companion ordinary administrative regulation is identical to this emergency administrative regulation.

ANDY BESHEAR, Governor

KAREN SELLERS, Director

STATE BOARD OF ELECTIONS
(New Emergency Administrative Regulation)

31 KAR 4:240E. Procedures for Safe at Home Participants to Register to Vote and Request a Mail-in Absentee Ballot.

RELATES TO: KRS 14.312, 116.045, 116.0452, 117.085, 117.086

STATUTORY AUTHORITY: KRS 14.318, 117.015(1)(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) establishes that as the independent agency of state government tasked with administering the election laws of the state and supervising the registration and purgation of voters within the state, the State Board of Elections may promulgate administrative regulations necessary to properly carry out its duties. KRS 14.318(1) gives the State Board of Elections the authority to promulgate administrative regulations to implement KRS 14.312 and 117.085. KRS 14.312(2) grants the State Board of Elections the authority to modify statutory or regulatory requirements that would lead to disclosure of a Safe at Home program participant's name and address. This administrative regulation establishes the procedures by which Safe at Home program participants may initially register to vote, update their voter registration, and request a mail-in absentee ballot so that their name and address are protected from disclosure.

Section 1. Modified Statutes.

(1) Under the authority given to the State Board of Elections by KRS 14.312, KRS 116.045(4) is hereby construed to exclude those voters who participate in the Safe at Home program from registering to vote by any means other than those prescribed through this administrative regulation.

(2) Under the authority given to the State Board of Elections by KRS 14.312, KRS 116.0452(2) is hereby construed to exclude those voters who participate in the Safe at Home program from being sent a notice of the disposition of their voter registration application.

(3) Under the authority given to the State Board of Elections by KRS 14.312, KRS 117.085(1) is hereby construed to require those voters who participate in the Safe at Home program to request a mail-in absentee ballot by means of telephone or in-person request, as allowed by KRS 117.085(1)(c)(1).

(4) Under the authority given to the State Board of Elections by KRS 14.312, KRS 117.086(4) is hereby construed to exclude those voters who participate in the Safe at Home program from being included in any list of voters required to be kept by a County Clerk.

Section 2. Voter Registration.

(1) Following a Safe at Home participant registering a confidential address with the Secretary of State under either KRS 14.304(2)(c) or 14.304(11), the participant shall be offered an opportunity to register to vote pursuant to KRS 14.312, at their place of residence as determined by KRS 116.035, via use of a paper copy of the Commonwealth of Kentucky Voter Registration Application form, prescribed and furnished by the State Board of Elections under KRS 116.155. Should a participant desire to update their voter registration with information other than an address change, the participant shall submit a new paper copy of the Commonwealth of Kentucky Voter Registration Application form to the office of the Secretary of State.

(2) A Commonwealth of Kentucky Voter Registration Application form completed by a Safe at Home participant shall establish a prima facie determination by the Secretary of State that the State Board of Elections and the County Clerk of the county listed on the

Commonwealth of Kentucky Voter Registration Application form have a bona fide statutory requirement for the use of the residential address listed on the Commonwealth of Kentucky Voter Registration Application form and that the residential address will be used only for those statutory purposes.

(3) Following the receipt of a completed paper copy of the Commonwealth of Kentucky Voter Registration Application form from a Safe at Home participant, the Secretary of State shall securely transmit the form to the State Board of Elections. Upon receipt of the form, the State Board of Elections shall see that the form is properly processed by the appropriate County Clerk into the electronic voter registration system established by 31 KAR 3:041§2(3). After processing the form, the paper copy shall be immediately destroyed, with only a digital copy appended to the voter's file in the electronic voter registration system.

Section 3. Mail-in Absentee Ballot Request. A voter participating in the Safe at Home program shall request a mail-in absentee ballot by means of telephone or in-person request, as allowed by KRS 117.085(1)(c)(1). The mail-in absentee ballot shall be transmitted to the participant at either the address identified as the voter's residential address in the electronic voter registration system or to a mailing address identified by the participant voter and so recorded in the electronic voter registration system.

Section 4. Incorporation by Reference.

(1) The following material is incorporated by reference: "Commonwealth of Kentucky Voter Registration Application", Form SBE 01, 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 is also available on the board's Web site at <https://elect.ky.gov>.

KAREN SELLERS, Executive Director

APPROVED BY AGENCY: April 21, 2026

FILED WITH LRC: April 21, 2026 at 4:10 p.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this new administrative regulation shall be held on June 30, 2026, 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 June 30, 2026. 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