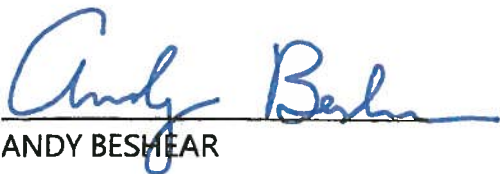


STATEMENT OF EMERGENCY

31 KAR 4:011E

This emergency administrative regulation is being promulgated pursuant to KRS 13A.190(1)(a)(1), to meet an imminent threat to public safety and welfare. Section 150 of the Kentucky Constitution requires free and fair elections in the Commonwealth. KRS 118.025(4) sets November 3, 2026, as the date for the next general election. In recent years, the General Assembly has amended the various Kentucky Revised Statutes related to voting in the Commonwealth, including KRS 117.228. As election administrators adapt to these new changes, the need for administrative changes becomes apparent, so that Kentuckians may continue to cast their ballots with the highest degrees of ease and security. This is being filed as an emergency administrative regulation to ensure that procedures are in effect for the upcoming election that will provide certainty to voters that have a religious objection to being photographed regarding their compliance with the requirements of KRS 117.228 that allow a voter to declare their religious objection to being photographed as an impediment to their securing proof of identification as defined by KRS 117.001(18) yet also require them to present an identification card before receiving a ballot. This regulation will further promote free and fair elections by making sure that all of the Commonwealth's eligible voters have an ability to meet the proof of identification standards set by the General Assembly in a way that does not require them to abandon their religious beliefs. This emergency administrative regulation is temporary in nature and will be replaced by an ordinary administrative regulation. The companion ordinary administrative regulation is identical to this emergency administrative regulation.



ANDY BESHEAR
Governor



KAREN SELLERS
Director, State Board of Elections

1 STATE BOARD OF ELECTIONS

2 (New Emergency Administrative Regulation)

3 31 KAR 4:011E. 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.

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

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

Section 2. Completing the Form SBE 11.

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

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

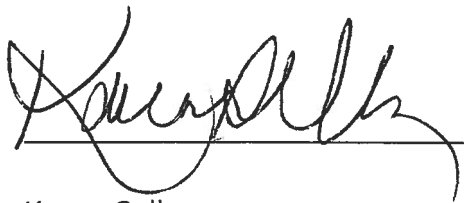
1 After completing the Form SBE 11, the County Clerk or their Deputy shall immediately
2 attach a digital scan of the Form SBE 11 to the voter's registration record which is
3 maintained on the state's Electronic Voter Registration System, as defined by 31 KAR
4 3:041. The original Form SBE 11 shall 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.

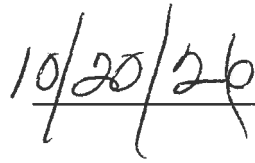
15 Section 5. Incorporation by Reference.

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 black 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 black 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 December 22, 2026, 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 December 31, 2026. 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 4:011E

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 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 4:011E

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 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 _____

118.025 Voting to be by secret paper ballot -- General laws applicable -- Time for holding elections.

- (1) Except as otherwise provided by law, voting in all primaries and elections shall be by secret paper ballot.
- (2) The general laws applying to primaries, regular elections, and special elections shall apply to primaries, regular elections, and special elections conducted with the use of voting equipment, and all provisions of the general laws applying to the custody of ballot boxes shall apply, as far as applicable, to the custody of the voting system or voting equipment.
- (3) A primary for the nomination of candidates to be voted for at the next regular election shall be held on the first Tuesday after the third Monday in May of each year.
- (4) The election of all officers of all governmental units shall be held on the first Tuesday after the first Monday in November.
- (5) If the law authorizes the calling of a special election on a day other than the day of the regular election in November, the election shall be held on a Tuesday.
- (6) If the law requires that a special election be held within a period of time during which the voting equipment must be locked as required by KRS 117.295, the special election shall be held on the fourth Tuesday following the expiration of the period during which the voting equipment is locked.

Effective: June 29, 2021

History: Amended 2021 Ky. Acts ch. 197, sec. 48, effective June 29, 2021. -- Amended 2020 Ky. Acts ch. 88, sec. 5, effective July 15, 2020. -- Amended 2008 Ky. Acts ch. 129, sec. 6, effective July 15, 2008. -- Amended 2002 Ky. Acts ch. 262, sec. 1, effective July 15, 2002. -- Amended 2000 Ky. Acts ch. 261, sec. 2, effective July 14, 2000. -- Amended 1996 Ky. Acts ch. 195, sec. 13, effective July 15, 1996. -- Amended 1994 Ky. Acts ch. 394, sec. 20, effective July 15, 1994. -- Amended 1992 Ky. Acts ch. 288, sec. 38, effective July 14, 1992; and ch. 296, sec. 7, effective July 14, 1992. -- Amended 1990 Ky. Acts ch. 431, sec. 1, effective July 13, 1990. -- Amended 1986 Ky. Acts ch. 29, sec. 12, effective July 15, 1986. -- Amended 1984 Ky. Acts ch. 44, sec. 6, effective March 2, 1984. -- Amended 1982 Ky. Acts ch. 402, sec. 3, effective January 1, 1984. -- Created 1974 Ky. Acts ch. 130, sec. 98, effective June 21, 1974.

Section 150 Disqualification from office for using money or property to secure or influence election -- Corporation not to use money or other thing of value to influence election -- Exclusion from office for conviction of felony or high misdemeanor -- Laws to regulate elections.

Every person shall be disqualified from holding any office of trust or profit for the term for which he shall have been elected who shall be convicted of having given, or consented to the giving, offer or promise of any money or other thing of value, to procure his election, or to influence the vote of any voter at such election; and if any corporation shall, directly or indirectly, offer, promise or give, or shall authorize, directly or indirectly, any person to offer, promise or give any money or any thing of value to influence the result of any election in this State, or the vote of any voter authorized to vote therein, or who shall afterward reimburse or compensate, in any manner whatever, any person who shall have offered, promised or given any money or other thing of value to influence the result of any election or the vote of any such voter, such corporation, if organized under the laws of this Commonwealth, shall, on conviction thereof, forfeit its charter and all rights, privileges and immunities thereunder; and if chartered by another State and doing business in this State, whether by license, or upon mere sufferance, such corporation, upon conviction of either of the offenses aforesaid, shall forfeit all right to carry on any business in this State; and it shall be the duty of the General Assembly to provide for the enforcement of the provisions of this section. All persons shall be excluded from office who have been, or shall hereafter be, convicted of a felony, or of such high misdemeanor as may be prescribed by law, but such disability may be removed by pardon of the Governor. The privilege of free suffrage shall be supported by laws regulating elections, and prohibiting, under adequate penalties, all undue influence thereon, from power, bribery, tumult or other improper practices.

Text as Ratified on: August 3, 1891, and revised September 28, 1891.

History: Not yet amended.