

1 STATE BOARD OF ELECTIONS

2 (Amendment)

3 31 KAR 4:071. Recanvass procedures.

4 RELATES TO: KRS 117.305, 118.425, 242.110, 242.120

5 STATUTORY AUTHORITY: KRS 117.015(1)(a), 117.305(5), (6), (7), 242.120(3), (4), (5)

6 CERTIFICATION STATEMENT: This is to certify that this administrative regulation
7 complies with the requirements of 2025 RS HB6, Section 8.

8 NECESSITY, FUNCTION, AND CONFORMITY: KRS 117.015(1)(a) authorizes the State
9 Board of Elections to promulgate administrative regulations necessary to properly carry
10 out its duties. KRS 117.305(5) and KRS 242.120(3) require the State Board of Elections to
11 prescribe forms to be used by county boards of elections to report all recanvassed votes,
12 KRS 117.305(6) and KRS 242.120(4) require that the board promulgate administrative
13 regulations to set reporting standards for recanvass reports, and KRS 117.305(7) and KRS
14 242.120(5) require that the board promulgate administrative regulations to establish the
15 proper procedures for conducting a recanvass for each type of voting system approved
16 by the board and in use in Kentucky. This administrative regulation establishes the
17 reporting forms to be used in the event of a recanvass, reporting standards for an election
18 if a recanvass is requested and received in a timely manner, and establishes the proper

1 procedures for conducting a recanvass on the approved voting systems in use in
2 Kentucky.

3 Section 1.

4 (1) The Recanvass of Official Count and Record of Election Totals form, SBE 49A,
5 shall be used by the county board of elections to report all recanvassed votes, except for
6 local option elections.

7 (2) The Recanvass of Official Count and Record of Election Totals for Local Option
8 Election form, SBE 49B, shall be used by the county board of elections to report
9 recanvassed votes for local option elections.

10 (3) The county board of elections shall state the name of the county in which the
11 recanvass is being conducted, the date of the report, the date of the election, the office
12 for which the recanvass is being made, the name of each candidate for the office being
13 recanvassed, and the machine votes, absentee votes, provisional votes, and total votes for
14 each candidate. The report shall be signed by each member of the county board of
15 elections.

16 (4) For a recanvass of a local option election, the county board of elections shall
17 state the name of the county in which the recanvass is being conducted, the date of the
18 report, the date of the local option election, the proposition for which the recanvass is
19 being made, the names of the leaders of the committees favoring or opposing the
20 proposition being recanvassed, and the machine votes, absentee votes, and vote totals

1 for "yes" or "no" votes. The report shall be signed by each member of the county board
2 of elections.

3 Section 2.

4 (1) The county board of elections shall file its recanvass report, SBE 49A,
5 immediately upon completion of the recanvass for those vote totals reported to the
6 Secretary of State, pursuant to KRS 118.425(3).

7 (2) The county board of elections shall file its recanvass report, SBE 49A,
8 immediately upon completion of the recanvass for the vote totals reported to the county
9 clerk, pursuant to 118.425(2).

10 (3) The county board of elections shall file its recanvass report for a local option
11 election, SBE 49B, immediately upon completion of the recanvass for the vote totals
12 reported to the county clerk, pursuant to KRS 242.110.

13 Section 3. If KRS 117.305(1) or KRS 242.120(2)(a) requires a recanvass, the
14 provisions established in this section shall apply.

15 (1) In a general election, the county board of elections shall only check and tabulate
16 the votes of the candidate requesting a recanvass and each opposing candidate seeking
17 the same office.

18 (2) In a partisan primary, the county board of elections shall only check and tabulate
19 the votes of the candidate requesting a recanvass and each opposing candidate of the
20 same political party seeking the same office.

1 (3) In a nonpartisan election, the county board of elections shall only check and
2 tabulate the votes of the candidate requesting a recanvass and each opposing candidate
3 seeking the same office.

4 (4) In a local option election, the county board of elections shall check and tabulate
5 the "yes" and "no" votes.

6 Section 4. A county board of elections shall recanvass the votes recorded
7 depending on the machine and voting method utilized, as follows:

8 (1) If an electronic voting system with a central tabulation system is used, the
9 recanvass shall be taken:

10 (a) By clearing the system, such as by setting the tabulation system to zero and
11 retabulating the votes recorded on the memory cartridges on election day by using the
12 central tabulation system; or

13 (b) By comparing the results printout printed from each voting machine on election
14 day with the county-wide recapitulation sheet.

15 (2) If an electronic voting system without a central tabulation system is used, the
16 recanvass shall be taken by comparing the results printout printed from each voting
17 machine on election day with the county-wide recapitulation sheet.

18 (3) Paper ballots, which were judged to be valid by the county board of elections
19 on election day and which were not counted using a central tabulation system but were
20 hand-counted on election day, shall be recanvassed by utilizing the same procedure

1 actually used to count those paper ballots on election day following the procedures for
2 the uniform definition of a vote established by 31 KAR 6:030.

3 Section 5. Incorporation by Reference.

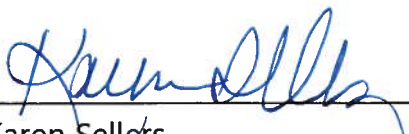
4 (1) The following material is incorporated by reference:

5 (a) "Recanvass of Official Count and Record of Election Totals", SBE 49A,
6 10/2025[04/22]; and

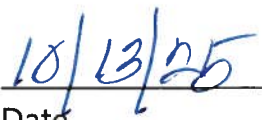
7 (b) "Recanvass of Official Count and Record of Election Totals for Local Option
8 Election", SBE 49B, 10/2025[04/22].

9 (2) This material may be inspected, copied, or obtained, subject to applicable
10 copyright law, at the State Board of Elections, 140 Walnut Street, Frankfort, Kentucky
11 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

12 (3) This material may also be obtained on the board's Web site at
13 <https://elect.ky.gov>.



Karen Sellers
Executive Director, State Board of Elections



Date

PUBLIC HEARING AND PUBLIC 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

31 KAR 4:071

Contact Person: Taylor Brown, phone: 502-782-9499, email: TaylorA.Brown@ky.gov

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

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the reporting forms to be used in the event of a recanvass, reporting standards for an election if a recanvass is requested and received in a timely manner, and establishes the proper procedures for conducting a recanvass on the approved voting systems in use in Kentucky.

(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 Form SBE 49A and Form 49B.

(b) The necessity of the amendment to this administrative regulation: This amendment makes the amended forms more user friendly.

(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, the State Board of Elections will need to make available the required forms; county boards of election will need to complete and submit them.

(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: 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 established any fees or directly or indirectly increased any fees: No fees are associated with this administrative regulation.

(10) TIERING: Is tiering applied? Explain why or why not. 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

31 KAR 4:071

Contact Person: Taylor Brown, phone: 502-782-9499, email: TaylorA.Brown@ky.gov

(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 117.305(5), KRS 242.120(3), KRS 117.305(6), KRS 117.305(7), KRS 242.120(4), and KRS 242.120(5) 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:

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 determine the fiscal impact: 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.

SUMMARY OF MATERIAL INCORPORATED BY REFERENCE

The "Recanvass of Official Count and Record of Elections Totals", Form SBE 49A, 10/2025, is the 1-page form that county board of elections file as a record reporting their recanvass vote totals to the county clerk.

The "Recanvass of Official Count and Record of Elections Totals for Local Option Election", Form SBE 49B, 10/2025, is the 1-page form that county board of elections file as a record reporting their recanvass vote totals to the county clerk for a local option election.

SUMMARY OF CHANGES TO MATERIAL INCORPORATED BY REFERENCE

The "Recanvass of Official Count and Record of Elections Totals", Form SBE 49A, 10/2025, is the 1-page form that county board of elections file as a record reporting their recanvass vote totals to the county clerk. The form was amended to provide more room for the signatures of the members of the County Board of Elections.

The "Recanvass of Official Count and Record of Elections Totals for Local Option Election", Form SBE 49B, 10/2025, is the 1-page form that county board of elections file as a record reporting their recanvass vote totals to the county clerk for a local option election. The form was amended to provide more room for the signatures of the members of the County Board of Elections.

STATE OF KENTUCKY

We, the County Board of Elections, duly authorized to recanvass the returns of the County of _____, do certify that in an election held in said county, on the _____ day of _____, 20____ a recanvass was conducted in said county on the _____ day of _____, 20____ and the following votes were cast for the Office or on the Question indicated:

[illegible]

County Board of Elections (Democrat) _____

County Board of Elections (Republican)

County Board of Elections (Sheriff) _____

STATE OF KENTUCKY

We, the County Board of Elections, duly authorized to recanvass the returns of the County of _____, do certify that in an election held in said county, on the _____ day of _____, 20____ a recanvass was conducted in said county on the _____ day of _____, 20____ and the following votes were cast for the Office or on the Question indicated:

[illegible]

County Board of Elections (Democrat) _____

County Board of Elections (Republican)

County Board of Elections (Sheriff) _____

County Board of Elections (County Clerk) _____

RECANVASS
OF OFFICIAL COUNT AND RECORD OF ELECTION TOTALS
FOR LOCAL OPTION ELECTION

COMMONWEALTH OF KENTUCKY

COUNTY OF _____

Having received a request for recanvass of election totals of the local option election held on the _____ day of _____, 20_____, and such request being received in a timely manner as provided by Kentucky Revised Statutes, we, the County Board of Elections, duly authorized to recanvass the returns of the County of _____, do certify that a recanvass was conducted in said County on the _____ day of _____, 20_____, on the following question:

VOTES	Machine	Machine Absentee	Paper Absentee	TOTAL
Yes				
No				

**NAMES OF LEADERS OF COMMITTEES FAVORING OR OPPOSING
THE PROPOSITION:**

COUNTY BOARD OF ELECTIONS:

Member (Democrat)

Member (Republican)

Sheriff

RECANVASS
OF OFFICIAL COUNT AND RECORD OF ELECTION TOTALS
FOR LOCAL OPTION ELECTION

STATE OF KENTUCKY

COUNTY OF _____

Having received a request for recanvass of election totals of the local option election held on the _____ day of _____, 20_____, and such request being received in a timely manner as provided by Kentucky Revised Statutes, we, the County Board of Elections, duly authorized to recanvass the returns of the County of _____, do certify that a recanvass was conducted in said County on the _____ day of _____, 20_____, on the following question:

VOTES	Machine	Machine Absentee	Paper Absentee	TOTAL
Yes				
No				

**NAMES OF LEADERS OF COMMITTEES FAVORING OR OPPOSING
THE PROPOSITION:**

COUNTY BOARD OF ELECTIONS:

Member _____

Member _____

Sheriff

County Clerk/Chairman