**STATEMENT OF EMERGENCY**
**31 KAR 4:011E.**

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(4) sets November 3, 2026, as the date for the next general election. In recent years, the General Assembly has amended the various Kentucky Revised Statutes related to voting in the Commonwealth, including KRS 117.228. As election administrators adapt to these new changes, the need for administrative changes becomes apparent, so that 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 that procedures are in effect for the upcoming election that will provide certainty to voters that have a religious objection to being photographed regarding their compliance with the requirements of KRS 117.228 that allow a voter to declare their religious objection to being photographed as an impediment to their securing proof of identification as defined by KRS 117.001(18) yet also require them to present an identification card before receiving a ballot. This regulation will further promote free and fair elections by making sure that all of the Commonwealth's eligible voters have an ability to meet the proof of identification standards set by the General Assembly in a way that does not require them to abandon their religious beliefs. 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, Executive Director*

**STATE BOARD OF ELECTIONS**

**(New Emergency Administrative Regulation)**

**31 KAR 4:011E. Identification Card for Voters With a Religious Objection to Being Photographed.**

RELATES TO: KRS 117.001(18), 117.228(1)(8)(h), 117.228(2)(a)
STATUTORY AUTHORITY: KRS 117.015(1)(a), 117.228(2)(a)
CERTIFICATION STATEMENT:
NECESSITY, FUNCTION, AND CONFORMITY: KRS 117.015(1)(a) authorizes the State Board of Elections to promulgate administrative regulations necessary to administer the election laws of the state. KRS 116.228(1)(8)(h) allows voters to cast a ballot in an election if they affirm, under the penalty of perjury, that they do not possess proof of identification as defined in KRS 117.001(18), due to a religious objection to being photographed. KRS 117.228(2)(a) additionally requires these voters to also provide an identification card issued by a county which has the name of the voter stated and has been approved in writing by the State Board of Elections. This regulation provides that approval by way of the creation of a uniform identification card that counties may issue to those voters with a religious objection to being photographed.

Section 1. The State Board of Elections Approves a Completed Form SBE 11 as an Identification Card for Those Voters Who Have a Religious Objection to Being Photographed. A voter who has been impeded in procuring proof of identification as defined in KRS 117.001(18) on account of their having a religious objection to being photographed may secure an identification card to meet the requirements of KRS 117.228(2)(a) by completing Form SBE 11. The identification card shall only require the information contained within the outlined rectangular portion of the Form SBE 11; any surplusage outside of the outlined rectangular portion resulting from printing the Form SBE 11 may be removed from the identification card.

Section 2. Completing the Form SBE 11. A voter desiring to complete Form SBE 11 shall first, obtain the form from the office of the County Clerk in the county in which they reside, and then list their county of residence, the day, month, and year that the form is being completed, and their full legal name alongside a statement declaring that under the penalty of perjury in the first degree (KRS 523.020), the voter has a religious objection to being photographed. The voter shall next sign their name to the form in the presence of the County Clerk, or their Deputy, who shall also sign the form.

Section 3. Issuance of the Identification Card to the Voter by the County. After completing the Form SBE 11, the County Clerk or their Deputy shall immediately attach a digital scan of the Form SBE 11 to the voter's registration record which is maintained on the state's Electronic Voter Registration System, as defined by 31 KAR 3:041. The original Form SBE 11 shall then be returned to the voter. The voter, at their desire and expense may laminate the Form SBE 11, but no other modifications to the identification card shall be allowed.

Section 4. Presentation of a Form SBE 11 Identification Card for the Purpose of Voting. A Form SBE 11 identification card shall only serve to be considered an identity document for the purpose of voting in the Commonwealth and for no other purpose. Upon a voter presenting a Form SBE 11 identification card to an election officer pursuant to KRS 117.228(2)(a), the election officer shall contact the County Clerk's office who shall verify that a copy of the Form SBE 11 is recorded in the Electronic Voter Registration System. Upon confirmation of a valid Form SBE 11 identification card by the County Clerk, the voter shall be issued a ballot.

Section 5. Incorporation by Reference. The following material is incorporated by reference: "Kentucky State Board of Elections Identification Card of Voter Claiming Religious Objection", SBE 11, 10/2026.

*KAREN SELLERS, Executive Director*

APPROVED BY AGENCY: October 20, 2026
FILED WITH LRC: October 20, 2026 at 4:10 p.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this new administrative regulation shall be held on December 22, 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 December 31, 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