

1 STATE BOARD OF ELECTIONS

2 (Amendment)

3 31 KAR 6:030. Uniform definition of a vote.

4 RELATES TO: KRS 117.265, 117.379, 117.~~125~~~~[384]~~, 52 USC 21081(a)(6)~~[42 U.S.C.~~
5 ~~15481]~~

6 STATUTORY AUTHORITY: KRS 117.015(1)(a), 52 USC 21081(a)(6)~~[42 U.S.C.~~
7 ~~15481(a)(6)]~~

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 117.015(1)(a) authorizes the State
11 Board of Elections to promulgate administrative regulations necessary to properly carry
12 out its duties. 52 USC 21081~~[42 U.S.C. 15481]~~(a)(6) requires each state to adopt uniform
13 and nondiscriminatory standards that define what constitutes a vote and what will be
14 counted as a vote for each category of voting system used in the state. This administrative
15 regulation establishes those standards.

16 Section 1. Definitions.

17 (1) "Accessibility device" means any mechanism:

1 (a) Used to aid the voter in casting a vote for a candidate or an answer to a question
2 on the ballot; and

3 (b) That is approved pursuant to KRS 117.379 and 117.125~~[384]~~.

4 (2) "Ballot" is defined by KRS 117.001(3)~~[375(6)]~~.

5 ~~[(3) "Ballot label" is defined by KRS 117.375(5).~~

6 ~~(4) "Direct recording electronic voting system" or "DRE voting system" means a~~
7 ~~computer-driven unit that counts votes cast by a voter through the use of a touchscreen,~~
8 ~~a button, or an approved accessibility device, and that processes and records the data by~~
9 ~~means of internal memory devices.]~~

10 ~~(3)[(5)]~~ "First name" means an individual's name or names given at birth, as
11 distinguished from a family name or surname.

12 ~~(4)[(6)]~~ "Name" means one (1) or more first names coupled with one (1) or more
13 surnames.

14 ~~(5)[(7)]~~ "Nickname" means a shortened version of an individual's name or a
15 descriptive or alternative name, in addition to or instead of the first name or surname of
16 an individual.

17 ~~(6)[(8)]~~ "Overvote" means a voter has made more than the permitted number of
18 selections in a single race except when a voter casts a vote using a straight party option
19 and votes for an opposing candidate in a particular race.

1 ~~(7)~~~~(9)~~ "Scan voting system" means a tabulating device that reads paper ballots by
2 detecting voters' marks by electronic means.

3 ~~(8)~~~~(10)~~ "Surname" means the family name bestowed at birth, acquired by
4 marriage, or legally adopted by choice.

5 ~~[(11) "Touchscreen" means a screen on a DRE voting system that the voter touches~~
6 ~~to enter selections in casting a ballot in an election.]~~

7 ~~(9)~~~~(12)~~ "Write-in vote" means a vote on a ballot on which the voter writes, types,
8 or uses an approved accessibility device to record, the surname of an eligible write-in
9 candidate in the space reserved on the ballot for write-in votes and, on a paper ballot,
10 properly marks the oval or box or connects the arrow according to the directions provided
11 to the voter.

12 Section 2. ~~[A ballot may be paper or electronic.]~~

13 Section 3. ~~Definition of a Vote for the Direct Recording Electronic Voting System.~~

14 ~~(1) A vote on a direct recording electronic voting system shall be the choice made~~
15 ~~when a voter selects a candidate, or the desired answer to a question, and touches the~~
16 ~~screen, presses a button, or uses an approved accessibility device to cast a ballot.~~

17 ~~(2) To select a candidate or an answer to a question, the voter shall:~~

18 ~~(a) Press the appropriate place on the touchscreen, press the button, or use an~~
19 ~~approved accessibility device to choose a candidate or answer to a question for which the~~
20 ~~voter desires to vote;~~

~~(b) Type on the touchscreen or use the scrolling device to select on the screen the letters for the name of a write-in candidate in accordance with the instructions for voting on the DRE voting system and press the appropriate place on the touchscreen or press the button to record the write-in vote; or~~

~~(c) Press the appropriate place on the ballot label to designate a write-in candidate and write in the name of an eligible candidate on the paper provided in the write-in candidate window.~~

~~(3) To cast a ballot, the voter shall:~~

~~(a) Press the place on the touchscreen or press the button designated for casting the ballot; or~~

~~(b) Use an approved accessibility device for the accessible voting unit to signify the voter's desire to cast the ballot.~~

~~Section 4.]Definition of a Vote for the Scan Voting System.~~

~~(1) Automatic tabulation. If ballots are tabulated electronically, a vote cast on a scan voting system shall be the choice made by a voter by:~~

~~(a) Filling in the oval or box or connecting the arrow next to the candidate's name or the question choice; or~~

~~(b) Writing in the name of an eligible candidate in the designated write-in space and filling in the oval or box or connecting the arrow next to the designated write-in space.~~

(2) ~~[Manual tabulation. If ballots are tabulated manually, the following marks made by a voter shall constitute a vote for a candidate or question choice on an optical scan voting system:~~

~~(a) The majority of an oval, box, or arrow designating a candidate or question choice is filled in;~~

~~(b) The oval, box, or arrow next to the candidate's name or the question choice is circled or underlined;~~

~~(c) The candidate's name or the question choice is circled or underlined;~~

~~(d) The party, group, organization, or independent status abbreviation next to the candidate's name is circled or underlined;~~

~~(e) There is an "X", a check mark, a plus sign, an asterisk, a star, or any other mark indicating the intent of the voter next to the candidate's name or question choice; or~~

~~(f) There is a diagonal, horizontal, or vertical line:~~

~~1. A portion of which intersects two (2) points on the oval or arrow next to the candidate's name or the question choice; and~~

~~2. That does not intersect another oval or arrow at any two (2) points.~~

~~(3)]Manual tabulation of write-in voting.~~

(a) If write-in ballots are tabulated manually, the following shall constitute a valid vote for a candidate:

1 1. The oval, box, or arrow next to the area designated for the selection of a write-
2 in candidate is marked consistent with Section 3~~[subsection (2)]~~ of this administrative
3 regulation~~[section]~~; and

4 2. The voter shall write the name of an eligible write-in candidate as provided in
5 KRS 117.265 in the area designated for the selection of a write-in candidate.

6 (b) If a voter designates a vote for a named candidate on the ballot and also writes
7 in the name of a different person, these actions shall be considered an overvote, with
8 neither candidate receiving credit for the vote, except as provided in Section 5~~[7]~~ of this
9 administrative regulation.

10 ~~[(4) Manual tabulation of other marks or words. If a choice is indicated in~~
11 ~~accordance with subsection (2) or (3) of this section, and another choice is similarly~~
12 ~~marked constituting an overvote, the voter may take one (1) of the following actions to~~
13 ~~cancel the overvote:~~

14 ~~(a) If the voter used a pencil, the voter may erase the mark for the candidate the~~
15 ~~voter does not wish to select; or~~

16 ~~(b) If the voter used ink, the voter may circle the name of the candidate the voter~~
17 ~~wishes to select.]~~

18 Section 3~~[5]~~. Definition of a Vote for a Hand-Counted Paper Ballot.

19 (1) Tabulation. The following marks made by a voter shall constitute a vote for a
20 candidate or question choice on a paper ballot:

1 (a) The majority of an oval, box, or space designating a candidate or question
2 choice is filled in;

3 (b) The oval, box, or space next to the candidate's name or the question choice is
4 circled or underlined;

5 (c) The candidate's name or the question choice is circled or underlined;

6 (d) The party, group, organization, or independent status abbreviation next to the
7 candidate's name is circled or underlined;

8 (e) There is an "X", a check mark, a plus sign, an asterisk, a star, or any other mark
9 indicating the intent of the voter next to the candidate's name or question choice; or

10 (f) There is a diagonal, horizontal, or vertical line:

11 1. A portion of which intersects two (2) points on the oval, box, or space next to
12 the candidate's name or the question choice; and

13 2. That does not intersect another oval, box, or space at any two (2) points.

14 (2) Write-in voting on a paper ballot.

15 (a) The following shall constitute a valid vote for a candidate:

16 1. The oval, box, or space next to the area designated for the selection of a write-
17 in candidate is marked consistent with subsection (1) of this section; and

18 2. The name of an eligible write-in candidate as provided in KRS 117.265 is written
19 in the area designated for the selection of a write-in candidate.

1 (b) If a voter designates a vote for a named candidate on the ballot and also writes
2 in the name of a different person, these actions shall be considered an overvote, with
3 neither candidate receiving credit for the vote, except as provided in Section 7 of this
4 administrative regulation.

5 (3) Other marks or words on a paper ballot. If a choice is indicated in accordance
6 with subsection (1) or (2) of this section, and another choice is similarly marked
7 constituting an overvote, the voter may take one (1) of the following actions to cancel the
8 overvote:

9 (a) If the voter used a pencil, the voter may erase the mark for the candidate the
10 voter does not wish to select; or

11 (b) If the voter used ink, the voter may circle the name of the candidate the voter
12 wishes to select.

13 Section 4[6]. Definition of a Vote for Write-in Voting Generally.

14 (1) Only votes cast for eligible write-in candidates as provided in KRS 117.265 shall
15 be considered valid and counted.

16 (2) A write-in vote for a candidate whose name already appears on the ballot [~~label~~]
17 as a candidate shall not be counted as a vote as provided in KRS 117.265.

18 (3) The use of stickers, labels, rubber stamps, or other similar devices shall not be
19 counted as write-in votes.

1 (4) Any minor misspelling of the name of a candidate shall be disregarded in
2 determining the validity of a write-in vote as long as the intended candidate may be
3 clearly determined.

4 (5) Writing in only the surname of an eligible candidate shall constitute a valid vote,
5 unless there is more than one (1) filed candidate with the same surname for that office. If
6 there is more than one (1) filed candidate with the same surname for that office, writing
7 in only the last name or surname shall not constitute a vote.

8 (6) Writing in only the first name of an eligible candidate shall not constitute a valid
9 vote.

10 (7) Writing in only the initials of a candidate shall not constitute a vote.

11 (8) Writing in only the nickname of an eligible candidate shall not constitute a valid
12 vote.

13 (9) If the voter writes in any other name along with the surname of an eligible write-
14 in candidate, the other name written by the voter shall comply with the variations of
15 names listed by the candidate on the declaration of intent to be a write-in candidate filed
16 with the Secretary of State or county clerk, pursuant to KRS 117.265(2), [SBE/SOS/01,
17 SBE/SOS/02, or SBE/SOS/03, depending on the candidate,] to constitute a valid vote.

18 (10) Writing in the surname of the candidate for Governor or the surname of the
19 candidate for Lieutenant Governor shall be sufficient to cast a write-in vote for the slate.

(11) Writing in the surname of the candidate for President or the surname of the candidate for Vice President shall be sufficient to cast a write-in vote for the slate.

Section ~~5~~[7]. Straight Party Voting.

(1) For all voting systems and types of ballots, if a voter designates a choice to vote a straight political party ticket and also designates a vote for an opposing candidate whose name appears on the ballot or writes in the name of an eligible write-in candidate in a specific race, the vote shall be counted for the opposing candidate or the eligible write-in candidate for that specific race and the remaining votes on the ballot shall be counted for the straight political party.

(2) Straight party voting shall not be considered an overvote if cast in a manner consistent with subsection (1) of this section.

~~[Section 8. Incorporation by Reference.~~

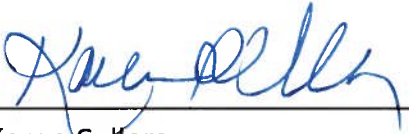
~~(1) The following material is incorporated by reference:~~

~~(a) SBE/SOS/01-"Declaration of Intent to be a Write-In Candidate", February 2011 edition;~~

~~(b) SBE/SOS/02-"Presidential/Vice Presidential Candidates' Declaration of Intent to be Write-In Candidates", February 2011 edition; and~~

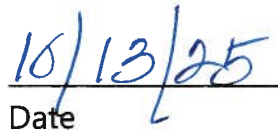
~~(c) SBE/SOS/03-"Governor/Lieutenant Governor Candidates' Declaration of Intent to be a Write-In Candidates", February 2011 edition.~~

1 ~~(2) This material may be inspected, copied, or obtained, subject to applicable~~
2 ~~copyright law, at the State Board of Elections, 140 Walnut Street, Frankfort, Kentucky~~
3 ~~40601, Monday through Friday, 8 a.m. to 4:30 p.m.]~~



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 6:030

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 uniform and nondiscriminatory standards that define what constitutes a vote and what will be counted as a vote for each category of voting system used in the state.

(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 amends incorrect statutory citations, updates language to reflect the current state of voting equipment in Kentucky and the use of all paper ballots in the state since the regulation's last effective date, and removes forms referenced in KRS 117.265 regarding intent to be a write-in candidate.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary given the changes to election administration since the previous effective date of this regulation.

(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 only need to reference the new administrative regulation when needed.

(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 6:030

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) and 52 USC 21081(a)(6) 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.