

1 STATE BOARD OF ELECTIONS

2 (Amendment)

3 31 KAR 5:011. Use of the federal write-in absentee ballot.

4 RELATES TO: 117.079, 117.086(2)(3), 117A.050(2), 117A.060(3), 117A.100,
5 117A.130, 117A.160(1), 52 U.S.C. 20302

6 STATUTORY AUTHORITY: KRS 117.079, [117.086(5),] 117A.030(2), 117A.130, 52
7 U.S.C. 20302(a)(3)

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

10 NECESSITY, FUNCTION, AND CONFORMITY: KRS 117.079 requires the State Board
11 of Elections, as circumstances warrant and with the concurrence of the Attorney General,
12 to promulgate necessary administrative regulations to preserve the absentee voting rights
13 of residents of Kentucky who are covered voters as defined in KRS 117A.010. 52 U.S.C.
14 20302(a)(3) requires states to permit absent uniformed service voters and overseas voters
15 to use federal write-in absentee ballots in general elections for federal office. KRS
16 117A.130 requires the State Board of Elections, in coordination with local election officials,
17 to implement an electronic free-access system by which a covered voter may determine
18 by telephone, electronic mail, or Internet whether the voter's federal postcard application

1 or other registration or military-overseas ballot application has been received and
2 accepted and whether the voter's military-overseas ballot has been received. KRS
3 117A.030(2) authorizes the State Board of Elections to promulgate the administrative
4 regulations necessary to implement KRS Chapter 117A. This administrative regulation
5 establishes the procedures for the use of the federal write-in absentee ballot in elections
6 in Kentucky and implements the electronic free-access system pursuant to KRS 117A.130.

7 Section 1. Definitions.

8 (1) "Covered Voter" is defined by KRS 117A.010(1).

9 (2) "Federal write-in absentee ballot" or "FWAB" is defined by KRS 117A.010(4).

10 (3) "Military-overseas ballot" is defined by KRS 117A.010(5).

11 Section 2. Suspension of Provisions of 31 KAR 6:030. The requirements of 31 KAR
12 6:030, Uniform Definition of a Vote, Section 3(2)(a) [~~5(2)(a)~~] and Section 4[6](1), (2), and
13 (9), shall be suspended for the purposes of this administrative regulation.

14 Section 3. Receipt of Federal Write-in Absentee Ballot. Upon receiving a federal
15 write-in absentee ballot, the county clerk shall:

16 (1) Not open the inner security envelope;

17 (2) Examine the voter's declaration/application accompanying the federal write-in
18 absentee ballot to determine whether it was submitted by a covered voter for the purpose
19 of registering to vote or requesting an absentee ballot;

1 (3) If the voter's declaration/application accompanying the federal write-in
2 absentee ballot was submitted by a covered voter for the purpose of registering to vote
3 or requesting an absentee ballot, process the application in the same manner as a federal
4 postcard application;

5 (4) Enclose the voter's declaration/application accompanying the federal write-in
6 absentee ballot and the inner security envelope in a separate envelope and label the outer
7 envelope "FWAB"; and

8 (5) Deposit the outer envelope in a locked ballot box pursuant to KRS
9 117.086(2)(~~3~~).

10 Section 4. Receipt of State Ballot Overrides Federal Write-in Absentee Ballot.

11 (1) The federal write-in absentee ballot shall remain in the locked ballot box
12 pursuant to KRS 117.086(3) and not be opened until after the deadline for receipt of the
13 state absentee ballot.

14 (2) If the county clerk receives no later than the deadline for receipt of the state
15 absentee ballot a valid and voted state absentee ballot from a covered voter from whom
16 the county clerk also receives a federal write-in absentee ballot, the county clerk shall not
17 unseal the inner security envelope containing the federal write-in absentee ballot and
18 shall write on the inner security envelope containing the federal write-in absentee ballot,
19 "Cancelled because state absentee ballot received."

1 Section 5. Electronic Free-Access System. Each county clerk shall either participate
2 in the electronic free-access system established by the State Board of Elections or
3 establish a local electronic free-access system by which a covered voter may determine
4 by telephone, electronic mail, or Internet whether the voter's federal postcard application
5 or other registration or military-overseas ballot application has been received and
6 accepted and whether the voter's military-overseas ballot has been received.

7 Section 6. Incorporation by Reference.

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

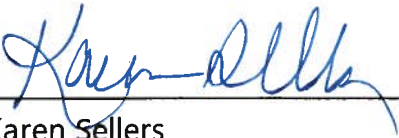
9 (a) "Federal Write-In Absentee Ballot", Federal Voting Assistance Program, 01-2023.

10 (2) This material may be inspected, copied, or obtained, subject to applicable
11 copyright law, at the State Board of Elections, 140 Walnut Street, Frankfort, Kentucky
12 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

13 (3) This material may also be obtained on:

14 (a) The board's Web site at <https://elect.ky.gov>; or

15 (b) The Federal Voting Assistance Program Web site at <https://fvap.gov>.



Karen Sellers
Executive Director, State Board of Elections

10/13/25
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 5:011

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 procedures for the use of the federal write-in absentee ballot in elections in Kentucky and implements the electronic free-access system pursuant to KRS 117A.130.

(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 adds the Federal Write-In Absentee Ballot as material incorporated by reference.

(b) The necessity of the amendment to this administrative regulation: This amendment updates incorrect statutory citations and adds the Federal Write-In Absentee Ballot as material incorporated by reference, where it was previously absent.

(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, covered voters as defined in KRS 117A.010, 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 maintain an electronic free-access system by which a covered voter may determine by telephone, electronic mail, or Internet whether the voter's federal postcard application or other registration or military-overseas ballot application has been received and accepted and whether the voter's military-overseas ballot has been received and county boards of election will need to participate in the electronic free-access system established by the State Board of Elections or establish a local electronic free-access system.

(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 5:011

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 117.145(4), KRS 117.383, KRS 117.383(1), KRS 117.383(2), and KRS 117.383(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 and covered voters as defined in KRS 117A.010.

(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 no 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 "Federal Write-In Absentee Ballot", Federal Voting Assistance Program, 01-2023, is the multiple-page form that covered voters may use to register to vote or to cast as an absentee ballot.

Federal Write-In Absentee Ballot

- If you do not receive your absentee ballot in enough time to meet your state's deadlines, use this ballot as a backup. If you send in this ballot and receive your state's ballot later, you should fill out and return your state ballot as well, noting that you had previously sent in this ballot. Your election official will count only one ballot.
- The following require you to register and request an absentee ballot before filling out this form: AL, AS, AR, CT, FL, GU, HI, ID, IL, IN, KS, LA, NH, NJ, NM, NY, PA, PR, RI, SD, TX, WI, WV, and WY. If your state or territory is listed, complete a Federal Post Card Application (FPCA) online at FVAP.gov
- If you already registered and requested a ballot, send in the *Voter Information page* and the *Official Backup Ballot*.
- Please be aware that some states will accept this form as registration and as an absentee ballot request for future elections.

Use this form if you are:

- On active duty in the Uniformed Services or Merchant Marine
- An eligible spouse or dependent
- A U.S. citizen living outside the United States

You can vote wherever you are. This is how.

1. Fill out your *Voter Information* page completely and accurately.

- Your U.S. voting residence address is used to determine where you are eligible to vote absentee. For military voters, it is usually your last address in your state of legal residence. For overseas citizens, it is usually the last place you lived before moving overseas. You do not need to have any current ties with this address. DO NOT write a PO Box # in section 2.
- Most states allow you to provide a Driver's License number or the last 4 digits of your SSN. New Mexico, Tennessee, and Virginia require a full SSN.
- If you cannot receive mail at your current mailing address, please specify a mail forwarding address.
- Many states require you to specify a political party to vote in primary elections. This information may be used to register you with a party.
- **Section 6 Requirements:** Puerto Rico requires your mother's and father's first name. If registering in Vermont you must acknowledge the following by writing in section 6: "I swear or affirm that I have taken the Vermont Voter's Oath." Additional state guidelines can be found at FVAP.gov.
- Remember to sign the bottom of the *Voter Information* page!

2. Carefully fill out and seal your *Official Backup Ballot*.

- DO NOT sign your ballot or include any personal information. Keep your ballot anonymous.
- If using a self-sealing form, remove the adhesive liner, fold and seal tightly.
- If you printed out the form, fold the voted ballot and seal it in an envelope marked "ballot enclosed".

3. Assemble your documents for mailing.

- Put your Voter Information page and Official Backup Ballot into the mailing envelope.
- You can find the address for your election office at FVAP.gov.
- All states accept this form by mail and many states accept this form by email and fax. See your state's guidelines at FVAP.gov.

Agency Disclosure Statement

The public reporting burden for this collection of information, OMB Control Number 0704-0502, is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or burden reduction suggestions to the Department of Defense, Washington Headquarters Services, at whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number.
DO NOT SUBMIT YOUR FORM TO THE E-MAIL ADDRESS ABOVE.

Privacy Advisory

When completed, this form contains personally identifiable information and is protected by the Privacy Act of 1974, as amended.

Questions?
Email: vote@fvap.gov

Voter Information

Federal Write-In Absentee Ballot (FWAB)

Print clearly in blue or black ink, please see back for instructions.

Have you already registered and requested an absentee ballot?

Some states allow you to use this form to register and request ballots for future elections. Visit [FVAP.gov](https://www.fvap.gov) for more details.

1. Who are you? Pick one.

- For absent Uniformed Service members, their families, and citizens residing outside the United States.
- ☐ I am on active duty in the Uniformed Services or Merchant Marine **-OR-** ☐ I am an eligible spouse or dependent.
- ☐ I am a U.S. citizen living outside the country, and I intend to return.
- ☐ I am a U.S. citizen living outside the country, and my intent to return is uncertain.
- ☐ I am a U.S. citizen living outside the country, I have never lived in the United States.

Last name

Suffix (Jr., II)

☐ Mr. ☐ Miss
☐ Mrs. ☐ Ms.

First name

Previous names (if applicable)

Middle name

Birth date (MM/DD/YYYY)

Social Security Number

Driver's license or State ID#

2. What is your U.S. voting residence address?

Your voting materials will not be sent to this address. See instructions on the other side of form.

Street address

Apt #

City, town, village

State

County

ZIP

3. Where are you now? You MUST give your CURRENT address to receive your voting materials.

Your mailing address. (Different from above)

Your mail forwarding address. (If different from mailing address)

4. What is your contact information? This is so election officials can reach you about your request.

Provide the country code and area code with your phone and fax number. Do not use a Defense Switched Network (DSN) number.

Email:

Phone:

Alternate email:

Fax:

5. What are your preferences for future elections?

A. Do you want to register and request a ballot for all elections you are eligible to vote in?

☐ Yes
☐ No

B. How do you want to receive voting materials from your election office?

☐ Mail
☐ Email or online
☐ Fax

C. What is your political party for primary elections?

6. What additional information must you provide?

Alabama requires two witness signatures; Alaska, Virginia and Wisconsin, require one witness signature. Puerto Rico and Vermont need more information, see back for instructions. Additional state guidelines can be found at [FVAP.gov](https://www.fvap.gov).

7. You must read and sign this statement.

I swear or affirm, under penalty of perjury, that:

- The information on this form is true, accurate, and complete to the best of my knowledge. I understand that a material misstatement of fact in completion of this document may constitute grounds for conviction of perjury.
- I am a U.S. citizen, at least 18 years of age (or will be by the day of election), eligible to vote in the requested jurisdiction, and
- I am not disqualified to vote due to having been convicted of a felony or other disqualifying offense, nor have I been adjudicated mentally incompetent; or if so, my voting rights have been reinstated; and
- I am not registering, requesting a ballot, or voting in any other jurisdiction in the United States, except the jurisdiction cited in this voting form.
- In voting, I have marked and sealed this ballot in private and have not allowed any person to observe the marking of this ballot, except those authorized to assist voters under State and Federal law.

Sign here

X

Today's date
(MM/DD/YYYY)

Official Backup Ballot

Federal Write-In Absentee Ballot (FWAB)

Print clearly in blue or black ink.

Vote by writing the NAME or PARTY of the candidates you choose. To find out about specific federal candidates and races go to [FVAP.gov](https://www.fvap.gov).

Instructions

- The FWAB is intended to serve as a backup ballot. It can be used to vote for federal offices. Refer to your state or local election official for any special ballot instructions (e.g., instant runoff voting or ranked choice voting).
- State laws vary on the use of the FWAB for state and local contests. Learn more online at [FVAP.gov](https://www.fvap.gov).
- DO NOT write your name or any identifying number (SSN, driver's license) on this ballot.
- If you are voting in American Samoa, Guam, Puerto Rico, or the U.S. Virgin Islands, you may vote for Delegate or Resident Commissioner, and in presidential primaries.
- Photocopy this page if you require additional room for candidates or ballot initiatives.

Federal Offices

President and Vice President

U.S. Senator

U. S. Representative, Delegate, or
Resident Commissioner to Congress

Other offices

Office

Candidate name

Political party

Ballot initiatives or other items

Official Ballot

Federal Write-In Absentee Ballot

Private

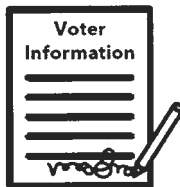
Fold your ballot and keep it private. Put it in the envelope.

Before you seal this envelope:



1. Sign and fold your *Voter Information* page.
2. Fold and seal your *Official Backup Ballot*.
3. Put both inside this envelope, and mail it to your election office. The address can be found at FVAP.gov.

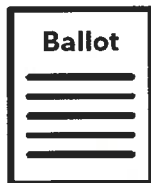
①



Fold in half



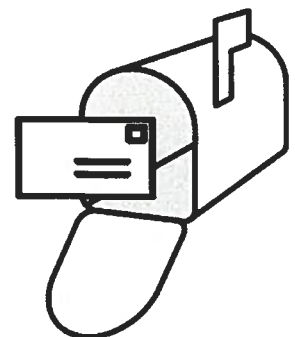
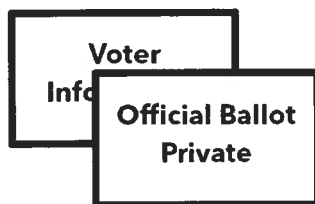
②



Fold and seal



③



For election officials:

This is an official Federal Write-In Absentee Ballot authorized by 52 U.S.C. § 20301.

If you have questions about it, contact your State officials.

PAR AVION



From

(Your name and mailing address.)

International airmail postage is required if not mailed using the U.S. Postal Service, APO/FPO/DPO system, or diplomatic pouch.



I have enclosed my ballot for the / **election.**
MM YYYY

OFFICIAL ABSENTEE BALLOTING MATERIAL – FIRST CLASS MAIL

NO POSTAGE NECESSARY IN THE U.S. MAIL – DMM 703.8.0

To

(Fill in the address of your election office. The address can be found online at FVAP.gov.)
