

1 STATE BOARD OF ELECTIONS

2 (New Administrative Regulation)

3 31 KAR 4:011. Identification Card for Voters With a Religious Objection to Being  
4 Photographed.

5 RELATES TO: KRS 117.001(18), 117.228(1)(8)(h), 117.228(2)(a)

6 STATUTORY AUTHORITY: KRS 117.015(1)(a), 117.228(2)(a)

7 NECESSITY, FUNCTION, AND CONFORMITY: KRS 117.015(1)(a) authorizes the State Board  
8 of Elections to promulgate administrative regulations necessary to administer the election  
9 laws of the state. KRS 116.228(1)(8)(h) allows voters to cast a ballot in an election if they  
10 affirm, under the penalty of perjury, that they do not possess proof of identification as  
11 defined in KRS 117.001(18), due to a religious objection to being photographed. KRS  
12 117.228(2)(a) additionally requires these voters to also provide an identification card  
13 issued by a county which has the name of the voter stated and has been approved in  
14 writing by the State Board of Elections. This regulation provides that approval by way of  
15 the creation of a uniform identification card that counties may issue to those voters with  
16 a religious objection to being photographed.

1 Section 1. The State Board of Elections Approves a Completed Form SBE 11 as an  
2 Identification Card for Those Voters Who Have a Religious Objection to Being  
3 Photographed.

4 A voter who has been impeded in procuring proof of identification as defined in KRS  
5 117.001(18) on account of their having a religious objection to being photographed may  
6 secure an identification card to meet the requirements of KRS 117.228(2)(a) by completing  
7 Form SBE 11. The identification card shall only require the information contained within  
8 the outlined rectangular portion of the Form SBE 11; any surplusage outside of the  
9 outlined rectangular portion resulting from printing the Form SBE 11 may be removed  
10 from the identification card.

11 Section 2. Completing the Form SBE 11.

12 A voter desiring to complete Form SBE 11 shall first, obtain the form from the office of  
13 the County Clerk in the county in which they reside, and then list their county of residence,  
14 the day, month, and year that the form is being completed, and their full legal name  
15 alongside a statement declaring that under the penalty of perjury in the first degree (KRS  
16 523.020), the voter has a religious objection to being photographed. The voter shall next  
17 sign their name to the form in the presence of the County Clerk, or their Deputy, who shall  
18 also sign the form.

19 Section 3. Issuance of the Identification Card to the Voter by the County.

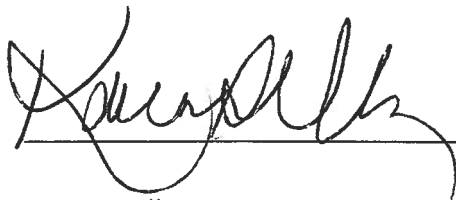
1 After completing the Form SBE 11, the County Clerk or their Deputy shall immediately  
2 attach a digital scan of the Form SBE 11 to the voter's registration record which is  
3 maintained on the state's Electronic Voter Registration System, as defined by 31 KAR  
4 3:041. The original Form SBE 11 shall then be returned to the voter. The voter, at their  
5 desire and expense may laminate the Form SBE 11, but no other modifications to the  
6 identification card shall be allowed.

7 Section 4. Presentation of a Form SBE 11 Identification Card for the Purpose of Voting.

8 A Form SBE 11 identification card shall only serve to be considered an identity document  
9 for the purpose of voting in the Commonwealth and for no other purpose. Upon a voter  
10 presenting a Form SBE 11 identification card to an election officer pursuant to KRS  
11 117.228(2)(a), the election officer shall contact the County Clerk's office who shall verify  
12 that a copy of the Form SBE 11 is recorded in the Electronic Voter Registration System.  
13 Upon confirmation of a valid Form SBE 11 identification card by the County Clerk, the  
14 voter shall be issued a ballot.

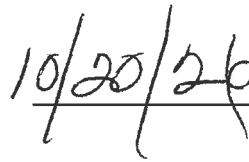
15 Section 5. Incorporation by Reference.

16 The following material is incorporated by reference: "Kentucky State Board of Elections  
17 Identification Card of Voter Claiming Religious Objection", SBE 11, 10/2026.

A handwritten signature in dark ink, appearing to read "Karen Sellers", written over a horizontal line.

Karen Sellers

Executive Director, State Board of Elections

A handwritten date "10/20/26" in dark ink, written over a horizontal line.

Date

## PUBLIC HEARING AND PUBLIC COMMENT PERIOD

A public hearing on this new administrative regulation shall be held on January 29, 2027, at 10:00 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 January 31, 2027. 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](mailto:TaylorA.Brown@ky.gov)

## REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

31 KAR 4:011

Contact Person: Taylor Brown, phone: 502-782-9499, email: [TaylorA.Brown@ky.gov](mailto: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 provides for a uniform identification card that counties may issue to voters that affirm that they do not possess proof of identification as defined in KRS 117.001(18), due to a religious objection to being photographed.

(b) The necessity of this administrative regulation: This administrative regulation is necessary as KRS 116.228(1)(8)(h) allows voters to cast a ballot in an election if they affirm, under the penalty of perjury, that they do not possess proof of identification as defined in KRS 117.001(18), due to a religious objection to being photographed, and KRS 117.228(2)(a) additionally requires these voters to provide an identification card issued by a county which has the name of the voter stated and has been approved in writing by the State Board of Elections.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 117.0145(1)(a) enables the State Board of Elections to promulgate this administrative regulation.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will allow for voters with a religious objection to still provide proof of identification as envisioned by KRS 116.228(1)(8)(h) and 117.228(2)(a).

(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:

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

(c) How the amendment conforms to the content of the authorizing statutes:

(d) How the amendment will assist in the effective administration of the statutes:

This is a new administrative regulation.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? No.

(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 those voters who have a religious objection to being photographed, county clerks, 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 administrative regulation, voters who have a religious objection to being photographed will need to procure the identification card created in this regulation from their county clerk's office; county clerks and the State Board of Elections will need to follow the procedures outlined.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): Voters who have a religious objection to being photographed will incur minimal transportation costs; county clerks and the State Board of Elections should not incur any more costs than are already being expended.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Voters who have a religious objection to being photographed will benefit from being able to provide proof of identification envisioned by KRS 116.228(1)(8)(h) and 117.228(2)(a); county clerks and the State Board of Elections will benefit from having one uniform identification card for voters with a religious objection to being photographed.

(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: The State Board of Elections estimates that the implementation of this administrative regulation will cost the agency no more funds than are already being expended.

(b) On a continuing basis: The State Board of Elections estimates that the implementation of this administrative regulation will cost the agency no more funds than are already being expended.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Funds from the administrative budget of the State Board of Elections 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: No increase in fees or funding will be necessary to implement this administrative regulation.

(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 a uniform identification card for voter with a religious objection to being photographed.

## FISCAL IMPACT STATEMENT

31 KAR 4:011

Contact Person: Taylor Brown, phone: 502-782-9499, email: [TaylorA.Brown@ky.gov](mailto: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 116.228(1)(8)(h), 117.001(18), 117.228(2)(a), and 117.015(1)(a) 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 enactment of KRS 117.228(2)(a) and 117.015(1)(a).

(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 and county clerks.

(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 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 clerks.

(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 affect voters with a religious objection to being photographed.

(b) Estimate the following for each regulated entity identified in (5)(a):

#### 1. Expenditures:

For the first year: This administrative regulation will require voters with a religious objection to being photographed to incur minimal transportation costs to procure the identification card created in this regulation from their county clerk's office

For subsequent years: Voters with a religious objection to being photographed would only incur costs in subsequent years if their county of residence were to change.

#### 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.

(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 "Identification Card of Voter Claiming Religious Objection," Form SBE 11, 10/2026, is the 1/3-page form signed by a voter with a religious objection to being photographed, and the county clerk or their deputy.

**Kentucky**

State Board of Elections

SBE 11 (10/2026)

**Identification Card of Voter Claiming Religious Objection**

\_\_\_\_\_  
County

\_\_\_\_\_  
Date

I, \_\_\_\_\_, declare  
Voter's Full Name

under penalty of perjury in the first degree (KRS 525.020) that I have a religious objection to being photographed.

Voter Signature x \_\_\_\_\_

County Clerk / Deputy Clerk x \_\_\_\_\_