

117.383 Administrative regulations relating to voting.

The State Board of Elections shall promulgate administrative regulations under KRS Chapter 13A which shall maintain the maximum degree of correctness, impartiality, and efficiency of the procedures of voting and shall provide methods to:

- (1) Count, tabulate, and record votes;
- (2) Place items on any ballot which shall, as closely as possible, follow the requirements pertaining to ballots;
- (3) Design the ballots to include a system to ensure an accurate record of all voting activities;
- (4) Instruct voters in the use of the voting system, including any ballot marking device;
- (5) Provide for checking the accuracy of the voting system;
- (6) Provide necessary supplies, including those necessary for a write-in vote, to ensure voter privacy;
- (7) Provide for the conducting and review of an audit of any component of a voting system or any voting equipment, and a review of any audit log;
- (8) Provide for the conducting and review of an election audit which shall establish the protocol by which ballots are checked, compared, and verified with the results produced by vote tallying equipment to ensure accuracy through a hand-to-eye recount defined and conducted as follows:
 - (a) To validate the accuracy and fidelity of the vote tabulation, the Secretary of State or his or her designee shall randomly select, in all counties of the Commonwealth, one (1) ballot scanner and one (1) race tabulated on that scanner for a hand-to-eye recount to be performed by each county board of elections or its designee;
 - (b) The sealed ballot boxes and signed tabulator tally tape or record from election day, as established in KRS 117.275, shall be provided by the county board of elections at an agreed upon location, and shall be accessible for public viewing. The sealed ballots are only to be unsealed in the presence of the county board of elections or its designee and public witnesses;
 - (c) A minimum of two (2) qualified poll workers, not of the same political party, shall be selected from lists of available volunteers, sworn in by the county board of elections or its designee to do the hand-to-eye recount, and compensated at the local poll worker rate. A video recording device shall be used for recording the event and it may be streamed for public internet viewing;
 - (d) Ballots are to be aligned for stacking as needed, then viewed one (1) at a time, with each volunteer making a tally mark on a tally sheet for each vote cast for each candidate. Any ballots that are disputed or unclearly marked shall be set aside and the county board of elections or its designee shall determine voter intent;
 - (e) Once the hand-to-eye recount is completed, each volunteer shall add up the tally marks for each candidate, write down a total number of votes for each candidate, and sign the tally sheet. The county board of elections or its

designee shall verify if the two (2) separate hand-to-eye tallies match. If the two (2) hand-to-eye tallies do not match each other, the process must be repeated until the totals are matching. Once this occurs, the county board of elections or its designee shall also verify the tallies by signing each tally sheet. Then, the ballots must be returned to the ballot box and resealed in the presence of the county board of elections or its designee and public witnesses;

- (f) The county board of elections or its designee shall compare the signed register tape total from the vote tabulation machine on election day to the hand-to-eye tallies. If there is a discrepancy between the machine count and the hand-to-eye recount, other than instances of voter intent markings outside the designated marking area on the paper ballot that were unreadable by the scanner, or unscanned overvotes resulting from two (2) or more voter intent marks on the same race, the county board of elections or its designee shall open an election investigation including a review of election day irregularity reports. If more discrepancies are found, the county board of elections or its designee shall broaden the investigation until the reason for the discrepancy is discovered and subsequently resolved. A determination as to whether the outcome of the race could have been impacted by the discrepancies shall be made and any findings shall be reported to the Attorney General and Secretary of State; and
- (g) The county board of elections or its designee shall examine the electronic or paper sign-in records from the precinct or vote center and validate that the ballots cast and recounted were less than or equal to the sign-in records for that precinct or vote center. If the cast ballots for the precinct or vote center exceed the number of voters on the sign-in records for the precinct or vote center, the county board of elections shall open an election investigation and report the findings to the Attorney General and Secretary of State;
- (9) Provide a method for maintaining sufficient documents, including ballots and records, so that votes can be recounted;
- (10) Ensure the county board of elections produces accurate precinct-by-precinct summaries of tabulation sheets showing the results of each precinct during in-person absentee voting, election day voting, and when a county is approved to use a vote center;
- (11) Except as otherwise required in this chapter, all records and papers relating to specified elections be retained for twenty-two (22) months, such documents and records shall be maintained for thirty (30) days following an election; and
- (12) Unless contrary to the Help America Vote Act of 2002, ensure that all federal provisional voting shall be conducted in a manner as prescribed by KRS Chapters 116 to 120.

Effective: July 15, 2024

History: Amended 2024 Ky. Acts ch. 156, sec. 2, effective July 15, 2024. -- Amended 2022 Ky. Acts ch. 87, sec. 17, effective April 7, 2022. -- Amended 2021 Ky. Acts ch. 197, sec. 44, effective June 29, 2021. -- Amended 2020 Ky. Acts ch. 89, sec. 24, effective July 15, 2020. -- Amended 1986 Ky. Acts ch. 470, sec. 19, effective July 15, 1986. -- Amended 1984 Ky. Acts ch. 44, sec. 5, effective March 2, 1984. -- Created 1982 Ky. Acts ch. 360, sec. 5, effective July 15, 1982.