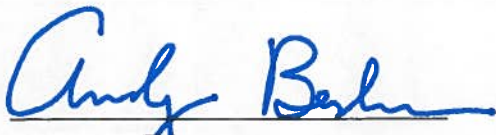


STATEMENT OF EMERGENCY

31 KAR 4:131E

This emergency regulation is being promulgated pursuant to both KRS 13A.190(1)(a)(1), to meet an imminent threat to public welfare, as well as, KRS 13A.190(1)(a)(3), to meet an imminent deadline for the promulgation of an administrative regulation established by state statute. Section 150 of the Constitution of Kentucky requires free and fair elections in the Commonwealth; KRS 118.025(3) sets May 17, 2022 as the statutory date for the primary nomination of candidates, while KRS 118.025(4) sets November 8, 2022 as the date for the regular election. This is being filed as an emergency administrative regulation to ensure the administrative regulations and procedures required by state statute to promote free and fair elections are in effect during the upcoming primary and regular election. This emergency administrative regulation is temporary in nature 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 4:131E. Delivery and return of absentee ballots transmitted to covered voters via  
4 facsimile or electronically.

5 RELATES TO: KRS 117.085, 117.086, 117A.030, 117A.080, 117A.120, 117A.130, 52  
6 U.S.C. 20302

7 STATUTORY AUTHORITY: KRS 117.015(1)(a), KRS 117.079, 117.086(1), 117A.030(2),  
8 (4)-(6), 117A.130, 52 U.S.C. 20302(e)

9 NECESSITY, FUNCTION, AND CONFORMITY: KRS 117.079 requires the State Board  
10 of Elections, as circumstances warrant and with the concurrence of the Attorney General,  
11 to promulgate necessary administrative regulations to preserve the absentee voting rights  
12 of residents of Kentucky who are covered voters as defined in KRS 117A.010. KRS  
13 117.086(1) authorizes the State Board of Elections to promulgate administrative  
14 regulations establishing security requirements for the transmission of voted absentee  
15 ballots. 52 U.S.C. 20302(e) requires the states to provide not less than one (1) means of  
16 electronic communication for use by absent uniformed services voters and overseas  
17 voters who wish to register to vote or vote in any jurisdiction in the state to request voter  
18 registration applications and absentee ballot applications, for use by the state to send

1 voter registration applications and absentee ballot applications, and for the purpose of  
2 providing related voting, balloting, and election information to uniformed services voters  
3 and overseas voters. KRS 117A.030(4) requires the State Board of Elections to establish an  
4 electronic transmission system through which a covered voter may apply for and receive  
5 voter registration materials, military-overseas ballots, and other information authorized  
6 under KRS Chapter 117A. KRS 117A.030(5) requires the State Board of Elections to develop  
7 standardized absentee-voting materials, including privacy and transmission envelopes  
8 and their electronic equivalents, authentication materials, and voting instructions, to be  
9 used with the military-overseas ballot of a voter authorized to vote in any jurisdiction in  
10 the Commonwealth. KRS 117A.030(6) requires the State Board of Elections to prescribe  
11 the form and content of a declaration for use by a covered voter to swear or affirm specific  
12 representations pertaining to the voter's identity, eligibility to vote, status as a covered  
13 voter, and timely and proper completion of a military-overseas ballot. KRS 117A.130  
14 requires the State Board of Elections, in coordination with local election officials, to  
15 implement an electronic free-access system by which a covered voter may determine by  
16 telephone, electronic mail, or Internet whether the voter's federal postcard application or  
17 other registration or military-overseas ballot has been received. KRS 117A.030(2)  
18 authorizes the State Board of Elections to promulgate the administrative regulations  
19 necessary to implement KRS Chapter 117A. This administrative regulation establishes the  
20 procedures for the county clerk to follow when transmitting a military-overseas ballot to

1 a covered voter via facsimile or electronically and for a covered voter to follow when filling  
2 out and returning a military-overseas ballot that was transmitted to the covered voter via  
3 facsimile or electronically, incorporates by reference standardized absentee-voting  
4 materials and a declaration to be used by covered voters, and implements the electronic  
5 free-access system pursuant to KRS 117A.130.

6 Section 1. Definitions. (1) "Covered voter" is defined by KRS 117A.010(1).

7 (2) "Federal postcard application" is defined by KRS 117A.010(3).

8 (3) "Instructions to Voter" means the Instructions for Voting to a Covered Voter  
9 Who Has Been Faxed or Electronically Transmitted a Military-Overseas Ballot, SBE 46A.

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

11 (5) "Transmission sheet" means the Official Election Materials – Electronic  
12 Transmission Sheet prescribed by the Federal Voting Assistance Program.

13 Section 2. Delivering a Military-Overseas Ballot to a Covered Voter Via Facsimile or  
14 Electronically. (1) If the county clerk receives a properly completed federal postcard  
15 application from a covered voter who is eligible to vote in the jurisdiction and who  
16 requests that balloting materials be transmitted to the covered voter via facsimile or  
17 electronically, then for each election in which the covered voter is eligible to vote, the  
18 county clerk shall:

19 (a) Prepare a copy of the military-overseas ballot and mark the original, blank  
20 military-overseas ballot, "Faxed to Covered Voter," if the covered voter requested the

1 military-overseas ballot to be transmitted to the covered voter via facsimile, or  
2 "Electronically Transmitted to Covered Voter," if the covered voter requested the military-  
3 overseas ballot to be transmitted to the covered voter electronically;

4 (b) Complete the county clerk's portion of the Instructions to Voter;

5 (c) If the covered voter has requested that the blank absentee ballot be transmitted  
6 through the Federal Voting Assistance Program, complete the Transmission Sheet; and

7 (d) Transmit the copy of the military-overseas ballot, Instructions to Voter, Voter  
8 Verification and Declaration, Voter Assistance Form, and Transmission Sheet, if the  
9 covered voter has requested that the military-overseas ballot be transmitted through the  
10 Federal Voting Assistance Program, to the covered voter via the method requested by the  
11 covered voter.

12 (2) The original blank military-overseas ballot shall be retained and not reused.

13 (3) A properly completed federal postcard application shall be treated as an  
14 application for a military-overseas ballot for all elections held after the date of the  
15 application through the next regular election or December 31 of the year of the  
16 application, whichever is later, unless the covered voter specifies a shorter time period.

17 Section 3. Ballot Security Requirements for Returning a Military-Overseas Ballot  
18 Transmitted to a Covered Voter Via Facsimile or Electronically. When a covered voter  
19 receives a military-overseas ballot via facsimile or electronically:

1 (1) If the covered voter requires assistance in voting, the covered voter and the  
2 person who assists the covered voter shall complete the Voter Assistance Form, except  
3 the "Section to be Completed by Precinct Election Officer";

4 (2) The covered voter shall mark the military-overseas ballot and seal it in an  
5 envelope;

6 (3) The covered voter shall complete and sign the Voter Verification and  
7 Declaration;

8 (4) The covered voter shall place the Voter Verification and Declaration, Voter  
9 Assistance Form, if the voter received assistance in voting, and the envelope containing  
10 the military-overseas ballot in a separate envelope and seal it;

11 (5) The covered voter shall print the covered voter's name, voting address, and  
12 precinct number on the back of the outer envelope;

13 (6) The covered voter shall sign across the back flap of the outer envelope;

14 (7) The covered voter shall print "Absentee Ballot" on the front of the outer  
15 envelope, without obstructing the address area; and

16 (8) The covered voter shall mail the envelope to the county clerk.

17 Section 4. Electronic Free-Access System. Each county clerk shall either participate  
18 in the electronic free-access system established by the State Board of Elections or  
19 establish a local electronic free-access system by which a covered voter may determine  
20 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.


3 Section 5. Incorporation by Reference. (1) The following material is incorporated  
4 by reference:

5 (a) "Instructions for Voting to a Covered Voter Who Has Been Faxed or  
6 Electronically Transmitted a Military-Overseas Ballot", SBE 46A, rev. July 2014;

7 (b) "Voter Assistance Form", SBE 31, 04/2022; and

8 (c) "Voter Verification and Declaration", SBE 46B, rev. July 2014.

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



Karen Sellers

Executive Director, State Board of Elections

*Filed with the concurrence of the Attorney General*



## PUBLIC HEARING AND PUBLIC COMMENT PERIOD

A public hearing on this temporary emergency administrative regulation shall be held on June 28, 2022, 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 June 30, 2022. 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 4:131E Contact Person: Taylor Brown, phone: 502-782-9499, email: TaylorA.Brown@ky.gov

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the procedures for the county clerk to follow when transmitting a military-overseas ballot to a covered voter via facsimile or electronically and for a covered voter to follow when filling out and returning a military-overseas ballot that was transmitted to the covered voter via facsimile or electronically, incorporates by reference standardized absentee-voting materials and a declaration to be used by covered voters, and implements the electronic free-access system pursuant to KRS 117A.130.

(b) The necessity of this administrative regulation: This administrative regulation is necessary given that: KRS 117.079 requires the State Board of Elections, as circumstances warrant and with the concurrence of the Attorney General, to promulgate necessary administrative regulations to preserve the absentee voting rights of residents of Kentucky who are covered voters as defined in KRS 117A.010; 52 U.S.C. 20302(e) requires the states to provide not less than one (1) means of electronic communication for use by absent uniformed services voters and overseas voters who wish to register to vote or vote in any jurisdiction in the state to request voter registration applications and absentee ballot applications, for use by the state to send voter registration applications and absentee

ballot applications, and for the purpose of providing related voting, balloting, and election information to uniformed services voters and overseas voters; KRS 117A.030(4) requires the State Board of Elections to establish an electronic transmission system through which a covered voter may apply for and receive voter registration materials, military-overseas ballots, and other information authorized under KRS Chapter 117A; KRS 117A.030(5) requires the State Board of Elections to develop standardized absentee-voting materials, including privacy and transmission envelopes and their electronic equivalents, authentication materials, and voting instructions, to be used with the military-overseas ballot of a voter authorized to vote in any jurisdiction in the Commonwealth; KRS 117A.030(6) requires the State Board of Elections to prescribe the form and content of a declaration for use by a covered voter to swear or affirm specific representations pertaining to the voter's identity, eligibility to vote, status as a covered voter, and timely and proper completion of a military-overseas ballot; KRS 117A.130 requires the State Board of Elections, in coordination with local election officials, to implement 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 has been received.

(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. KRS 117.079 requires the State

Board of Elections, as circumstances warrant and with the concurrence of the Attorney General, to promulgate necessary administrative regulations to preserve the absentee voting rights of residents of Kentucky who are covered voters as defined in KRS 117A.010. KRS 117.086(1) authorizes the State Board of Elections to promulgate administrative regulations establishing security requirements for the transmission of voted absentee ballots. KRS 117A.030(2) authorizes the State Board of Elections to promulgate the administrative regulations necessary to implement KRS Chapter 117A.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation fulfills the mandates of KRS 117.079, KRS 117A.030(4), KRS 117A.030(5), KRS 117A.030(6), KRS 117A.130

(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) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:

This administrative regulation will affect all the State Board of Elections, county clerks, covered voters as defined by KRS 117A.010(1), and those who may assist covered voters.

(4) Provide an analysis of how the entities identified in question (3) 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 (3) will have to take to comply with this administrative regulation or amendment. The State Board of Elections and county clerks will need to make available the required items; covered voters and those that may assist them will need to take the described steps to receive and return a ballot.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): The State Board of Elections estimates that the implementation of this administrative regulation will result in the entities involved incurring only nominal costs.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Compliance with this new administrative regulation will benefit the entities involved in that they will be able to further guarantee free and fair elections in the Commonwealth.

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

(a) Initially: The expected cost of the implementation of this administrative regulation for the State Board of Elections will be nominal.

(b) On a continuing basis: The expected continuing cost of this administrative regulation for the State Board of Elections will be nominal.

(6) 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.

(7) 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: It is expected that implementation of this administrative regulation can be achieved without an increase in fees or funding by the General Assembly.

(8) 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.

(9) 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 recommendations for uniform procedures for the administration of elections throughout all of the counties in the Commonwealth.

## FISCAL NOTE

31 KAR 4:131E

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

(1) What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation?

At the state level, the State Board of Elections will be impacted by this administrative regulation. At the local level, county clerks will be impacted by this administrative regulation.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 117.015(1)(a), KRS 117.079, KRS 117.086(1), 52 U.S.C. 20302(e), and KRS 117A.130 require and authorize the actions taken by this administrative regulation.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? It is not expected or intended that this administrative regulation will generate any revenue.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? It is not expected or intended that this administrative regulation will generate any revenue.

(c) How much will it cost to administer this program 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.

(d) How much will it cost to administer this program for subsequent years? The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): It is not expected or intended that this administrative regulation will generate any revenue.

Expenditures (+/-): The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.

Other Explanation: N/A

(4) Estimate the effect of this administrative regulation on the expenditures and cost savings of regulated entities for the first full year the administrative regulation is to be in effect.



(a) How much cost savings will this administrative regulation generate for the regulated entities 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.

(b) How much cost savings will this administrative regulation generate 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.

(c) How much will it cost the regulated entities for the first year? The State Board of Elections estimates that the implementation of this administrative regulation will result in the regulated entities incurring only nominal costs.

(d) How much will it cost the regulated entities for subsequent years? The State Board of Elections estimates that the implementation of this administrative regulation will result in the regulated entities incurring only nominal costs.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Cost Savings(+/-): It is not expected that this administrative regulation will result in any cost savings.

Expenditures (+/-): The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.

Other Explanation: N/A

(5) Explain whether this administrative regulation will have a major economic impact, as defined below. *"Major economic impact" means an overall negative or adverse economic impact from an administrative regulation of five hundred thousand dollars (\$500,000) or more on state or local government or regulated entities, in aggregate, as determined by the promulgating administrative bodies. [KRS 13A.010(13)].* The State Board of Elections does not expect that this administrative regulation will result in a major economic impact as it is not expected to have an overall negative or adverse economic impact of five hundred thousand dollars (\$500,000) or more on state or local government or regulated entities, in aggregate.

## SUMMARY OF MATERIAL INCORPORATED BY REFERENCE

"Instructions for Voting to a Covered Voter Who Has Been Faxed or Electronically Transmitted a Military-Overseas Ballot", Form SBE 46A, rev. July 2014 is the 1-page form provides instructions for voting a military-overseas ballot to a covered voter who has been faxed or electronically transmitted such.

"Voter Assistance Form", Form SBE 31, 04/2022 is the 1-page form that allows voters requiring assistance to make and sign the oath required under KRS 117.225(2).

"Voter Verification and Declaration", Form SBE 46B, rev. July 2014 is the 1-page form that allows covered voters to verify and attest to their eligibility for a military-overseas ballot.

# VOTER VERIFICATION AND DECLARATION

You must complete, date and sign the Voter Verification and Declaration AND sign the back of your outer envelope for your ballot to be counted.

If you receive assistance in voting, then you and the person rendering assistance must also complete and return the Voter Assistance Form.

Name: \_\_\_\_\_  
Last First Middle Suffix

Identification: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ / / \_\_\_\_\_  
Social Security Number Birthdate (MM/DD/YYYY)

- Classification:  I am a member of the Uniformed Services or Merchant Marine on active duty OR an eligible spouse or dependent.  
 I am an activated National Guard member on State orders OR an eligible spouse or dependent.  
 I am a U.S. citizen residing outside the United States, and I intend to return.  
 I am a U.S. citizen residing outside the United States, and my return is not certain.  
 I am a U.S. citizen and have never resided in the United States.

Voting Residence Address:

\_\_\_\_\_  
Street Address Apt. # City/Town/Village County State Zip Code

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 under the laws of the United States of the Commonwealth of Kentucky.
- I am a U.S. citizen, at least 18 years of age (or will be by the day of the election), eligible to vote in this 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 this jurisdiction.
- 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.

Signature X \_\_\_\_\_ Today's Date: \_\_\_\_\_

COMMONWEALTH OF KENTUCKY  
STATE BOARD OF ELECTIONS

**VOTER ASSISTANCE FORM**

NOTE: A voter requiring assistance may be assisted by the two precinct judges or a person of the voter's choice who is not an election officer, except that the voter's employer, an agent of that employer, or an officer or agent of the voter's union shall not assist a voter.

NAME OF VOTER		DATE OF BIRTH (MM/DD/YYYY)	
RESIDENTIAL ADDRESS			
	<i>Complete Street Address</i>	<i>City</i>	<i>Zip Code</i>
PRECINCT NAME OR PRECINCT NUMBER			
Check <input checked="" type="checkbox"/> one:			
<input type="checkbox"/>	Voter has been certified as requiring assistance on a permanent basis as indicated on precinct roster. The following oath must be signed <i>by the person assisting the voter</i> and be witnessed by the precinct clerk/officer.		
<input type="checkbox"/>	Voter is NOT certified as requiring assistance on a permanent basis. <i>Both</i> of the following oaths must be completed and signed by the voter, the person assisting the voter, and be witnessed by the precinct clerk/officer.		

**OATH FOR VOTER NOT CERTIFIED AS REQUIRING ASSISTANCE ON A PERMANENT BASIS**

(Voter certified as requiring assistance on a permanent basis as indicated on precinct roster need not sign this oath section.)

I hereby state, under oath (or affirmation), that I am a qualified voter in the precinct indicated above, and that the reason I require assistance in voting is (check one):     Blindness     Physical disability     Inability to read English

\_\_\_\_\_  
Signature or "mark" of voter

\_\_\_\_\_  
Witness (two witnesses required if "mark" is used)

\_\_\_\_\_  
Witness (two witnesses required if "mark" is used)

**OATH FOR PERSON ASSISTING VOTER**

**(THIS PORTION MUST BE COMPLETED BY THE PERSON ASSISTING THE VOTER  
BEFORE ANY VOTER CAN RECEIVE ASSISTANCE)**

I hereby state, under oath (or affirmation), that I will operate the voting machine in accordance with the directions of the voter requiring assistance. I further state that I am not the voter's employer, an agent of that employer, or an officer or agent of that voter's union.

Name of person assisting voter (PLEASE PRINT)	Signature of person assisting voter

**APPLICATION REQUEST FOR PERMANENT ASSISTANCE**

Voter who requires assistance on a permanent basis due to  Blindness (or)  Physical disability hereby applies for certification for permanent assistance.

**SECTION TO BE COMPLETED BY PRECINCT ELECTION OFFICER**

The parties hereto have subscribed and sworn (or affirmed) these Oaths before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Signature of Precinct Election Officer

KRS 116.165	Provides that "any person who falsely signs and verifies any form requiring verification shall be guilty of perjury and subject to penalties therefor."		
KRS 117.255			
KRS 117.365			
KRS 117.995		WHITE:	Grand Jury
		CANARY:	County Clerk
SBE 31 (04/2022)		PINK:	County Board of Elections

## Instructions for Voting To a Covered Voter Who Has Been Faxed or Electronically Transmitted a Military-Overseas Ballot

- Materials needed:
- \* Blank military-overseas ballot
  - \* 2 envelopes (can print at [www.elect.ky.gov](http://www.elect.ky.gov))
  - \* Voter Verification and Declaration
  - \* Sufficient Postage
  - \* Voter Assistance Form (if you need assistance)

**STEP 1: If you need assistance voting, complete the Voter Assistance Form:**

- > The person who is assisting you must complete the "Oath for Person Assisting Voter." Neither your employer, an agent of your employer, nor an officer nor agent of your labor union may assist you in voting.
- > If you are not certified as needing assistance to vote on a permanent basis but need assistance to vote due to blindness, other physical disability, or inability to read English, you must complete the "Oath for Voter Not Certified as Requiring Assistance on a Permanent Basis."
- > You are not required to complete the "Section to Completed by Precinct Election Officer."

**STEP 2: Complete the Absentee Ballot.**

- > Complete your ballot in private. Do not allow anyone to observe you marking your ballot, unless you have been certified as needing assistance to vote on a permanent basis or need assistance to vote due to blindness, other physical disability, or inability to read English. Vote for only one candidate per race unless ballot instructions indicate otherwise. Voting for more than the allowed number will result in an over vote, and your vote in that race will not be counted.
- > If a mistake is made with a pencil, please erase the mistake completely, and correct the mistake.
- > If a mistake is made with a pen, please circle the name of the candidate you wish to select.
- > When you are finished marking your ballot, double check it for accuracy.

**STEP 3: Place the voted ballot in one of the envelopes (the "inner envelope") and seal it.**

**STEP 4: Complete and sign the Voter Verification and Declaration.**

- > Your ballot will not be counted if you do not complete, date, and sign this form.

**STEP 5: Place the inner envelope, Voter Verification and Declaration, and if you received assistance to vote, the Voter Assistance Form in the second envelope (the "outer envelope") and seal it.**

**STEP 6: On the back of the outer envelope:**

- > Print your name, voting address, and precinct number exactly as they appear below.
- > Sign your name across the flap.

**STEP 7: On the front of the outer envelope:**

- > Print the address of your county clerk as listed below.
- > Print "Absentee Ballot," without obstructing the county clerk's address.
- > Affix sufficient postage.

**STEP 8: Mail the Envelopes to the County Clerk**

- > The absentee ballot must be delivered by mail and received by the county clerk by **6:00 p.m. local time on the day of the election** in order to be counted. Kentucky law prohibits a county clerk from accepting a completed ballot by fax or electronic transmission. It must be mailed.

**YOU MUST COMPLETE THE VOTER VERIFICATION AND DECLARATION, SIGN THE OUTER ENVELOPE, AND SEAL BOTH ENVELOPES FOR YOUR BALLOT TO BE COUNTED.**

**To be completed by the County Clerk for the use of the voter**

Voter Name		Clerk Name	
Voter Address		Clerk Address	
Voter Precinct		Clerk Phone #	

**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.