STATEMENT OF EMERGENCY

31 KAR 4:200E.

This emergency administrative regulation is necessary following the General Assembly's passage of House Bill 574 in the 2021 regular legislative session, enacted in Kentucky Acts Chapter 197, effective June 29, 2021. The Kentucky Constitution requires free and fair elections; Chapter 197 mandates that the State Board of Elections promulgate certain new administrative regulations to help ensure that this requirement is met. Though there are no regularly scheduled elections in 2021, a special election could be required at any time after the effective date of June 29, 2021. This administrative regulation is being filed on an emergency basis pursuant to KRS 13A.190(1)(a)(3) in order to guarantee that should a special election become necessary after June 29, 2021, the new administrative regulations required by Chapter 197 are in place. This emergency administrative regulation is temporary in nature will be replaced by an ordinary administrative regulation as the regulations required under Chapter 197 will be statutorily required in perpetuity, absent any further action from the General Assembly. The companion ordinary administrative regulation is identical to this emergency administrative regulation.

ANDY BESHEAR, Governor

JARED DEARING, Director

31 KAR 4:200E. Chain of custody for records during an election contest.

EFFECTIVE: June 23, 2021

RELATES TO: KRS 120.205, 120.215

STATUTORY AUTHORITY: KRS 117.015(1)(a)

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 120.205 and KRS 120.215 require the State Board of Elections to promulgate administrative regulations to provide for a form on which documents any individuals transporting all voting equipment, ballots, boxes, precinct rosters, and other voting records related to an election contest involving an election of a Governor and Lieutenant Governor or a member of the General Assembly. This administrative regulation establishes that form.

Section 1. In the event that a board is established under KRS 120.205 or KRS 120.215 to try a contested election of a Governor and Lieutenant Governor or a member of the General Assembly, the possession of all voting equipment, ballots, boxes, precinct rosters, and any other voting records sent for by the board shall not transfer unless documented in writing on Form SBE 75, "Election Contest Chain-of-Custody."

Section 2. Incorporated by Reference.

(1) Election Contest Chain-of-Custody, Form SBE 75, 06/2021, 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 Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.