

STATE BOARD OF ELECTIONS
(Amendment)

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, 52 U.S.C. 21081~~[42 U.S.C. 15481]~~

STATUTORY AUTHORITY: KRS 117.015(1)(a), 117.383, 52 U.S.C. 21081~~[42 U.S.C. 15481]~~

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 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, codified at 52 U.S.C. 21081, 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 52 U.S.C. 21081~~[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 conducted~~[for mail-in ballots and in-house voting,]~~ pursuant to KRS 117.076 and 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 10/2025~~[(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.

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

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

(1) Provide a brief summary of:

(a) What this administrative regulation does:

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 52 U.S.C. 21081.

(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:

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

This amendment updates incorrect statutory citations and Form SBE 19.

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

This amendment updates Form SBE 19 for the first time since 2008.

(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, county boards of election will need to ensure that they are using the new Form SBE 19.

(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), KRS 117.383, and 52 U.S.C. 21081 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.