

31 KAR 6:040. Elections and Voting Equipment Security Plan.

RELATES TO: KRS 117.015, 117.085, 117.086, 117.187, 117.275, 117.383, 42 U.S.C. 15481

STATUTORY AUTHORITY: KRS 117.015(1)(a), 117.383, 42 U.S.C. 1548

NECESSITY, FUNCTION, AND CONFORMITY: KRS 117.015(1)(a) authorizes the State Board of Elections to promulgate administrative regulations necessary to properly carry out its duties. KRS 117.383(1) requires the State Board of Elections to prescribe rules and administrative regulations to achieve and maintain the maximum degree of correctness, impartiality, and efficiency of the procedures of voting. 42 U.S.C. 15481, Section 301 of the Help America Vote Act of 2002, requires the states to maintain voting systems that preserve the privacy of the voter and the confidentiality of the ballot, produce a record of the election, and provides accessibility for individuals with disabilities. This administrative regulation establishes procedures for maintaining security in the election process ensuring the maximum degree of correctness, impartiality, and efficiency in elections and ensures that the voting systems used in the state are maintained in a condition to meet the requirements of 42 U.S.C. 15481.

Section 1. General Provisions.

(1) The county board of elections shall:

(a) Establish an election and voting equipment security plan covering all elections in the county and the security of all voting systems and equipment used in the county; and

(b) File the County Board of Elections Notice of Establishment of Elections and Voting Equipment Security Plan Form SBE 19, on or before the first day of August of 2008 and on or before the first day of March of each year beginning in 2009.

(2) The county boards of elections shall train all precinct election officers prior to each primary and general election on the procedures established by the county boards of elections to implement the Elections and Voting Equipment Security Plan during the training required by KRS 117.187.

Section 2. The Elections and Voting Equipment Security Plan shall include security measures in each of the following areas:

(1) The storage of election equipment hardware and software and related election materials, including maintaining the following:

(a) A list of all personnel with keys and access to the election equipment storage area;

(b) An access log including sign in and out times and dates of all personnel given access to the storage area;

(c) A list of all equipment by serial number and quantity; and

(d) An inventory record of each piece of voting equipment, including the following:

1. Serial number;

2. A history of repairs, replacements, and upgrades, if applicable, including who performed and who witnessed the maintenance performed;

3. Current location and condition;

4. Precinct assignments for Election Day; and

5. A detailed log of delivery to and from precincts on election day;

(2) The storage and tracking of paper ballots, providing an accounting for all ballots issued to a precinct on election day and a record of all security seal numbers used to seal ballot containers and tabulators;

(3) The processing and storage of voter registration and voting records in the clerk's office;

(4) Password administration, including designating a member of the county clerk's staff as the "password administrator" to issue passwords, maintain a master list of all

passwords issued, and reissue all passwords on a periodic basis;

(5) Absentee voting for mail-in ballots and in-house voting, pursuant to KRS 117.085 and 117.086;

(6) A checklist for precinct election officers to follow for opening and closing the precincts on Election Day, including:

(a) Designating a secure location in each precinct for the voting equipment to be stored upon delivery and until the precinct election officers arrive at the precinct;

(b) A procedure for placement of the voting equipment in the precinct to limit access to the voting equipment's power control, counter controls, and results storage media to only authorized personnel;

(c) A procedure to verify the serial numbers, security seals, and protective counter number of each piece of voting equipment prior to the opening of the polls;

(d) A procedure to count and verify all paper ballots, provisional ballots, and election supplies prior to the opening of the polls;

(e) A procedure to validate the number of voter activation devices after the polls have closed and secure the devices for transport back to the county clerk's office; and

(f) A procedure for securing and accounting for all voting equipment after the closing of the polls; and

(7) Securing and storing the voting equipment after Election Day and in between elections and maintenance of election materials for the period required pursuant to KRS 117.275.

Section 3. Incorporation by Reference.

(1) "County Board of Elections Notice of Establishment of Elections and Voting Equipment Security Plan", SBE 19 (2/08), is incorporated by reference.

(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.

(34 Ky.R. 2250; 2378; eff. 6-6-2008; Crt eff. 3-6-2019.)