



# **STATE BOARD OF ELECTIONS**

## **PRECINCT ELECTION**

### **OFFICERS' GUIDE**

# **NOVEMBER 3, 2020 GENERAL**

**Last Revised: September 2020**

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### **RESPONSIBILITIES OF ALL PRECINCT ELECTION OFFICERS**

1. Open the polling place for voting at 6:00 a.m. Please arrive at the precinct at least by 5:30 a.m. to allow yourself enough time to prepare the polling place before 6:00 a.m.
2. Set up all voting equipment, including the accessible voting machine. All equipment must be set up by 6:00 a.m. This includes the accessible voting equipment.
3. Assist in the opening, examination, and closing of the voting machines.
4. Ensure the voting equipment is set up to maintain a voter’s privacy.
5. Ensure that Election Day posters and notices are posted.
6. Ensure that only registered voters enter the voting machine to cast a ballot.
7. Throughout the day, compare the ballot face of the machine with the sample ballot to be sure that there have been no alterations on the ballot face. For counties using paper ballots, ensure you are providing the correct ballot to each voter.
8. If a problem should arise with a voting machine, immediately contact your county clerk for instructions.
9. Ensure that the election laws are obeyed and that any potential violation is reported to the Precinct Sheriff for his/her entry and signature on form SBE 53, Precinct Sheriff’s Post-Election Report.
10. All voters must: 1) either: produce proof of identification; complete form SBE 71, Voter Affirmation Form, and provide accompanying documents; or be a personal acquaintance of the precinct election officer; and 2) sign the Precinct Signature Roster (Electronic Poll

Book), or form SBE 25, Supplemental Precinct Signature Roster, before casting a ballot. A voter who does not produce proof of identification, does not complete form SBE 71, Voter Affirmation Form, and provide accompanying documents, or is not a personal acquaintance of a precinct election officer may request a hearing before the county board of elections or vote a provisional ballot.

11. If the voter does not have physical proof of identification but is a personal acquaintance of a precinct election officer, the election officer must execute form SBE 72, Election Officer Affirmation Form, affirming the voter's identification as being personally known to the official.
12. The precinct election officer verifies the identity of the voter by affixing his/her initials in the "Clerk Initials" screen on the Electronic Poll Book or column of form SBE 25, Supplemental Precinct Signature Roster. Do not write in any other areas.
13. If a voter's name does not appear on the Electronic Poll Book, verify that the voter is in the correct precinct by reviewing the voter's address with maps/information provided by the county clerk.
14. You must confirm the eligibility of a voter whose name does not appear on the Electronic Poll Book or form SBE 25, Supplemental Precinct Signature Roster, but claims to be in the correct precinct, by:
  - Contacting your county clerk, or
  - Contacting the toll-free State Board of Elections' Voter Registration Verification System. (See pages 23 and 24). The telephone number will be provided in your Election Day supplies.
15. If you can confirm the eligibility of a voter whose name is not on the Electronic Poll Book or form SBE 25, Supplemental Precinct Signature Roster, the voter must complete form SBE 32, Oath of Voter, a new voter registration card indicating the new address, and form SBE 25, Supplemental Precinct Signature Roster, before casting a ballot on the voting machine. If the voter's name is on the list of voters who must confirm their information, have them complete the same.
16. Any precinct election officer may complete and sign the bottom portion of form SBE 32, Oath of Voter, when it is used. Make sure you completely fill out the reason for requiring the oath on the "Reason for Requiring Oath" portion of form SBE 32, Oath of Voter.
17. If the voter's eligibility cannot be confirmed, the voter cannot vote at the precinct on the voting machine. The precinct election officer must instruct the individual of the option to request a hearing before the county board of elections to determine eligibility.
18. Instruct the voter, when requested, how to operate the voting machine:
  - a. Do not enter the voting machine privacy area after the voter has entered this area.
  - b. Do not make any comments that might be considered in favor of any party, candidate, or public question.
  - c. Do not hover in the voting privacy area after providing instructions to the voter.
  - d. Do not attempt to view the voter's selections as he or she votes.

19. Any precinct election officer may complete and sign the bottom portion of form SBE 31, Voter Assistance Form, when it is used.
20. If voters are waiting in line to use a voting machine, no voter shall have more than two minutes in which to vote, except that voters with disabilities may have extra time to cast a ballot on any voting machine of their choice.
21. Any voter may vote on the accessible voting machine regardless of whether the voter has a disability.
22. Sign return sheets and post-election results at the polling place at the end of the day.
23. Complete and sign the Ballot Accountability Statement if using paper ballots.
24. Properly fill out all required forms. Use ink pens only. Do not use markers or pencil.
25. Duties for additional precinct election officers will be assigned by the county board of elections.
26. Your county board of elections will provide detailed training on how to set up, use, and close the voting machines for your precinct.

### **Procedure when a voting machine becomes unusable on Election Day (KRS 117.215)**

If a voting machine malfunctions on Election Day, the precinct election officers are instructed to follow these procedures (KRS 117.215 and KRS 117.225):

#### **PROCEDURE FOR ELECTRONIC MACHINES**

##### **WHEN A RESERVE VOTING MACHINE IS AVAILABLE**

- The precinct election officers should call the county clerk to determine if a reserve voting machine is available.
- Upon the direction of the county clerk, the precinct election officers should lock and seal the malfunctioning machine and record the numbers shown on the public counter on the malfunctioning machine's Verification Sheet.
- The reserve voting machine should be prepared and made ready for use by the precinct election officers. The county clerk should ensure that the precinct name and number is assigned on the reserve machine's Verification Sheet before delivery to the precinct.
- When the polls close, both the original and the reserve machine should be examined and the votes counted. The sum of the total number of votes cast on both machines for each candidate will be certified as the results of the election in that precinct.

These procedures should be noted on form SBE 53, Precinct Sheriff's Post-Election Report, on form SBE 54, County Board of Elections Post-Election Report, and in the minutes of the county board of elections.

### **PROCEDURE FOR SCANNER MACHINES**

As stated above, KRS 117.215 mandates the procedures for when an electronic voting machine becomes unusable on Election Day and you have a reserve machine available. However, the law is silent as to how to handle the situation when a scanner machine becomes unusable.

Your county board of elections should seek the advice of your county attorney before deciding on a course of action to address the unique factual situations that may arise in your county on Election Day. However, the State Board of Elections has developed the following suggestions of procedures that may be helpful.

If a scanner machine becomes unusable on Election Day, please be sure to note the procedures you follow on form SBE 53, Precinct Sheriff's Post-Election Report, form SBE 54, County Board of Elections Post-Election Report, and in the minutes of the county board of elections.

## **WHEN A RESERVE MACHINE IS AVAILABLE**

- The precinct election officers should direct voters to vote on the electronic accessible voting machine in the precinct.
- The precinct election officers should call the county clerk to determine if a reserve scanner is available.
- The voting machine technician or county board of election designee should be called to the precinct to replace the machine.
- With both precinct judges present, the technician should:
  - break the seal on the scanner and unlock the door;
  - place all already scanned ballots that are in the bottom of the tub into an envelope, seal it, and leave the sealed envelope in the black tub;
  - pull out the black drawer that is located in the tub (there could be ballots in this drawer, which will be scanned once the replacement scanner is mounted onto the tub);
  - remove the malfunctioning scanner from the tub; and
  - place the reserve scanner on the tub and continue with start-up procedures including printing a zero tape that should be signed by the witnessing precinct election officers.
- Each county should develop a service call sheet to be completed by the technician and signed by two precinct election officers of differing political parties that includes the following:
  - County, date, machine number, time of service and precinct;
  - Space for the technician to detail the need for the service call, any repairs made, or replace of malfunctioning machine;
  - Public counter numbers and seal numbers on malfunctioning machine and replacement machine; and
  - Signature lines for the technician and the two precinct election officers of differing political parties.
- The two precinct officers of differing political parties should then scan any ballots that were placed in the black drawer immediately making sure all ballots are scanned.
- The technician will return the malfunctioning scanner to the county clerk's office. If votes were placed on the malfunctioning scanner, the Mobile Ballot Box ("MBB") should not be removed until polls are closed and it is time to run the tally of the votes.

## **PROCEDURE FOR ALL VOTING MACHINES**

## **WHEN NO RESERVE MACHINE IS AVAILABLE**

- The precinct election officers should call the county clerk to determine if a reserve voting machine is available.
- The precinct election officers should direct voters to the electronic accessible voting machine, if such machine is available.
- The county clerk should provide supplemental paper ballots for use at the precinct and a ballot box in which to deposit the voted ballots, along with a ballot accountability statement.

- The precinct election officers should lock or seal the malfunctioning machine and record the numbers shown by the public counter on the malfunctioning machine's Verification Sheet.
- If supplemental paper ballots are used, the voter takes the supplemental paper ballot with stub intact and goes alone to the voting booth. After voting the paper ballot, the voter must remove the numbered stub, hand the stub to a precinct election officer and deposit the voted ballot in the locked ballot box. The ballot box must be locked with two (2) locks and the judges of the precinct must each hold the key to one lock.
- If supplemental ballots are used, the precinct election officers should return the voted supplemental paper ballots to the county board of elections and tally the votes cast on the voting machine at the precinct. The county board of elections will count the voted supplemental paper ballots and will add the supplemental paper ballot tally to the tally of the votes from the voting machine. The sum of these votes will be certified as the results of the election in that precinct.

These procedures should be noted on form SBE 53, Precinct Sheriff's Post-Election Report, on form SBE 54, County Board of Elections Post-Election Report, and in the minutes of the county board of elections.

## **DUTIES OF PRECINCT CLERK USING ELECTRONIC POLL BOOK (EPB)**

<b>Check (✓) when Complete</b>	<b>DUTIES</b>
	If using MIFI in precinct, turn MIFI on and then plug into outlet.
	Plug EPB into outlet using charging cord and EPB will automatically turn on. If not plugged into outlet, EPB can be turned on by pressing the button on the side and holding for 10 seconds.
	Touch the red, white and blue icon to launch the EPB application. Verify the correct County and date-of-election are identified.
	Press the Green Start button and enter your full first and last name. Select Continue and Unlock Device.
	If you are using the MIFI device, ensure the absentee delta files have downloaded to the device. (Bottom Center of Home Screen). If updates have not been received, you will receive instructions from your County Clerk regarding getting information to the EPB. This will include updating the absentee voters via manual scan. No person who has requested and received an absentee ballot by October 28, 2020 may vote in person at the polling place on Election Day, unless you receive a court order
	Search the EPB by either scanning the driver's license or selecting the Identification Type and entering their identification requested.
	If the individual's name is not found on the EPB, call the county clerk immediately.
	Before a voter signs the EPB or form SBE 25, Supplemental Precinct Signature Roster, confirm the voter's identity.

	<p>Verify the identification of each voter with a document issued by one of the following:</p> <ul style="list-style-type: none"> <li>• The United States or the Commonwealth of Kentucky (document must contain the name of the individual to whom the document was issued and a photograph of the individual to whom the document was issued).</li> <li>• The United States Department of Defense, a branch of the uniformed services, the Merchant Marines, or the Kentucky National Guard (document must contain the name of the individual to whom the document was issued and a photograph of the individual to whom the document was issued).</li> <li>• A public or private college, university, or postgraduate technical or professional school located within the United States (document must contain the name of the individual to whom the document was issued and a photograph of the individual to whom the document was issued).</li> <li>• Any city government, county government, urban-county government, charter county government, consolidated local government, or unified local government, which is located within this state (document must contain the name of the individual to whom the document was issued and a photograph of the individual to whom the document was issued).</li> </ul> <p>** If the voter does not have any of the identification listed above, they must complete form SBE 71. Along with form SBE 71, the voter must present one of the following:</p> <ul style="list-style-type: none"> <li>• The voter's Social Security Card</li> <li>• Any identification card issued by a county in this state which has the name of the voter stated and has been approved in writing by the State Board of Elections pursuant to administrative regulations promulgated under KRS Chapter 13A</li> <li>• Any identification card with the voter's photograph and the name of the voter stated</li> <li>• Any food stamp identification card, electronic benefit transfer card, or supplemental nutrition assistance card, that is issued by this state and has the name of the voter stated</li> <li>• A credit or debit card with the name of the voter stated.</li> </ul> <p>** If the voter is personally known to you, you may confirm their identity by completing SBE 72, Election Official Affirmation Form.</p>
	<p>After confirming the voter's identity, you will select whether the voter is receiving a paper ballot or voting on an electric machine and get the voter's signature on the EPB. Other potential status' for the voter include:</p> <ul style="list-style-type: none"> <li>• Absentee Ballot sent: voter cannot be issued a regular ballot. If voter disputes, CONTACT YOUR COUNTY CLERK.</li> <li>• Military Absentee: voter cannot be issued a regular ballot UNLESS he/she provides an Authorization to Vote issued by the County Clerk's office. If voter disputes, CONTACT YOUR COUNTY CLERK.</li> </ul>

	<ul style="list-style-type: none"> <li>• Voter in Wrong Location: You will either redirect them to correct location or have them sign the supplemental roster. CONTACT YOUR COUNTY CLERK</li> <li>• Confidential Voter: home address NOT listed.</li> <li>• Needs Assistance: the voter has a permanent assistance agreement. You will still need to attest the signature of any person who assists a voter on form SBE 31, Voter Assistance Form.</li> <li>• Voter Already Voted: voter cannot be issued a regular ballot. If voter disputes, CONTACT YOUR COUNTY CLERK.</li> <li>• INACTIVE voter: Voter must fill out a voter registration card, complete an Oath of Voter and sign the supplemental roster before being provided the ballot.</li> </ul>
	Ballots can be spoiled and reissued by selecting the menu on the right upper screen and selecting "Spoil Ballot."
	<p>Closing the Election: If you are not using MIFI, you will turn the EPB off by holding down the button on the side for 10 seconds and power off.</p> <p>If you are using the MIFI:</p> <ul style="list-style-type: none"> <li>• Touch top right menu button and select Logout.</li> <li>• Select "Close the Election."</li> <li>• You will see a warning screen. Select "Yes."</li> <li>• An orange box will appear while synchronization occurs.</li> <li>• You may see "XX transactions pending"</li> <li>• Do not turn off until you see "Device Locked" in green under the BACK button.</li> </ul>
	Note any errors on form SBE 53, Precinct Election Sheriff's Post-Election Report.
	If using paper ballots, complete and sign the Ballot Accountability Statement, a form created by the county clerk. (See Samples of Election Day Forms). This form may also request the Grand total of voters who signed EPB and Supplemental Roster.

## SPECIAL DUTIES OF PRECINCT JUDGES

Check (✓) when Complete	DUTIES
	Ask each voter to choose the type of voting machine he or she would like to use to cast their ballot. Any voter may vote on the accessible voting machine regardless of whether the voter has a disability.
	Inform the Precinct Sheriff of any election law violations, potential election law violations, irregularities and suggestions for improvement or other comments.
	Examine the voting machine and compare the ballot face of the machine with the sample ballot prior to opening the polling place for voting or check to ensure

	the correct paper ballots have been sent to your precinct. Immediately report any discrepancies to your county clerk.
	Sign form SBE 31, Voter Assistance Form, and render assistance to any voter who meets the legal requirements for assistance in operating the voting machine if the voter does not bring someone to assist him or her or does not select someone at the polling place other than the precinct judges. [see "Voter Needs Assistance in Voting" section of this Precinct Election Officers' Guide for details on when the precinct judges may offer assistance.] Voters must meet one of the following conditions rendering him unable to vote without assistance, in order to be eligible to receive voting assistance: <ul style="list-style-type: none"> <li>• Inability to read English;</li> <li>• Physical disability; or</li> <li>• Blindness.</li> </ul>
	Regularly check the voting machine screens to make sure they are clean and without stray marks left by voters.
	Seal and lock the voting machine after the polls have closed.
	Sign the voting machine Verification Form for each voting machine in your precinct, a form created by the county clerk. (See Samples of Election Day Forms).
	Attest the signature of any person who assists a voter on form SBE 31, Voter Assistance Form.
	If using paper ballots, sign the Ballot Accountability Statement, a form created by the county clerk. (See Samples of Election Day Forms).
	Return all election supplies and results of the election to the county board of elections.

## SPECIAL DUTIES OF PRECINCT SHERIFF

Check (✓) when Complete	DUTIES
	Compare the ballot face of the machine with the sample ballot prior to opening the polling place or check to ensure the correct paper ballots have been sent to your precinct. Immediately report any discrepancies to the county clerk.
	Display American flag at the entrance to polling place and install temporary accessibility devices, when instructed by the county clerk. This includes installing handicap-parking signs, parking cones for creating the accessible parking spaces, doorknob adapters, ramps, etc.
	Maintain order at the polling place. No person, except for challengers, is permitted to have paper, telephone, cellphones, computers or other technology systems in the voting room for the purpose of creating check-off lists or to record the identity of any voter. Voters may have cellphones in their possession and take ballot selfies in accordance with 31 KAR 4:170(2).
	Ensure only those persons allowed by law to be in the voting room are granted access.

	If media appear, immediately contact the county clerk. Members of the news media are allowed in the voting room for the limited purpose of filming the voting process. The media may not film the identity of the voters, conduct interviews with voters inside the voting room, or disrupt the voting process.
	Report any potential election law offenses to the county clerk, county sheriff, and/or the Kentucky State Police.
	Note all election law violations, potential election law violations, irregularities, and suggestions for improvement or other comments on form SBE 53, Precinct Sheriff's Post-Election Report. Sign form SBE 53, Precinct Sheriff's Post-Election Report, and include with the election supplies on election night. A supplement to this report may be filed with the county clerk within three (3) days of the election.
	Synchronize all clocks and promptly at 6:00 p.m., station yourself at the end of the line of persons waiting to vote. <ul style="list-style-type: none"> <li>• All voters in line by 6:00 p.m. must be allowed to vote regardless of how long it takes.</li> <li>• No person who joins the line after the precinct sheriff shall be allowed to vote.</li> <li>• If your precinct is sharing a voting location, each precinct must close at the same time unless there is a line in the precinct.</li> </ul>
	Attest the signature of any person who assists a voter on form SBE 31, Voter Assistance Form.
	If using paper ballots, sign the Ballot Accountability Statement. (See Samples of Election Day Forms).

## BALLOT AND VOTING MACHINE FORMS

### **BALLOT ACCOUNTABILITY STATEMENT (SEE PAGE 57)**

(Only applies to counties using paper ballots in the precinct)

**GENERAL ELECTION:** An accounting of the total number of each type of ballot submitted to the precinct.

**Contains:**

- An oath for the county clerk to sign attesting to the accuracy of the information provided on the statement;
- An accounting of the total number of ballots used, unused, and spoiled on Election Day to be completed by the precinct election clerk and signed by all four (4) precinct election officers;
- An accounting of the total number of ballots returned to the county clerk at the end of the Election Day to be completed by the precinct election clerk;
- A section that allows for the precinct election clerk to explain any discrepancies;

- An oath for all four of the precinct election officers to sign attesting to the accuracy of the information provided on the statement; and
- The signatures of all four precinct election officers.

## **ESCAN VERIFICATION FORM (SEE PAGE 51)**

### **ONE VERIFICATION FORM PER VOTING MACHINE:**

#### Contains:

- The assigned precinct name and number, if applicable;
- The serial numbers of the voting system components;
- The seal numbers;
- Counter number at the beginning of the election, if applicable;
- Counter number at the end of the election, if applicable;
- Signature line for the program administrator who sealed the voting system after the accuracy test; and
- Signature lines for the two precinct election judges to sign on Election Day.

## **ELECTION SECURITY PLAN**

Election Day security is largely in your hands. Each county must have a security plan in place. Your county board of elections must train you on your county's procedures to ensure security of the voting equipment and election materials. Below are procedures to follow in every county to ensure security.

### **MACHINE DELIVERY**

**THE COUNTY CLERK MUST DELIVER THE MACHINES AND ALL VOTING SUPPLIES TO THE PRECINCTS AT LEAST ONE HOUR BEFORE THE POLLS OPEN. THE COUNTY SHOULD DESIGNATE A SECURE LOCATION WITHIN THE PRECINCT FOR THE STORAGE OF THESE ITEMS UNTIL YOUR ARRIVAL. MAKE SURE YOU KNOW WHERE TO FIND YOUR ELECTION MATERIALS IF YOU DO NOT ALREADY HAVE THEM.**

### **MACHINE PLACEMENT**

After you have inspected all equipment and supplies and made sure the equipment and supplies are ready for use, begin the setup of each polling place. When you set up your precinct, the following must be guaranteed:

- Voters should not be able to access the voting devices' power control, counter controls, and results storage media.

- You should maintain control of all administrator and ballot activation devices.
- You should verify date, time, and precinct on the voting devices.

Make sure that the precinct, as well as the accessible voting machine, remains accessible to all voters with disabilities.

### **PAPER BALLOTS AT THE PRECINCT**

If your county uses paper ballots, count and verify the number of ballots you have received on the proper forms.

Ensure that you secure all paper ballots throughout the day. Do not leave a stack of ballots unattended at any time during the day or allow voters access to the paper ballots unless voting a ballot.

### **POLLING LOCATION AND PROCESS SECURITY**

You should secure the area around the voting devices at all times.

Only precinct election officers and other legally authorized personnel and registered voters waiting to vote should be allowed in this area. Each precinct election officer should have a clearly defined role so voters are able to identify the precinct election officers and their particular responsibilities.

- The precinct judges should maintain control of the ballot activation device and, if issued to the voter, only issue the device when a voting machine is available for the voter's use.
- Precinct election officers must be vigilant to make sure the voting devices have not been damaged or tampered with.

You should occasionally compare the following:

- The number of votes recorded on the voting device.  
VS.
- The number of signatures in the EPB, and form SBE 25, Supplemental Precinct Signature Roster.

**If these numbers do not match, the precinct election officers should immediately contact the county clerk.**

Important security concerns may be avoided if you do the following:

- Arrange the voting machines or privacy booths so that the flow of traffic is not passing behind the voters as they are casting their ballots.
- Manage the flow of voters within the polling area so that lines are minimal and occur at the registration table and not at the machine.

- Do not let voters sign the EPB or form SBE 25, Supplemental Precinct Signature Roster, until a voting device is ready. Do not let a line develop at the voting device. Keep the line at the registration table.
- Wear identification tags so that the voters will recognize you as being a precinct election officer at the polling location.
- Call the county clerk immediately when a problem occurs.

## **SECURITY FOR ELECTION DAY CLOSING**

### **WHEN TO CLOSE THE POLLS, RECORDING THE RESULTS, AND SECURING THE EQUIPMENT AFTER CLOSING THE POLLS**

**After all voters who were in line by 6:00 p.m. have cast their ballots, it is time for the precinct election officers to close the voting devices and tabulate the votes.**

General Election Reminder: The governing authority of each political party, each candidate for member of board of education, nonpartisan candidate, independent candidate, or independent ticket may designate a representative to the county board of elections to witness and check the vote count. Representatives of the news media may also witness the vote count.

### **WHEN CLOSING THE POLLS, YOU SHOULD FOLLOW THE PROCESS BELOW:**

- You should validate the number of voter activation devices and secure them in a transport case for return to the local election office.
- The voting devices should be secured by using the numbered closing seals.
- You should complete and sign the proper paperwork to be returned to the county clerk, county board of elections, and grand jury.
- The public and protective counter numbers should be recorded on the return envelopes along with device serial number and seal numbers on the Verification Forms.
- The print out totals for each voting device used should be recorded on the proper paperwork, posted at the precinct, and then returned to the county clerk and county board of elections.
- The precinct judges should return the devices and materials to the county clerk and county board of elections, making certain to properly seal all devices before transport begins. Do not put these materials inside the voting machine. The voting machine is to be locked for thirty (30) days after the election and can only be opened by court order.

- The county clerk should verify receipt of all devices and confirm that all devices are properly sealed.

**AT THE END OF THE DAY, THE PRECINCT ELECTION OFFICERS SHOULD COMPARE THE FOLLOWING NUMBERS:**

- The number of votes recorded on the voting device.  
vs.
- The number of signatures in the EPB and form SBE 25, Supplement Precinct Signature Roster.

**NOTE: After the equipment is sealed after the election, the precinct election officers should secure the voting equipment in the location it was left prior to the election.**

**POSTERS AND NOTICES REQUIRED TO BE POSTED**

It is the duty of all precinct election officers to make sure these posters and notices are posted in a visible area inside the polling place by 6:00 a.m. on Election Day.

Check (✓) when posted	Form Number	Poster or Notice Title
	SBE 52	<b>VOTE BUYING &amp; SELLING ARE ILLEGAL</b> (KRS 117.030(2))
	SBE 52B	<b>CLERICAL ERROR</b> (KRS 117.030(3))
	SBE 52C	<b>VOTER RIGHTS &amp; RESPONSIBILITIES</b> (KRS 117.030(1))
	SBE 52D	<b>PROHIBITION AGAINST CHECK-OFF LISTS IN THE PRECINCTS</b> (KRS 117.236)
	NO NUMBER	<b>SAMPLE BALLOT</b> (KRS 117.175)
	NO NUMBER	<b>INSTRUCTIONS</b> ► <b>METHOD OF VOTING BY USE OF MACHINE, AND</b> ► <b>PROPER METHOD OF CASTING A WRITE-IN VOTE.</b> (KRS 117.175 and KRS 117.255(1))
	NO NUMBER	<b>SIGN NEAR EACH VOTING MACHINE IDENTIFYING THE PRECINCT FOR WHICH THE MACHINE HAS BEEN DESIGNATED, when 2 or more are sharing a facility.</b> (KRS 117.195(2))
	SBE/SOS/05	<b>NOTICE OF CANDIDATE WITHDRAWAL, IF ANY FILED WITH COUNTY CLERK PRIOR TO ELECTION DAY.</b> (KRS 118.212(5) AND KRS 118A.150(7))
	SBE 48C	Instructions for Voting a Provisional Ballot Poster This poster is to be posted in a conspicuous place where it may be easily seen by all voters and includes information to help the voter know how to cast a provisional ballot.

## **VOTER'S NAME IS ON THE LIST OF VOTERS ISSUED ABSENTEE BALLOTS**

At the beginning of Election Day, make sure the absentee delta files have downloaded to your EPB device, or the County Clerk has provided you cards for updating the absentee voters.

If the EPB indicates the voter voted absentee contact the county clerk before turning the voter away from the precinct.

No person who has applied for *and received* an absentee ballot before October 28, 2020 may vote in person at the polling place on Election Day, unless the precinct election officers receive a court order.

## **EPB AND SUPPLEMENTAL SIGNATURE ROSTERS**

The EPB Electronic Signatures and form SBE 25, Supplemental Precinct Signature Roster, serve as a record that an individual voter voted in an election. The rosters are also used to give the individual voter credit for voting in a particular Primary or General Election in the voter registration system. By following the procedures listed below for paper rosters, the voter will be given credit for voting in the voter registration system. "Voter Credit" means the record of the voter's attendance at the election and does not mean the ballot cast by the voter.

- Use ink pens only for Supplemental Precinct Signature Rosters.
- Do not use correction fluid ("white out") to correct any line in which someone signed in the wrong area. Note any such errors on a separate sheet of paper and on form SBE 53, Precinct Election Sheriff's Post-Election Report, and return to the county board of elections.
- Note the name of the voter you learn is deceased or has moved out of county on a separate sheet of paper and on form SBE 53, Precinct Election Sheriff's Post-Election Report, and return to the county board of elections.
- If a person signed form SBE 32, Oath of Voter, but did not sign form SBE 25, Supplemental Precinct Signature Roster, note the name of the voter on a separate sheet of paper, and on form SBE 53, Precinct Election Sheriff's Post-Election Report, and return to the county board of elections so that the person may receive voter credit.
- At the close of the polls, count the total the number of voters who signed the EPB (do not include absentee voters), the total number of voters who signed form SBE 25, Supplemental Precinct Signature Roster, and record the Grand Total on the Ballot Accountability Statement.

# FORM SBE 25, SUPPLEMENTAL PRECINCT SIGNATURE ROSTER - SAMPLE BLANK

SBE 25 (09/2020)

COMMONWEALTH OF KENTUCKY  
STATE BOARD OF ELECTIONS

PAGE \_\_\_\_\_ OF \_\_\_\_\_

## **SUPPLEMENTAL PRECINCT SIGNATURE ROSTER**

**TO BE SIGNED BY VOTERS QUALIFIED TO VOTE BUT NOT ON PRECINCT ROSTER**

ELECTION DATE \_\_\_\_\_

COUNTY NAME & CODE \_\_\_\_\_

PRECINCT NAME & CODE \_\_\_\_\_

VOTER'S NAME (Please Print - Last, First & Middle)	ADDRESS	SIGNATURE	DATE OF BIRTH	PARTY	PROOF OF IDENTIFICATION TYPE	Clerk Initials

**PROOF OF IDENTIFICATION TYPES.** (Voter must fall into one of the following categories):

- 1) Voter has document containing name and photo, issued by: United States or Commonwealth of Kentucky (**USA or KY**); United States Department of Defense, branch of the uniformed services, Merchant Marines, or Kentucky National Guard (**MIL**); a public or private college, university, or postgraduate technical or professional school located in the United States (**SCHOOL**); any city government, county government, urban-county government, charter county government, consolidated local government, or unified local government, located in Kentucky (**GOVT**).
- 2) Voter completes SBE 71 (**SBE 71**) AND presents: their Social Security Card (**SS**); SBE approved County ID Card (**SBE**); any ID card displaying their name and photo (**ID**); a food stamp identification card, electronic benefit transfer card, or supplemental nutrition assistance card issued by Kentucky displaying their name (**AID**); a credit/debit card displaying their name (**CC**);
- 3) Voter is personally known to Election Officer (**KNOWN**) \*Election Officer must complete SBE 72.

# FORM SBE 25, SUPPLEMENTAL PRECINCT SIGNATURE ROSTER - SAMPLE COMPLETED

SBE 25 (09/2020)

COMMONWEALTH OF KENTUCKY  
STATE BOARD OF ELECTIONS

PAGE 1 OF 1

## SUPPLEMENTAL PRECINCT SIGNATURE ROSTER

TO BE SIGNED BY VOTERS QUALIFIED TO VOTE BUT NOT ON PRECINCT ROSTER

ELECTION DATE 5/12/2018

COUNTY NAME & CODE Woodford-120

PRECINCT NAME & CODE Pinkard-H103

VOTER'S NAME (Please Print - Last, First & Middle)	ADDRESS	SIGNATURE	DATE OF BIRTH	PARTY	PROOF OF IDENTIFICATION TYPE	Clerk Initials
Kent, Clark	150 Locust St.	Clark Kent	1/11/1959	D	KY	S.M.
Parker, Peter	1100 Spider Ct.	Peter Parker	8/18/75	D	SDE 71 & SS	S.M.
Wayne, John	100 Malberry St.	John Wayne	3/18/75	R	KNOWN	S.M.

**PROOF OF IDENTIFICATION TYPES** (Voter must fall into one of the following categories):

- 1) Voter has document containing name and photo, issued by: United States or Commonwealth of Kentucky (**USA** or **KY**); United States Department of Defense, branch of the uniformed services, Merchant Marines, or Kentucky National Guard (**MIL**); a public or private college, university, or postgraduate technical or professional school located in the United States (**SCHOOL**); any city government, county government, urban-county government, charter county government, consolidated local government, or unified local government, located in Kentucky (**GOVT**);
- 2) Voter completes SBE 71 (**SBE 71**) AND presents: their Social Security Card (**SS**); SBE approved County ID Card (**SBE**); any ID card displaying their name and photo (**ID**); a food stamp identification card, electronic benefit transfer card, or supplemental nutrition assistance card issued by Kentucky displaying their name (**AID**); a credit/debit card displaying their name (**CC**);
- 3) Voter is personally known to Election Officer (**KNOWN**) \*Election Officer must complete SBE 72.

## IDENTIFICATION OF VOTERS

Before a voter signs the EPB or form SBE 25, Supplemental Precinct Signature Roster, you must confirm a voter's identity. You must fill in the column designating the proper code as the means of identification of the voter and enter your initials in the "Clerk Initials" column of the roster.

<b>VOTERS MAY CONFIRM THEIR IDENTITY BY MEANS OF:</b>		<b>ROSTER CODE</b>
1.	Producing a document issued by Kentucky containing the voter's name and photo	KY
2.	Producing a document issued by the United States containing the voter's name and photo	USA
3.	Producing a document issued by the United States Department of Defense, branch of the uniformed services, Merchant Marines, or Kentucky National Guard containing the voter's name and photo	MIL
4.	Producing a document issued by a public or private college, university, or postgraduate technical or professional school located in the United States containing the voter's name and photo (high school ID is not valid)	SCHOOL
5.	Producing a document issued by any city government, county government, urban-county government, charter county government, consolidated local government, or unified local government, located in Kentucky containing the voter's name and photo	GOVT
6.	Completing form SBE 71 AND presenting their Social Security card	SBE 71 & SS
7.	Completing form SBE 71 AND producing an SBE approved County ID card	SBE 71 & SBE
8.	Completing form SBE 71 AND producing any ID card displaying the voter's name and photo	SBE 71 & ID
9.	Completing form SBE 71 AND producing a food stamp identification card, electronic benefit transfer card, or supplemental nutrition assistance card issued by Kentucky displaying the voter's name	SBE 71 & AID
10.	Completing form SBE 71 AND producing a credit or debit card displaying the voter's name	SBE 71 & CC
11.	Being known by Election Official by name as a resident of the community (Election Officer must also complete form SBE 72)	KNOWN

Do not allow the voter to sign the EPB or form SBE 25, Supplemental Precinct Signature Roster, before confirming his or her identification.

- If a voter's name is on the EPB but the voter does not have acceptable proof of identification, the voter may leave to get proof of identification and then return to vote.
- If the individual does not produce acceptable proof of identification, including those forms required to accompany the completion of form SBE 71, Voter Affirmation Form, or is not a personal acquaintance, do not allow that individual to sign form SBE 32, Oath of Voter, or form SBE 25, Supplemental Precinct Signature Roster, and do not allow that individual to vote on the voting machine.
- If an individual refuses to produce acceptable proof of identification, that individual's option is to request a hearing before the county board of elections.

**IMPORTANT: If there is a long line at the voting booth, do not permit an individual to sign the roster while waiting. Once the individual signs the roster and leaves the polling place because the voter does not want to wait, that individual cannot return to vote at a later time.**

## VOTER REGISTRATION VERIFICATION SYSTEM

You are instructed to contact the county clerk's office to verify an individual's voter registration status. However, you also can telephone the Voter Registration Verification System. The Voter Registration Verification System is a dedicated telephone line maintained by the State Board of Elections that you may use to verify if an individual is registered to vote. Dial **844-246-0806** and an attendant at the State Board of Elections will receive your telephone call to verify whether the individual is registered to vote. If the line is busy, try again.

Prior to each election, the State Board of Elections mails each county clerk the Voter Registration Verification System Information Page below for the precinct election officers' use on Election Day. The Voter Registration Verification System Information page below **should not** be posted at the polling location, but merely located at your workstation.

In general elections, if a voter registration is found you will be informed of the individual's county of registration, precinct assignment, and polling location name and address.

**November 3, 2020  
General Election**

**DO NOT POST IN THE PRECINCT  
FOR PRECINCT ELECTION OFFICER USE ONLY**

**Voter Registration  
Verification System**

**Precinct Election Officer  
Dial ► 844-246-0806**



- An attendant at the State Board of Elections will receive your call to verify whether the individual is registered.
- If a voter registration record is found, you will be informed of the
  - **County of registration;**
  - **Precinct assignment; and**
  - **Polling location name and address.**
- If busy, please try again.

## **PARTICIPANTS OF ADDRESS CONFIDENTIALITY PROGRAM**

Victims of certain crimes, including domestic violence, abuse, and sex crimes have the opportunity to apply for the Kentucky Address Confidentiality Program ("ACP"). The ACP is administered by the Kentucky Secretary of State's Office. Participants in the ACP are permitted to vote by mail-in absentee or may appear in the polling place on Election Day.

If your county has ACP participants, each ACP participant will be listed in the EPB with an address of the Capital. When you locate the ACP participant's name in the EPB, you should do the following:

### **VOTER'S NAME IS NOT ON THE EPB**

If the individual's name does not appear on the EPB, check the individual's address to determine if he/she lives in your precinct/county. Remember to check the list of registered voters who must update their voter registration.

- If voter does not live in your precinct/county, call the county clerk to verify the voter is a registered voter in your county and direct the voter to the correct polling location.
- If the voter lives in your precinct and is a registered voter, have the voter complete a new voter registration card reflecting the new address, complete form SBE 32, Oath of Voter, and sign form SBE 25, Supplemental Precinct Signature Roster, before being permitted to vote.

If the individual's address puts that individual in your precinct/county and the voter's name is not on the EPB, form SBE 25, Supplemental Precinct Signature Roster, or the list of registered voters who must update their voter registration, contact your county clerk.

- If the individual is not a registered voter in your county, the voter may ask for a hearing before the county board of elections
- If the county board of elections determines that the individual is eligible to vote, the county board of elections will issue the voter form SBE 26, Authorization to Vote at Precinct, and the voter will present that to you and sign form SBE 25, Supplemental Precinct Signature Roster, before being permitted to vote.

### **VOTER'S NAME IS DIFFERENT FROM NAME ON EPB**

If a voter shows identification that has a different last name than the one on your EPB the voter must complete a new voter registration card reflecting the name change and be permitted to vote.

In many instances, a female voter changes her name on her driver's license, but will fail to update her voter registration record. The voter is eligible to vote and should sign the EPB and cast her ballot. After the election, the county clerk will update her voter registration information.

## **VOTER DOES NOT RESIDE IN YOUR PRECINCT/COUNTY OR ADDRESS HAS CHANGED**

If an individual gives you an address other than the one shown on the EPB and it is in a different precinct within your county, then:

- The individual must vote in the precinct in which he or she lives (if not at a vote center). Call the county clerk for the polling location of his/her correct precinct or review the maps and precinct materials provided by the county clerk and direct the voter to the correct polling location for that precinct.

If the individual gives you an address other than the one shown on the EPB and it is in another county:

- If the individual moved to a different county while the voter registration books are closed [October 6, 2020 through November 3, 2020], then the individual should be permitted to vote in their old county of residence for one (1) election only. The individual should be instructed to register in his or her new county of residence. The individual should be given a voter registration card to complete and mail to the county clerk in the new county.

or

- If the individual moved to a different county before the voter registration books closed on October 6, 2020, and failed to change his or her registration, then the individual is not eligible to vote in the old county or the new county of residence. The individual should be instructed to register in his or her new county of residence so that he/she will be eligible to vote in the next election. The individual should be given a voter registration card to complete and mail to the county clerk in the new county.

## **COMPLETING FORM SBE 32, OATH OF VOTER**

Once the county board of elections has instructed you to allow the voter to complete form SBE 32, Oath of Voter, and vote at the precinct, please do the following:

1. Voter completes all sections of form SBE 32, Oath of Voter.
2. You provide the reason on form SBE 32, Oath of Voter, in the "Reason for Requiring Oath" section at the bottom of the card. Ask the county clerk's office for the reason if you are unsure. Some possible reasons include:
  - Not on roster because voter's address has changed;
  - Not on roster because voter is "Inactive"; and
  - Not on roster because voter was improperly removed from voter registration.
3. Use the (09/2016) version of form SBE 32, Oath of Voter, (blue in color).

4. Do not use form SBE 32, Oath of Voter, to allow someone with no identification to vote.

See "Sample of Election Day Forms" to view a completed example of form SBE 32, Oath of Voter.

### FORM SBE 32, OATH OF VOTER – SAMPLE BLANK (BLUE IN COLOR)

SBE 32 (09/2016)		COMMONWEALTH OF KENTUCKY STATE BOARD OF ELECTIONS	
<b>OATH OF VOTER</b>			
When a voter has moved to a new precinct within the same county and is not listed on the current precinct roster, when the officers of an election disagree as to the qualifications of a voter, or when a voter's right to vote is disputed by a challenger, the voter shall sign the following oath as to his qualifications before he is permitted to vote.			
I, _____, hereby state, under oath, that I am duly registered as			
(Name: Please Print)			
a _____ voter in this precinct in _____ County,			
(Political Party Preference)		(County)	
Kentucky and that I currently reside at _____.			
(Current Residence Street Address, City, and Zip Code)			
My previous address was _____			
(Previous Residence Street Address, City, and Zip Code)			
in this county. I know of no legal disqualifications which should prevent my vote from being cast and counted at this election and I affirm that I have not voted and will not vote in another precinct or by absentee ballot in this state during this election.			
I understand that any person who falsely signs and verifies any form requiring verification shall be guilty of perjury and subject to the penalties therefore. I further understand that if I execute the Oath and am not a registered voter at the current address stated above, I have committed a criminal act.			
<b>Voter must sign here</b>		<b>Date of Birth</b>	<b>Date</b>
This Oath shall be returned to the County Clerk who shall deliver it to the Commonwealth's Attorney for investigation.			
Reason for Requiring Oath _____		Precinct Name or No. _____	
Signature of Precinct Election Officer or Challenger _____			

## WRITE-IN VOTING PROCEDURE

On August 16, 2018, the Office of the Attorney General issued an Opinion, OAG 18-011, in response to a request by the Secretary of State for clarification of KRS 117.265(5) and KRS 117.265(6); specifically, whether certified lists of write-in candidates may be provided to voters and, if so, under what circumstances. The Opinion ultimately concluded that the decision as to whether certified list of write-in candidates may be provided to voters was left to the discretion of the Kentucky State Board of Elections.

On August 21, 2018, the Kentucky State Board of Elections met and voted unanimously to maintain the past pattern and practice; that is, election officials may distribute a certified list of write-in candidates only to those who request the list. You may not post the list at the precinct location for all voters to view.

If a voter asks you how to cast a write-in vote, two (2) precinct election officers of opposing parties must instruct the voter on how to cast a write-in vote.

- If a voter asks for write-in instructions BEFORE entering the voting booth, direct the voter to the write-in option on the sample ballot, which (sample ballot is required signage to be posted in the polling location) and allow voter to view the certified list of write-in candidates.
- If a voter asks you for write-in instructions AFTER entering the voting booth, you may give verbal direction as to the location of the write-in option on the ballot, but you MUST NOT enter the voting booth and assist the voter in any way.
- If a voter asks you for write-in clarification BEFORE OR AFTER voting STRAIGHT PARTY TICKET, you may advise that if the voter votes a straight party ticket and votes for an opposing candidate in a specific race, the vote shall be counted for the opposing candidate or write-in candidate for that specific race and the remaining votes on the ballot shall be counted for the straight party ticket. This is not an overvote, as an overvote is when a voter makes more than the permitted number of selections in a single race.

## PROVISIONAL BALLOTS | Federal Offices Only |

A provisional ballot is a ballot cast in an election for FEDERAL OFFICES ONLY (President, United States Senator, and United States Representative) by an individual who resides in the precinct/county, but whose eligibility to vote is in question or is not determinable on Election Day.

Provisional ballots protect the rights of any potential voter. Instructions on how to cast a provisional ballot are publicly posted at each polling place on the day of each election for Federal

office. (See Election Day Posters and Notices Required to be Posted at Precinct.) You will have a minimum of twenty (20) unvoted provisional ballots for each of your precincts.

It is very important that you use the following forms when issuing a provisional ballot:

### **PROVISIONAL BALLOT AND ATTACHED BALLOT STUB**

- Provisional ballots are attached to consecutively numbered ballot stubs. You must tear the provisional ballot away from the ballot stub at the perforation. You must fill in the voter's name and sign your initials on the ballot stub. If the provisional ballot is spoiled, you must also mark the "spoiled ballot" box on the provisional ballot stub. All voted provisional ballots are returned to the county clerk's office at the end of Election Day.

### **FORM SBE 35, PROVISIONAL BALLOT PRECINCT SIGNATURE ROSTER**

- Form SBE 35, Provisional Ballot Precinct Signature Roster, is green in color and every voter who is issued a provisional ballot must sign form SBE 35, Provisional Ballot Precinct Signature Roster. You must affix your initials on form SBE 35, Provisional Ballot Precinct Signature Roster, and print the individuals, name, address, birth date, political party affiliation, and identification type.

### **FORM SBE 36, PROVISIONAL BALLOT INFORMATION SHEET**

- Form SBE 36, Provisional Ballot Information Sheet, is green in color and is handed to the voter to explain how to find out whether his/her voted provisional ballot was counted, and if not, the reason why the provisional vote was not counted (See page 58).

### **FORM SBE 37, PROVISIONAL BALLOT ACCOUNTABILITY STATEMENT**

- Form SBE 37, Provisional Ballot Accountability Statement, is green in color and is to be completed at the end of the Election Day. Form 37, Provisional Ballot Accountability Statement, provides information to the county board of elections as to the number of provisional ballots issued, spoiled, and unused on Election Day and is signed by all four (4) precinct election officers (See page 59).

### **FORM SBE 38, PROVISIONAL BALLOT OUTER ENVELOPE**

- Form 38, Provisional Ballot Outer Envelope, contains the "Provisional Ballot Affirmation" on the outside, which is completed by the voter and signed in two (2) places by you, as precinct election officer issuing the provisional ballot. Form 39, Provisional Ballot Inner Envelope, with the voted provisional ballot inside is inserted into form SBE 38, Provisional Ballot Outer Envelope, and sealed by the voter. You are never to look at a voter's voted provisional ballot (See pages 60 and 61).

### **FORM SBE 39, PROVISIONAL BALLOT INNER ENVELOPE**

- Form 39, Provisional Ballot Inner Envelope, contains the words "PROVISIONAL BALLOT" printed on the outside. The voter places the voted provisional ballot in form 39, Provisional Ballot Inner Envelope, and seals it. The voter places form SBE 39, Provisional Ballot Inner Envelope, into form SBE 38, Provisional Ballot Outer Envelope, and hands it to you. (See page 62.)

## **FORM SBE 48C, KENTUCKY'S PROVISIONAL BALLOT PROCESS**

- Form 48C, Kentucky's Provisional Ballot Process, provides the precinct election officer with a checklist of circumstances for issuing a provisional ballot. (See pages 63, 64, and 65.)

### **PROCEDURE FOR ISSUING A PROVISIONAL BALLOT**

Inform the individual of the option to request a hearing before the county board of elections to dispute eligibility. If the individual goes before the county board of elections for a hearing and the decision is to deny the individual the ability to vote, the individual may request a hearing before a Circuit Judge. If the individual is turned down by the Circuit Judge, the individual may return to the precinct in which he/she lives, confirm by affidavit that he/she lives in your precinct, and vote a provisional ballot. If the individual chooses to vote a provisional ballot at the precinct, then the individual is not eligible to vote in any other manner. All provisional ballots are reviewed by the county board of elections to determine if the provisional ballots will be counted or not. The voter must sign the "Provisional Ballot Affirmation" located on form SBE 38, Provisional Ballot Outer Envelope, stating that he/she is a resident of your precinct and an eligible voter.

Only an individual who meets **one or more of the following five (5) categories** may receive a provisional ballot:

**1. An individual whose name does not appear on the EPB or form SBE 25, Supplemental Precinct Signature Roster, and whose registration status cannot be determined by the precinct election officers.**

- You will call the county clerk's office to confirm the individual's registration in your county. If you are unable to confirm the individual's registration in your county and the individual chooses not to have a hearing before the county board of elections, a provisional ballot should be issued to the individual.

**2. An individual whose name does not appear on the EPB or form SBE 25, Supplemental Precinct Signature Roster, and who has been verified ineligible to vote.**

- You will call the county clerk's office to confirm the individual's registration in your county. If you confirm the individual is not registered in your county, a provisional ballot should be issued to the individual if the individual chooses not to have a hearing before the county board of elections.

**3. An individual who does not produce acceptable proof of identification.**

- An individual may leave the precinct to get identification or may request a provisional ballot. The individual's personal acquaintance with one of the precinct election officers is an acceptable form of identification, and this individual would vote the entire ballot on the voting machine (electronic or paper).

**4. An individual who has been challenged by all four (4) precinct election officers.**

- If all four (4) precinct election officers have personal knowledge that an individual is not qualified to vote, the individual has the option of requesting a hearing before the county board of elections to dispute the challenge or vote a provisional ballot. If fewer than all four (4) precinct election officers do not have personal knowledge of why this individual is not qualified to vote, the individual must complete form SBE 32, Oath of Voter, show identification, and sign the EPB or form SBE 25, Supplemental Precinct Roster. The individual is then permitted to vote the entire ballot.

**5. An individual who is voting as a result of a federal or state court order or any order under state law in effect ten (10) days prior to Election Day which extends the polling hours.**

The voter must show identification or be personally known by a precinct election officer and sign form SBE 35, Provisional Ballot Precinct Signature Roster. Do not contact the county clerk to confirm voter registration if the individual is being issued a provisional ballot because of no acceptable source of identification.

**PROCEDURE FOR VOTING PROVISIONAL BALLOT**

Give the voter a pen and private area to mark the provisional ballot. Instruct the voter to place the voted provisional ballot in form SBE 39, Provisional Ballot Inner Envelope, marked "PROVISIONAL BALLOT" and seal the envelope. The voter is to place the sealed form SBE 39, Provisional Ballot Inner Envelope, marked "PROVISIONAL BALLOT" into the completed form SBE 38, Provisional Ballot Outer Envelope, and seal the envelope. You will complete and sign in two (2) places, form SBE 38, Provisional Ballot Outer Envelope.

Voted provisional ballots will be returned by the voter in the sealed envelopes to you. You will place the voted provisional ballots in the container provided with Election Day supplies to be returned to the county clerk's office at the end of Election Day.

You must give the voter form SBE 36, Provisional Ballot Information Sheet, which explains the individual's right to contact his/her county clerk to learn if the provisional ballot was counted, and if not counted, the reason why.

**PROCEDURE FOR SPOILED PROVISIONAL BALLOTS**

A spoiled provisional ballot is a provisional ballot that contains an error made by the marking of the voter. If the voter makes a mistake marking the provisional ballot, the voter may request a second provisional ballot from you. The spoiled provisional ballot should be placed in form SBE 39, Provisional Ballot Inner Envelope, marked "PROVISIONAL BALLOT" by the voter, sealed by the voter, and returned to you before a second provisional ballot is issued to the voter. You will write "Spoiled Ballot" on the outside of form SBE 39, Provisional Ballot Inner Envelope, AND place a mark in the "spoiled ballot" box on the provisional ballot stub. All sealed spoiled provisional ballots must be placed in the same container provided with Election Day supplies to be returned to the county clerk's office at the end of Election Day. A voter can spoil up to two (2) provisional ballots and be issued no more than a total of three (3) provisional ballots.

## **PROCEDURE FOR ACCOUNTABILITY OF PROVISIONAL BALLOTS**

You are accountable for every provisional ballot. At the end of Election Day, all four (4) precinct election officers must fill out and sign form SBE 37, Provisional Ballot Accountability Statement, as follows:

- **Choose Election Type ► General Election**

Record the ballot stub numbers (from beginning to end) given to you by the county clerk. Complete fields a-d as follows:

- a. Number of Ballots Issued to Precinct – Record the number of provisional ballots issued.
- b. Ballots Used – Record the number of provisional ballots used, including spoiled ballots.
- c. Ballots Unused – Record the number of provisional ballots not issued on Election Day.
- d. Total — Add lines b and c together, which should equal the number appearing in line a. If the total does not, provide an explanation in the area supplied on the form.
- e. Number of spoiled ballots – Record the number of spoiled ballots.

After all provisional ballots are returned to the county clerk's office at the end of Election Day, the county board of elections will determine if each individual is eligible to vote in the election, and if eligible, the provisional ballot will be counted.

## **VOTER NEEDS ASSISTANCE**

### **VOTER WITH DISABILITIES HAS TWO (2) OPTIONS AT THE POLLING PLACE**

1. The voter may vote without assistance on any voting machine of his/her choosing, including the accessible voting machine, and does not need to fill out form SBE 31, Voter Assistance Form. The county board of elections will give you detailed instructions on operating the accessible voting machine.  
  
or
2. The voter may have voter assistance by the voter and the assistant completing and signing form SBE 31, Voter Assistance Form, listing the specific reason for assistance (see page 53), and vote on any voting machine. The precinct clerk will swear the assistant to operate the voting machine or complete the ballot in accordance with the directions of the voter. The sworn assistant will enter the voting booth or ballot completion area and operate the voting machine or complete the ballot for the voter as the voter directs.

## **WHY VOTER MAY HAVE ASSISTANCE?**

1. Blindness (does not include those voters who forgot to wear their glasses or contacts).
2. Physical disability.
3. Inability to read English.

## **WHO MAY ASSIST THE VOTER?**

1. Any person of the voter's choice except:
  - the voter's employer or agent of that employer; or
  - an officer or agent of the voter's union.
2. A voter who does not bring someone to assist him or her at the polls, or does not select someone at the polling place other than the precinct judges, shall be assisted by both precinct judges. One judge shall, in the presence of the other judge and the voter, operate the voting machine or complete the ballot as the voter directs.

## **APPLICATION FOR PERMANENT ASSISTANCE TO VOTE**

There is a portion of form SBE 31, Voter Assistance Form, where the voter may request that the county board of elections certify that the voter needs permanent assistance due to blindness or physical disability.


If the county board of elections approves the voter's request, the voter will have permanent certification relieving only the voter from the responsibility of signing form SBE 31, Voter Assistance Form. Thereafter, the EPB will indicate permanent assistance or the Paper Precinct Signature Roster will have "PA" in the "Assist" column on the Precinct Signature Roster so designating the voter.

Even if a voter is certified for permanent assistance, the person assisting the voter and the precinct clerk must complete and sign their portion of the Oath on form SBE 31, Voter Assistance Form. (See page 53).

Violations of the laws regarding voter assistance should be reported to the county board of elections immediately and be noted on form SBE 53, Precinct Election Sheriff's Post-Election Report. (See page 66).

## **PERMANENT ASSISTANCE ("PA") ON EPB - SAMPLE**

Voters who have been certified for permanent assistance will have "PA" noted on the EPB. Even if the voter is certified for permanent assistance, they have the option to vote without assistance.


Voter Eligibility
77%

BACK
HOME

Name  
**TOM BRADY**

Birthdate  
**09/19/1934**

Voter ID  
**1874443**

County  
**JEF**

Address  
**2501 BRIGHTON DR  
LOUISVILLE, 40205-3027**


Precinct - City Code  
**G149-WEL**


Party  
**D**

PA -  
Permanent

✓
Voter is eligible to vote.

i
Voter is requiring assistance on a permanent basis.


WRONG VOTER,  
SEARCH AGAIN


GET VOTER SIGNATURE

The individual who assists the voter, including an individual who assists a certified permanent assistance voter, must complete the portion of form SBE 31, Voter Assistance Form, declaring that the assistor will operate the machine as directed by the voter. A precinct election officer must also sign the Oath on form SBE 31, Voter Assistance Form.

### **REPORTING VIOLATIONS**

The precinct sheriff is responsible for reporting all violations on form SBE 53, Precinct Election Sheriff's Post-Election Report" by completing, signing, dating, and filing with the chairman of the county board of elections AND with the local grand jury within three (3) days after any election. All voter assistance forms are also turned over to the grand jury.

## **DISABILITY AWARENESS GUIDANCE**

**Provided by: Kentucky Protection and Advocacy**

For further information, please contact:

KY Office of the ADA Coordinator (or)  
502-564-3850 | 1-877-423-2933

KY Protection and Advocacy  
502-564-2967 | 1-800-372-2988

The following guidance is provided by the Kentucky Office of the ADA Coordinator and Kentucky Protection and Advocacy.

Individuals with disabilities are people who may do things differently than a person with no disability. While some disabilities are readily apparent and visible to others, most disabilities are not visible. Because of this, use of the accessible voting machine should be offered to every voter, not just those who you believe may have a disability.

### **GENERAL INFORMATION**

- Always ask if a voter with a disability needs assistance before you help.
  - Since each person and situation is unique, the best advice is to ask the voter with a disability:
    - If he/she would like assistance, and
    - The best way you can assist him/her.
  - It is the person's right to choose whether or not to accept assistance.
- Speak directly to the voter and not "about" the voter to a person who may have accompanied him/her to the polling place.
- Do not speak louder to a voter who has a visible disability. Just because someone may have a physical disability, please do not assume there are other disabilities as well.
- Be aware about your physical contact with a voter. He/she may have:
  - Heightened sensitivity to physical contact, or
  - Balance issues that may be thrown off even with the most well-intended contact.
- The voter with a disability is a person first. When you need to refer to a voter with a disability, use Person First Language. Example: Voter with a learning disability.
- Have a large pen on hand for those individuals who may have difficulty gripping.
- If needed, you may use writing materials like a dry erase board or pen/paper to assist with communication.
- If possible, do not place the voter registration table directly in front of a window or light source.

### **SENSITIVE USE OF LANGUAGE**

- Do not refer to the disability unless it is relevant.
- Do not sensationalize a disability by saying "victim of" or "afflicted with," etc.
- Avoid emotional descriptions:
  - "Uses a wheelchair" not "confined to a wheelchair;"
  - "Walks with crutches" not "is crippled"
- People with disabilities use words such as "see," "hear," "run" and "walk."
- When speaking with a person with a speech impairment and you don't understand, feel free to ask him/her to repeat or rephrase the statement.
- Remember: American Sign Language ("ASL") is a language itself. English is considered as a second language for someone whose primary language is ASL.
- Remember: speech impairment doesn't always mean intellectual disability.

### **MOBILITY DISABILITIES**

- People who use crutches, canes or walkers should never be grabbed. They use their arms for balance.
- Do not hang or lean on the wheelchair. It is an extension of the user's personal space.

- Get on person's eye level by sitting down when having a discussion.

## **DEAF AND HARD OF HEARING**

- People with varying levels of hearing loss communicate via sign language, ASL (or another type of sign language), or spoken English.
- Hearing aids may be used. Remember that not all hearing aids allow individuals to hear speech; they may be used to hear loud sounds.
- If needed, a person may use a certified American Sign Language ASL interpreter.
- When speaking with a person who uses an interpreter, maintain eye contact with the individual, not the interpreter.
- Get the voter's attention by tapping on shoulder or arm.
- Keep hands or objects away from mouth.
- Do not exaggerate gestures or mouth movements.
- Use short sentences.
- Do not assume ability to read your lips; the average accuracy of lip reading is about 30%.

## **VISUAL IMPAIRMENT**

- People have varying levels of visual functioning. Not everyone with visual impairments is considered "blind." Do not assume level of functioning.
- Not all people with visual impairments read Braille. Some may use large print or audio versions of materials. Offer him/her the use of audio ballot.
- Announce when you enter or leave a room.
- Do not place items on the floor that may impede the person's movement about the room.
- Guiding a person who is visually impaired is best accomplished by offering your arm or shoulder.
- When walking with a voter with a visual impairment to a chair:
  1. Walk to the side of the chair
  2. Take his/her hand from your arm and place it on the back of the chair.
- Do not pat or play with a guide dog when he/she is working; always ask the owner first.
- Walk on the side opposite the guide dog.
- Read written information if asked.

## **LEARNING DISABILITIES**

- Individuals have average or above-average intelligence.
- Learning disabilities may occur in:  
spoken language | written language | arithmetic | reasoning | organizational skills
- People with dyslexia may need verbal instruction.
- Ask how the individual wants to receive information.
- Have headphones for audio ballots readily available for the voter.

## **PSYCHOLOGICAL DISABILITY**

- Making quick decisions may be difficult; allow time for a response.
- Do not assume that the person is dangerous based on diagnosis.
- Do not assume that accounts of events are delusions.
- People may have different reactions to questions/situations than what you would expect (example: may need extra time to process information).

## **INTELLECTUAL DISABILITY**

- The term “mentally retarded” is no longer acceptable.
- Speak in clear, short sentences.
- Do not use baby talk.
- Making quick decisions may be difficult; allow time for a response.
- People with intellectual disabilities rely on familiar situations. A change in their routine may require additional time and patience.

## **BRAIN INJURY**

- People whose brains were injured in accidents, strokes, medication interactions, substance abuse, during military service, etc.
- People may have visible disability (mobility, vision, etc.) that resulted from the injury, but not always.
- Speech and decision-making may be affected; allow time for a response.
- People with brain injuries rely on familiar situations. A change in their routine may require additional time and patience.
- Memory (short-term or long-term) may be affected. You may need to repeat yourself.
- Depending on where the brain was injured, people may display more emotions (crying, speak angry words, etc.).

## **SERVICE ANIMALS**

- Under the ADA Amendment Act, a service animal is defined as a:
  - Dog (always) and a Miniature horse (on a case-by-case basis)
- No other animal is recognized by the ADA as a service animal.
- Under the ADA, a service animal is individually trained to perform tasks that the individual cannot perform for themselves.

Examples:

- Guiding people who are blind
- Alerting people who are deaf
- Alerting people who have seizures
- Performing other tasks
- Animal must be on a leash.
- Providing “emotional support” or comfort is not a task. Animals that only do this are not service animals.
- A service animal is permitted in all areas of a facility open to the public, including but not limited to:

restaurants	hotels	taxis	buses	shuttles
grocery stores	hospital	theaters	jail	zoos
medical offices	health clubs	parks	stores	polling places

## **VOTER NEEDS INSTRUCTION ON USE OF THE VOTING MACHINE**

One precinct election officer from each political party should be present when a voter is instructed on the use of the voting machine. In your instructions, carefully avoid any comment that might be considered favorable to any party, candidate, public question, or constitutional amendment.

Precinct election officers have two (2) ways in which to instruct the voter:

**1. Using the sample ballot which includes instructions on the use of the voting machine (posted in a visible area inside the polling place), if the voter so requests.**

**2. Using the voting machine, if the voter so requests:**

- Explain to the voter that a visual or verbal indicator will designate the offices and questions the voter is eligible to vote for on the electronic voting machines.
- The voter may be visually or verbally instructed as to the location of the "Vote" button to record his/her vote.
- The voter may be visually or verbally instructed how to use the accessible devices for the voting machine.

**IMPORTANT:** DO NOT enter the voting machine privacy area after the voter has entered the voting machine privacy area; and you must avoid hovering after providing instructions to the voter.

## **VOTER'S RIGHT TO VOTE IS CHALLENGED**

Any precinct election officer or properly certified challenger may "challenge" or dispute the qualifications of a voter. When the precinct election officer asks to see a challenger's credentials, the certified challenger must present his/her written appointment. A certified challenger must be trained by the county board of elections. Without credentials, a challenger may not question any voter's right to vote or remain in the polling place except to cast his/her own vote.

If a voter's qualifications are questioned or challenged:

- The precinct election officer should advise the voter of the reason for the challenge.
- If the voter states that his qualifications are in order:

- The voter should be advised that he/she must sign form SBE 32, Oath of Voter, and that completing it will allow him/her to vote.
- The voter should be informed that the completed form SBE 32, Oath of Voter, will be turned over to the Commonwealth's Attorney for investigation.
- The voter should then complete and sign form SBE 32, Oath of Voter, and vote.
- The challenger shall not talk directly to the voter. Contact the county clerk if the challenger persists in this activity.
- The person questioning the voter's qualifications (whether a precinct election officer or a certified challenger) must complete and sign the bottom portion of form SBE 32, Oath of Voter, stating the reason for the challenge.

All information on form 32, Oath of Voter, must be completed in full before the voter is allowed to vote. (See page 54). Form 32, Oath of Voter, may be used in two (2) instances:

1. When a certified challenger or precinct election officer challenges the qualifications of the voter.
2. When a voter has moved to a new precinct within your county and is not listed on the Precinct Signature Roster or form SBE 25, Supplemental Precinct Signature Roster.

## **CHALLENGERS**

### **CHALLENGER DO'S**

- Challengers must produce written appointment to precinct election officers on demand.
- Challengers may question the eligibility of a voter who presents himself at the polls.  
Reasons a challenger may dispute a voter may include:
- The voter is not a duly registered voter in the precinct;
- The voter is not a resident of the precinct;
- The voter is a convicted felon who has not had his civil rights restored; or
- The voter is not the person he claims to be.
- If the challenger attempts to challenge a person's right to vote, he must explain his challenge only to the precinct election officer, not to the voter.
  - The challenged voter will then need to sign form SBE 32, Oath of Voter, before being allowed to follow the normal procedures for voting.
  - The challenger will sign the bottom portion of form SBE 32, Oath of Voter, and state his/her reason for challenging the voter's right to vote in that precinct.
- Challengers are the only persons permitted to have a check-off list in the form of paper, cellphones, computers, or any other electronic device to record the identity of a voter within the voting room.
- Challengers are entitled to stay in the voting room all hours during Election Day.
- Challengers may come and go from the voting room throughout the day.

## **CHALLENGER DON'TS**

- Electioneer or campaign on behalf of any candidate, issue or political party;
- Handle election materials (except the signing of form SBE 32, Oath of Voter, for challenged voters);
- Attempt to intimidate or harass, verbally or otherwise, any voter who is being challenged or any precinct election officer;
- Behave in any manner to disrupt activities at the polling place; or
- Attempt to interfere with the proper conduct of the election.

A precinct election officer may order the challenger to leave the precinct after one warning if the individual violates any of the above-mentioned Don'ts. A challenger who is ordered from the polling site shall be prohibited from serving as a challenger in any precinct in any election for a period of five (5) years.

## **WHO MAY OBSERVE THE VOTE COUNT IN THE PRECINCT**

Once the polls close, the following persons are permitted to witness the vote count in each precinct:

1. In regular elections, the governing authority to each political party, each candidate for member of board of education, nonpartisan candidate, independent candidate, or independent ticket.
2. In any election, members of the news media authorized by the county board of elections may witness the vote count.

## **PERSONS ALLOWED IN THE VOTING ROOM**

Kentucky law is very specific about who may be in the voting room during the hours the polls are open for voting. The only persons who may legally be in the voting room are:

- Precinct election officers;
- Voters;
- Anyone assisting a voter;
- Voting machine technicians allowed by the county board of elections;
- A minor may accompany the voter into a voting booth or other private area provided for casting a vote, at the voter's discretion;
- Duly appointed challengers who have presented their written appointment;
- Law enforcement officers – federal, state and local; and
- Members of the news media – for the limited purpose of filming the voting process.

- The media may not conduct interviews with voters inside the voting room, record the identity of voters, or disrupt the voting process. If the news media appear, you should immediately contact the county clerk's office.

During the hours the polls are open, unless they are in the voting room to cast their own votes or assist a voter, the following may not be in the voting room:

- Candidates and/or their family members;
- Campaign workers – either for a candidate or for a question on the ballot;
- Exit pollers;
- General “onlookers” or “well-wishers”;
- Members of political parties, political organizations, or political groups who are not duly appointed challengers; and
- Any other individuals not listed in the section above.

The precinct sheriff should require unauthorized persons to leave. If they fail to leave when requested or if persistent violations occur, these violations should be reported to the county clerk and all violations are reported on form SBE 53, Precinct Sheriff's Post-Election Report. (See page 66).

## **BALLOT SELFIES**

Kentucky law does not prohibit a voter from taking a “ballot selfie.” 31 KAR 4:170(2) and OAG 16-007.

Voters may possess and use their cellphones in the voting room to take a “ballot selfie”. 31 KAR 4:170(2).

“Ballot selfies” are limited to a picture of oneself and their personal ballot inside the voting room.

While law permits “ballot selfies”, voters should exercise caution in the practice of taking a “ballot selfie” to refrain from inadvertently recording the identity of other voters or other voter's ballots in the voting room, as this would violate KRS 117.236(2). Furthermore, voters should refrain from communicating their support or nonsupport of a candidate, party, or measure on the ballot to other voters in the voting room as this may violate KRS 117.235(4).

The precinct sheriff should document any possible violations on form SBE 53, Precinct Election Sheriff's Post-Election Report.

## ELECTIONEERING

No person may electioneer within one hundred (100) feet of a polling place. However, this restriction does not apply to private property unless it is being used as a voting location, exiting polling, or bumper stickers on vehicles that are present for a reasonable amount of time in which to vote. KRS 117.235.

A bumper sticker is defined as measuring within **14 inches by 5 inches (14" x 5")**, affixed to a person's vehicle while parked within or passing through a distance of one hundred (100) feet of any entrance to the building in which a voting machine is located if that entrance is unlocked and is used by voters during the hours voting is being conducted in the building for a reasonable amount of time in which to vote.

DO NOT TURN ANY ELIGIBLE, REGISTERED VOTER AWAY FROM THE POLLS BEFORE GIVING THE VOTER A CHANCE TO CAST A BALLOT.

If you, as precinct election officer, witness **ANY** electioneering on Election Day, you must notify or warn the individual of the prohibition on electioneering. If you believe a voter has violated the electioneering law, the precinct sheriff should contact the county clerk's office and report such violation on form SBE 53, Precinct Sheriff's Post-Election Report. (See page 66).

Enforcement of the electioneering statute is the responsibility of the precinct election officers, county clerk, deputy county clerk, or other law enforcement official. You, as precinct election officer, **SHOULD NOT** enter upon private property to remove electioneering materials.

## EXIT POLLING

**KENTUCKY REVISED STATUTES ALLOW EXIT POLLING ON ELECTION DAY.** Exit pollers do not have to register or have credentials, and there is no limit as to a distance they must keep from the polls. However, exit pollers are not allowed to be located within the voting room and are not allowed to disrupt the election process.

**VOTERS ARE NOT OBLIGATED TO PARTICIPATE IN THE EXIT POLLING.** Exit pollers may only talk to voters as they leave the polling place after the voter has already voted.

## PROHIBITION AGAINST CHECK-OFF LISTS

No person allowed in the voting room, including the precinct election officers, may use paper, telephones, personal communication devices, computers, or other information technology systems to create a check-off list or record the identity of voters, except for the official use of the Precinct Signature Rosters or form SBE 25, Supplemental Precinct Signature Roster, furnished by the State Board of Elections, and challengers. However, the news media may use cameras for the limited purpose of filming the voting process, but they may not record the identity of voters.

## **ELECTIONS EMERGENCY CONTINGENCY PLAN**

The Governor may reschedule an election due to a state of emergency. The election must be held within thirty-five (35) days from the date of the suspended or delayed election.

### **PROCEDURES WHEN AN ELECTION IS RESCHEDULED ON ELECTION DAY**

#### **SUSPEND GENERAL VOTING**

The county board of elections must instruct the precinct election officers to:

- Secure all voting machines until the rescheduled election. The precinct election officers must ensure all seals on the voting machines are intact prior to storage in a secure location;
- Not close out or tally the votes;
- Record the public counter number on the form furnished by the county board of elections and signed by all present precinct election officers; and
- Return all election materials to the county board of elections.

#### **SECURE VOTING MATERIALS**

All election materials must be secured in a locked storage container, these election materials include:

- Paper ballots;
- Precinct Signature Rosters and/or EPBs;
- Form SBE 25, Supplemental Precinct Signature Rosters;
- Form SBE 35, Provisional Ballot Precinct Signature Roster; and
- All related materials

The county clerk will instruct precinct election officers about the emergency procedures specific to your county and how to conduct a rescheduled election.

## **ELECTION CRIMES**

The following is a summary of election law violations as they relate to the county clerk, the county board of elections, the precinct election officers, and the general public.

These statutes are meant to reinforce the importance of maintaining security of the vote and integrity in the election process.

## **RELATING TO COUNTY CLERKS**

- **KRS 117.995(2):** any county clerk or member of the county board of elections who knowingly and willfully violates any of the provisions of this chapter, including furnishing applications for absentee ballots to persons other than those specified by the provisions of this chapter and failure to type the name of the voter on the application form as required by the provisions of this chapter, shall be guilty of a **Class D felony**.
- **KRS 119.015:** any county clerk or deputy county clerk who falsely or fraudulently registers the name of any person, or permits any person to register knowing that the person is not entitled to register, or who fails or refuses to deliver copies of the registration records to a person entitled thereto, shall be guilty of a **Class D felony**.
- **KRS 119.076:** any county clerk who willfully and knowingly refuses or fails to have the name of any candidate printed upon the official ballot in the manner provided by law shall be guilty of a **Class D felony**.
- **KRS 119.115(3):** any election official, or other person entrusted with the custody or control of any voting machine who, with intent to cause or permit any voting machine to fail to correctly register votes cast thereon, tampers with or disarranges such machine in any way, unlawfully opens such voting machine, prevents or attempts to prevent the correct operation of such voting machine or causes such voting machine to be used or consents to it being used for any election with knowledge of the fact that the machine is not in order, or not perfectly set and adjusted to correctly register all votes cast thereon, or removes, changes, or mutilates any ballot label on a voting machine shall be guilty of a **Class D felony**.
- **KRS 119.195(7):** any county clerk who knowingly and willfully opens any ballot box and removes any official ballot therefrom, or removes, destroys, or tampers with a ballot box and official ballots left in his care and custody, or permits any other person to do so, during the period the boxes are required to remain locked in his office, shall be guilty of a **Class D felony**.

## **RELATING TO THE COUNTY BOARD OF ELECTIONS**

- **KRS 117.187(2):** the county board of elections shall provide special training before each primary and regular election, and any special election held during a year in which no elections are scheduled, to all election officers, alternates, and certified challengers regarding their duties and the penalties for failure to perform. Election officers, including alternates, and certified challengers shall attend the training session, unless excused by the county board of elections for reason of illness or other emergency. Any person who fails to attend a training session without being excused shall be prohibited from serving as an election officer or challenger for a period of five (5) years. The training provided by the county board of elections shall include but not be limited to the following:
  - (a) Operation of the voting machine or ballot cards;
  - (b) Posting of necessary signs and notices at the polling place;
  - (c) Voter assistance;

- (d) Maintaining precinct rosters;
- (e) Confirmation of a voter's identity;
- (f) Challenge of a voter;
- (g) Completing changes of address or name at the polling place;
- (h) Qualifications for voting in a primary election;
- (i) Electioneering and exit polling;
- (j) Write-in voting procedures;
- (k) Persons who may be in the voting room;
- (l) Election violations and penalties;
- (m) Assistance which may be provided by law enforcement officers;
- (n) Election reports;
- (o) Disability awareness;
- (p) Provisional voting process;
- (q) Election emergency contingency plan; and
- (r) Elections and voting equipment security plan.

- **KRS 117.995(8):** the members of a county board of elections that fail to provide the training precinct election officers required by **KRS 117.187(2)** shall be subject to removal by the State Board of Elections.
- **KRS 119.225:** any member of a county board of elections who refuses to permit an inspector designated under **KRS 117.275** and **117.315** to exercise free and full action in witnessing the count of the ballots, or interferes with the right of such an inspector to have a free and full opportunity to witness the count of the ballots, shall be guilty of a **Class A misdemeanor**.
- **KRS 119.245:** any member of the State Board of Elections or of a county board of elections who willfully and knowingly violates any provision of the statutes relating to his duties, or fails to execute faithfully any of the duties imposed upon him by law, for which no other penalty is provided, shall be guilty of a **Class B misdemeanor**.
- **KRS 119.255:** any person who, by threat of violence or in any other manner, intimidates or attempts to intimidate the election officers, the State Board of Elections or a county board of elections in the performance of their duty and any persons who conspire together and go forth armed for the purpose of intimidating said officers, shall be guilty of a **Class D felony**.
- **KRS 119.265:** any public officer who willfully neglects to perform a duty imposed upon him under the election laws, for which no other penalty is provided, or who willfully performs such duty in a way that hinders the objects of the election laws, shall be guilty of a **Class B misdemeanor**.
- **KRS 119.307:** the county board of elections shall present to the grand jury next convening subsequent to each election the names of those election officials who failed to appear and serve at the election and who had not been properly excused. Any such person may be subpoenaed and inquiry made of his absence, and if no good cause be shown, he shall be subject to prosecution.

## **RELATING TO PRECINCT ELECTION OFFICERS**

- **KRS 117.995** in part provides the following violations of precinct election officers:
  - (1) Any person appointed to serve as an election officer but who shall knowingly and willfully fail to serve and who is not excused by the county board of elections for the reasons specified in this chapter shall be guilty of a violation and shall be ineligible to serve as an election officer for a period of five (5) years.
  - (3) Any officer who willfully fails to prepare or furnish ballot labels or absentee ballots or fails to allow a qualified voter to cast his or her vote on the machine as required of the voter by this chapter shall be guilty of a **Class A misdemeanor**.
  - (4) Any election officer who knowingly and willfully violates any of the provisions of this chapter, including failure to enforce the prohibition against electioneering established by **KRS 117.235**, shall be guilty of a **Class A misdemeanor** for the first offense and a **Class D felony** for each subsequent offense.
- **KRS 119.145:** any election officer who refuses to permit any challenger of any political party having a ticket to be voted for at an election, who has been duly appointed and presents a duly attested certificate of appointment, to perform his duties as challenger, shall be fined not less than fifty dollars (\$50) nor more than five hundred dollars (\$500).
- **KRS 119.175:**
  - (1) Except as provided in subsection (2) of this section, any officer of election who receives, assents to receive or records a vote at an election at a time or place known by him not to be the time and place lawfully appointed, or who knowingly receives the vote of any person other than a qualified voter, or refuses to receive the vote of a qualified voter, shall, for each offense, be fined not less than fifty dollars (\$50) nor more than five hundred dollars (\$500), and shall forfeit any office he holds and be disqualified from ever holding any office.
  - (2) Any judge of a primary election who knowingly receives a vote of an elector who is not qualified to vote in the primary election under **KRS 116.055** shall be fined one hundred dollars (\$100) for each offense.
- **KRS 119.185:** any person who willfully disobeys any lawful command of an election officer, given the execution of his duty as such at an election, shall be fined not less than twenty-five dollars (\$25) nor more than five hundred dollars (\$500).
- **KRS 119.195 Tampering with Ballot Box:**
  - (4) Any election officer, or other person entrusted with the custody or control of any official ballot, either before or after it has been voted, who in any way marks, mutilates, or defaces any official ballot or places any distinguishing mark thereon, for the purpose of vitiating the official ballot, shall be guilty of a **Class C felony**.
  - (6) Any election officer who mutilates or tampers with any of the seals, or destroys or removes any official ballots required to be preserved, shall be guilty of a **Class D felony**.
- **KRS 119.305:** Election officers shall give information of all infractions of the election laws to the grand jury, Commonwealth's Attorney, Attorney General and the Registry of Election Finance. The election officers shall cooperate in any investigation or prosecution

of election law violations. When there is reason to fear that an offender will escape out of the county before indictment, any election officer may procure his immediate apprehension.

### **RELATING TO ELECTION DAY**

- **KRS 117.0865:** any person who aids another in completing an absentee ballot shall not solicit or encourage that person to vote for or against any candidate, party, or issue. Any person who violates this section shall be guilty of a **Class D felony**.
- **KRS 117.995** sets out the following violations relating to Election Day:
  - (5) Any person who signs a name other than his or her own on an application for an absentee ballot or on the verification form for the ballot or on an emergency absentee ballot affidavit, or any person who votes an absentee ballot other than the one issued in his or her name, or any person who applies for the ballot for the use of anyone other than himself or herself or the person designated by the provisions of this chapter, or any person who makes a false statement on an application for an absentee ballot or on an emergency absentee ballot affidavit shall be guilty of a **Class D felony**.
  - (6) Any person who violates any provision of **KRS 117.235 or 117.236** related to prohibited activities during absentee voting or on election day, after he or she has been duly notified of the provisions by any precinct election officer, county clerk, deputy county clerk, or other law enforcement official, shall, for each offense, be guilty of a **Class A misdemeanor**.
  - (7) Any person who knowingly and willfully prepares or assists in the preparation of an inaccurate or incomplete voter assistance form or fails to complete a voter assistance form when required shall be guilty of a **Class A misdemeanor** for the first offense and a **Class D felony** for each subsequent offense; however, if a voter has been permanently certified as requiring voting assistance, there shall be no offense for the failure of the voter to complete the form.
- **KRS 119.095:** any printer of ballots, or person employed in printing ballots, who prints or permits to be printed any ballot in any other form than the one prescribed by law, or with any name or device placed, spelled or arranged thereon other than as authorized and directed by the county clerk, or who gives or delivers, or knowingly permits to be taken, any ballot by any person other than the county clerk for whom the ballots are being printed, shall be guilty of a **Class C felony**.
- **KRS 119.105 Removal or destruction of election supplies or booths:**
  - (1) Any person who steals or willfully destroys any of the election supplies required to be furnished by the county clerk shall be fined not less than fifty dollars (\$50) nor more than two hundred dollars (\$200), and imprisoned in the county jail for not less than one (1) month nor more than six (6) months.
  - (2) Any person who, during an election, knowingly and willfully removes or defaces the cards printed for the instruction of the voters, or destroys or removes any booth or other convenience provided for the election, or induces or attempts to induce any person to commit any such act, shall be imprisoned in the county jail for not less than six (6) months nor more than one (1) year.

- **KRS 119.115 Tampering with voting machine or election supplies:**
  - (1) Any unauthorized person found in possession of any key to a voting machine to be used or being used in any primary, general, or special election shall be guilty of a **Class A misdemeanor**.
  - (2) Any person who, during or before any primary, general, or special election, willfully tampers with or attempts to tamper with, disarrange, deface, or impair in any manner whatsoever, injures, or destroys any ballot label, or destroys any such voting machine while in use at an election or at any other time, or who shall, after such machine is locked and sealed in order to preserve the record of the vote, tamper with or attempt to tamper with the record of the vote, or who aids or abets with intent to destroy or change the record of the vote shall be guilty of a **Class D felony**.
- **KRS 119.125:** any sheriff who willfully fails to cause an election to be held, as required by law, shall be fined not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500). Any sheriff who willfully fails to perform any other duty concerning an election, for which there is no penalty specifically prescribed, shall be fined not less than twenty dollars (\$20) nor more than two hundred dollars (\$200).
- **KRS 119.155 Interfering with election:**
  - (1) Any person who unlawfully prevents or attempts to prevent any voter from casting his ballot, or intimidates or attempts to intimidate any voter so as to prevent him from casting his ballot, or who unlawfully interferes with the election officers in the discharge of their duties, shall be guilty of a **Class D felony**.
  - (2) Any person who, by himself or in aid of others, forcibly breaks up or prevents, or attempts to break up or prevent, or obstructs or attempts to obstruct, the lawful holding of an election, shall be guilty of a **Class A misdemeanor**.
- **KRS 119.165 False personation of a voter:**
  - (1) Any person who falsely personates a registered voter, and receives and casts a ballot by means of such personation, shall be guilty of a **Class D felony**. An attempt at such personation shall constitute a **Class A misdemeanor**.
  - (2) Any person who, by means other than falsely personating a registered voter, votes at an election in this state when he is a resident of another state or country, or votes more than once at an election, or votes by use of the naturalization papers of another person, shall be guilty of a **Class D felony**. Any person who knowingly votes or attempts to vote in a precinct other than the one in which he resides shall be guilty of a **Class A misdemeanor**, unless by voting in a precinct in which he does not live he is enabled to vote in a race or on a matter in which he could not vote in his proper precinct in which case he shall be guilty of a **Class D felony**. Any person who lends or hires his or another's naturalization papers to be used for the purpose of voting shall be subject to the same penalty.
  - (3) Any resident of this state who, by means other than falsely personating a registered voter, votes at a regular or special election before he has resided in this state thirty (30) days, or in the county and precinct where the election is held the time required by law, or before he has attained full age, or before he has become a citizen, shall be guilty of a **Class B misdemeanor**.

- (4) Any person who, by means other than falsely personating a registered voter, votes in a primary election knowing that he is not qualified as provided in **KRS 116.055**, shall be guilty of a violation.
- (5) Any person who applied for or received a ballot at any voting place other than the one at which he is entitled to vote, under circumstances not constituting a violation of any of the provisions of subsections (1) to (4) of this section, shall be guilty of a **Class A misdemeanor**.

➤ **KRS 119.195 Removing or tampering with ballots:**

- (1) Any person who, during an election, knowingly and willfully removes or attempts to remove an official ballot from the election room, or has in his possession outside the election room any official ballot, either genuine or counterfeit, shall be guilty of a **Class D felony**.
- (2) Any voter who attempts to leave the election room with an official ballot in his possession shall at once be arrested on demand of either of the judges of election and shall be guilty of a violation, unless the act was done knowingly in which event he shall be guilty of a **Class A misdemeanor**.
- (3) Any person who takes or removes in any manner, feloniously or with the consent or permission of the custodian, any official ballot from any place where it may lawfully be, or knowingly and willfully has in his possession or custody any such official ballot, except as an officer or custodian under the law or while within the polling place for the purpose of voting, and any custodian or officer who permits any official ballot to be removed or carried away from the place where it may lawfully be by any person other than the officer or custodian whose duty it is to receive it, shall be guilty of a **Class C felony**.
- (5) Any person who unlawfully destroys or attempts to destroy any official ballot box used, or any official ballot deposited, at any election, or who unlawfully, by force, fraud, or other improper means, obtains or attempts to obtain possession of any ballot box or any official ballot therein deposited, while the voting at any election is going on or before the official ballots are duly taken out and counted according to law, shall be guilty of a **Class D felony**.
- (8) Any person who removes, mutilates, or destroys, or adds any new official ballots to, the regular official ballots that have been counted and prepared for preservation, or that have already been preserved, so that the result of the election in the precinct or county is changed, shall be guilty of a **Class D felony**.
- (9) Any person who tampers with or changes the official ballots, or opens the receptacles in which the official ballots are contained without the order of the court, after the ballots have been sent to the Franklin County courthouse in connection with the contest of a constitutional amendment, shall be guilty of a **Class D felony**.

➤ **KRS 119.205 Vote buying and petitions.**

- (1) Any person who makes or offers to make an expenditure to any person, either to vote or withhold his vote, or to vote for or against any candidate or public question at an election shall be guilty of a **Class D felony**.
- (2) Any person who solicits, accepts, or receives any such expenditure as payment or consideration for his vote, or the withholding of his vote, or to vote for or against any candidate or public question at an election shall be guilty of a **Class D felony**.

(3) Any person who makes or offers to make an expenditure to any person to sign a petition to have a public question placed on the ballot, or any person who solicits, accepts, or receives any such expenditure as payment or consideration to sign a petition to have a public question placed on a ballot, shall be guilty of a **Class B misdemeanor**.

- **KRS 119.235:** any person who willfully alters, obliterated, secretes, suppresses or destroys a stub book, return or certificate of election, and any officer who makes, aids in making or authorizes the making of any false or fraudulent stub book, certificate of election or election return, shall be guilty of a **Class D felony**.

# SAMPLES OF ELECTION DAY FORMS

## eSCAN VERIFICATON FORM – SAMPLE BLANK

Your county may have a different version of this form. This form is merely provided for illustration purposes only. The State Board of Elections makes no assurance as to the validity or legal sufficiency of this document pursuant to 31 KAR 2:020.

This form must be completed and returned to the COUNTY CLERK.

### eSCAN VERIFICATION FORM

#### ELECTION JUDGES TO VERIFY INFORMATION BEFORE OPENING POLLS

Judges' Initials

Precinct name: _____	_____	_____
eScan Serial Number: _____	_____	_____
eScan Seal Number: _____	_____	_____
Yellow Seal Number: _____	_____	_____
Blue Seal Number: _____	_____	_____
PVT Count - Start: _____	_____	_____
Red Ballot Bag Lock Seal: _____	_____	_____

Signed \_\_\_\_\_  
Program Administrator who sealed eScan

#### ELECTION JUDGES TO COMPLETE WHEN CLOSING POLLS

Print three (3) paper tapes and have all four officers sign the tapes. Two (2) tapes are to be returned to the County Clerk in the Result Tape Envelope and the third to be posted at the precinct.

eScan Protective Counter Number (PVT Count) \_\_\_\_\_

Signed \_\_\_\_\_  
Democratic Judge

Signed \_\_\_\_\_  
Republican Judge

### ACCURACY TEST CHECKLIST

Firmware Version Identification 4.3.1, 4.2.13, 1.3.14 Polling ID Number \_\_\_\_\_

- ☐ Visual inspection of eScan as well as all working parts checking for damage and defects.
- ☐ Visual inspection of screen, power cord, plugs, and MBB card slot.

Accuracy Test was performed: ☐ On voting system ☐ On individual voting machine  
☐ Completion of errorless test deck

Name of Person completing Accuracy Checklist \_\_\_\_\_

Signature of Person Completing Accuracy Checklist \_\_\_\_\_

Date and Time \_\_\_\_\_

Help Representative

COMMONWEALTH OF KENTUCKY  
STATE BOARD OF ELECTIONS

**SAMPLE**

# AUTHORIZATION TO VOTE AT PRECINCT

TO THE ELECTION OFFICERS OF Capital D104 PRECINCT

This is to certify that a voter registration record is on file in the County Clerk's office for:

Sam Quick

Name of Voter

XXX-XX-XXXX

Social Security Number

Democrat

Party

16 Oak St Apt #4

Address

Please add this name to the Supplemental Precinct Roster with all information required and permit this person to sign the roster and vote.

## COUNTY CLERK'S USE ONLY

- ☐ Improper Removal
- ☒ Wrong Precinct Code
- ☐ Failure to make proper change reported
- ☐ Absentee Ballot cancelled

Susan Allen

Chairman, County Board of Elections or Authorized Agent

Franklin

County

11-7-2006

Date

KRS 117.085(7)  
SBE 26 (4/00)

White – County Clerk  
Canary – Precinct

# FORM SBE 31, VOTER ASSISTANCE FORM – SAMPLE COMPLETED

COMMONWEALTH OF KENTUCKY  
STATE BOARD OF ELECTIONS

*Sample*

## 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	<i>John Doe</i>		DATE OF BIRTH (MM/DD/YYYY)	<i>06/12/1970</i>
RESIDENTIAL ADDRESS	<i>214 Ash Court</i>		<i>Lawrenceburg</i>	<i>40342</i>
	<small>Complete Street Address</small>		<small>City</small>	<small>Zip Code</small>
PRECINCT NAME OR PRECINCT NUMBER	<i>A102</i>		<i>Duncan</i>	
Check <input checked="" type="checkbox"/> one:	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 checked="" type="checkbox"/> Voter is NOT certified as requiring assistance on a permanent basis. Both 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

*John Doe*  
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
<i>Emily Doe</i>	<i>Emily Doe</i>

### **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 *8<sup>th</sup>* day of *November*, 20*16*.

*Barbara Smith*  
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			
SBE 31 (08/2016)	WHITE:	Grand Jury	
	CANARY:	County Clerk	
	PINK:	County Board of Elections	

# FORM SBE 32, OATH OF VOTER – SAMPLE COMPLETED

SBE 32 (09/2016)

COMMONWEALTH OF KENTUCKY  
STATE BOARD OF ELECTIONS

## OATH OF VOTER

**SAMPLE**

When a voter has moved to a new precinct within the same county and is not listed on the current precinct roster, when the officers of an election disagree as to the qualifications of a voter, or when a voter's right to vote is disputed by a challenger, the voter shall sign the following oath as to his qualifications before he is permitted to vote.

I, Telly Mathis, hereby state, under oath, that I am duly registered as  
(Name: Please Print)  
a Democrat voter in this precinct in Daviess County,  
(Political Party Preference) 10028 Locust St (County)

Kentucky and that I currently reside at Whitesville, 42378. My previous address  
160 Haynes Station Rd (Current Residence Street Address, City, and Zip Code)  
was Whitesville, 42378 in this county. I know of no legal disqualifications which should  
(Previous Residence Street Address, City, and Zip Code)  
prevent my vote from being cast and counted at this election and I affirm that I have not voted and will not vote in another precinct or by absentee ballot in this state during this election.

I understand that any person who falsely signs and verifies any form requiring verification shall be guilty of perjury and subject to the penalties therefore. I further understand that if I execute the Oath and am not a registered voter at the current address stated above, I have committed a criminal act.

Telly Mathis 12-31-1969 11-8-2016  
Voter must sign here Date of Birth Date  
This Oath shall be returned to the County Clerk who shall deliver it to the Commonwealth's Attorney for investigation.

Reason for Requiring Oath Address Change Precinct Name or No. F101  
Signature of Precinct Election Officer or Challenger John Smith

# **FORM SBE 33A, LIST OF VOTERS ISSUED ABSENTEE BALLOTS – SAMPLE COMPLETED**

COMMONWEALTH OF KENTUCKY  
STATE BOARD OF ELECTIONS

PAGE 14 OF 45  
8/24/2018

## **LIST OF VOTERS ISSUED ABSENTEE BALLOTS**

County	Election (Primary or General)	Date of Election
GREENUP 45	2016 General Election (G)	11/8/2016

RU SSELL #2 [A109]

Name of Voter	1st Ballot	2nd Ballot	Ballot returned	Voted in Clerk Office
ISON, PATRI	10/17/2016		11/2/2016	
KEELIN, KAT				10/29/2016
KIMPSTON, P				11/2/2016
KOVACS, CH	10/3/2016		11/3/2016	
LAPOINTE, A				11/3/2016
LAPOINTE, V				11/2/2016
LAUDER, LA	10/17/2016		10/27/2016	
LESLIE, LEA				11/3/2016
LESLIE, PHIL				11/3/2016
MAYNARD, L	9/19/2016		11/5/2016	
MILLER, PA				10/26/2016
MOLICA, NI				10/14/2016
NAUGHGLE,	10/24/2016		11/1/2016	
NAUGHGLE,	10/24/2016		11/1/2016	
NULL, VOND				11/2/2016
PARSLEY, BA				10/10/2016
PARSLEY, LO				10/10/2016
PENNINGTON	10/19/2016		10/24/2016	
POWELL, PA				11/4/2016
RAICH, CHRI				10/18/2016
RICE, KYLIE	10/31/2016		11/2/2016	
ROBERTS, S				11/4/2016
ROBINSON, D	9/19/2016		11/2/2016	
ROBINSON, H	9/20/2016		11/2/2016	
ROBINSON, J	9/19/2016		10/31/2016	
ROBINSON, P				11/1/2016
SAVAGE, HE	10/17/2016		10/26/2016	
SCHRADER,				11/1/2016
SIMPSON, ER	9/19/2016		10/11/2016	
SIMPSON, KE	11/1/2016			
SMITH, KENN				11/1/2016
SORRELL, DA	10/17/2016		11/5/2016	
SPURLOCK,				10/18/2016
SPURLOCK,	10/3/2016		10/20/2016	
STEPHENSON	11/7/2016		11/7/2016	
STEPHENSON	11/7/2016		11/7/2016	
STEVENS, BR				10/25/2016
STEVENS, LA	10/3/2016		10/6/2016	
STURGILL, B				10/31/2016
STURGILL, P				10/31/2016
TENNANT, C	9/19/2016		10/24/2016	
TENNANT, E	9/19/2016		10/24/2016	

**NOT TO BE POSTED AT PRECINCT OR COUNTY CLERK'S OFFICE**

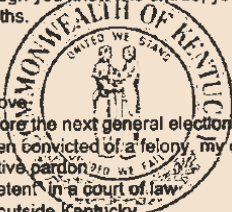
County Clerk \_\_\_\_\_

KRS 117.085  
KRS 117.086

SBE 33A (03/2014)

White – Grand Jury  
Canary – Precinct  
Pink – State Board of Elections  
Goldenrod – County Clerk

# VOTER REGISTRATION CARD - SAMPLE BLANK

SBE 01 (01/03)		You MUST answer questions A & B below before completing this form.				5041503	
A. Are you a citizen of the United States of America?		<input type="checkbox"/> YES <input type="checkbox"/> NO		If you checked "no" in response to either of these questions, do not complete this form.			
B. Will you be 18 years of age on or before election day?		<input type="checkbox"/> YES <input type="checkbox"/> NO					
Check one:		FOR CLERK USE ONLY					
<input type="checkbox"/> New Registration	<input type="checkbox"/> Address Change	PRECINCT CODE	PRECINCT NAME		TOWN	OTHER CODE	
<input type="checkbox"/> Party Change	<input type="checkbox"/> Name Change						
Social Security Number		Date of Birth (M-D-Y)	County (where you live)		Work Phone	Home Phone	
<input type="checkbox"/> Female <input type="checkbox"/> Male	Last Name		First Name	Middle Name	Suffix (circle one) Jr. Sr. II III IV		
Address where you live (do not give PO Box address):			Apt #	City	Zip Code		
Address where you get your mail (if different from above):			Apt #	City	Zip Code		
Party Registration – check one box		<div style="display: flex; justify-content: space-between;"> <div> <p><b>WARNING:</b> If you sign this statement even though you know it is untrue, you can be convicted and fined up to \$500 and/or jailed up to 12 months.</p> <p><b>Voter Declaration – read and sign below</b></p> <p>I swear or affirm that:</p> <ul style="list-style-type: none"> <li>I am a U.S. citizen</li> <li>I live in Kentucky at the address listed above</li> <li>I will be at least 18 years of age on or before the next general election</li> <li>I am not a convicted felon, or if I have been convicted of a felony, my civil rights must have been restored by executive pardon</li> <li>I have not been judged "mentally incompetent" in a court of law</li> <li>I do not claim the right to vote anywhere outside Kentucky</li> </ul> </div> <div style="text-align: center;">  </div> </div>					
<input type="checkbox"/> Democratic Party <input type="checkbox"/> Republican Party <input type="checkbox"/> Other _____ <div style="text-align: center; font-size: small;">(write name above)</div>							
<p>If you select "Other" as your party affiliation, you are eligible to vote for only nonpartisan offices in any primary election. You may vote for any candidate in all general or special elections. Only persons timely registered shall have the right to vote.</p>							
<p><b>NOTE:</b> You may change your political party affiliation at any time on or before December 31* to remain eligible to vote in the following primary election.</p>							
		<div style="display: flex; justify-content: space-between;"> <div><b>X</b> Signature</div> <div>Date</div> </div>					
TWO WITNESSES REQUIRED IF "MARK" IS USED							
Witnessed By:				Witnessed by:			

## PRECINCT BALLOT ACCOUNTABILITY STATEMENT – SAMPLE BLANK

Your county may have a different version of this form. This form is merely provided for illustration purposes only. The State Board of Elections makes no assurance as to the validity or legal sufficiency of this document pursuant to 31 KAR 2:010.

### PRECINCT BALLOT ACCOUNTABILITY STATEMENT

COUNTY	DATE OF ELECTION	PRECINCT NAME	PRECINCT CODE #

	FACE 1	FACE 2	FACE 3	FACE 4	FACE 5	FACE 6	FACE 7
QTY. PADS ISSUED							
STARTING NO.							
ENDING NO. (THE NUMBER OF THE NEXT BALLOT YOU WOULD HAVE GIVEN OUT)							
SPOILED BALLOT COUNT AREA  EXAMPLE: <i>WHT 11</i>							
TOTAL BALLOTS USED							

REASON FOR DISCREPANCIES: \_\_\_\_\_

NOTES: \_\_\_\_\_

We, the undersigned, do hereby certify that the above information is accurate and complete.

Precinct Clerk \_\_\_\_\_ Precinct Sheriff \_\_\_\_\_

Precinct Judge \_\_\_\_\_ Precinct Judge \_\_\_\_\_

County Clerk \_\_\_\_\_

Harp Enterprises, Inc. - Item #144 - Ballot Accountability Statements - Revised 03/2010

**Any individual who casts a provisional ballot may**

- ❑ **contact their county clerk's office or**
- ❑ **go to our website: [www.elect.ky.gov](http://www.elect.ky.gov)**

**after the election to learn whether their vote was counted, and if the vote was not counted, the reason why.**

**County clerk contact information is posted in the precinct.**

**SBE 36 (09/04)**

# FORM SBE 37, PROVISIONAL BALLOT ACCOUNTABILITY STATEMENT – SAMPLE BLANK

COMMONWEALTH OF KENTUCKY  
STATE BOARD OF ELECTIONS

## PROVISIONAL BALLOT ACCOUNTABILITY STATEMENT

County	Date of Election	Precinct Name	Precinct Code

Choose Election Type: Primary or General		Ballot Stub Numbers	
		From	To
Primary Election	Democrat		
	Republican		
General Election			

We, the duly appointed precinct officers of this precinct, do certify below the number of provisional ballots issued, used, and spoiled.

Ballots	Choose Election Type: Primary or General		
	Primary Election		General Election
	Democrat	Republican	
Number of Ballots Issued to Precinct – a.			
Ballots Used (includes spoiled ballots) – b.			
Ballots Unused – c.			
Total – (b. + c.) – d.			
Number of Spoiled Ballots			

If row d. does not agree with row a., explain the difference here:

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We, the undersigned, do hereby certify that the above information is accurate and complete.

Precinct Clerk \_\_\_\_\_

Precinct Sheriff \_\_\_\_\_

Precinct Judge \_\_\_\_\_

Precinct Judge \_\_\_\_\_

SBE 37 (12/05)



## FORM SBE 38, PROVISIONAL BALLOT OUTER ENVELOPE – SAMPLE BLANK

Form 38, Provisional Ballot Outer Envelope, contains the "Provisional Ballot Affirmation" on the outside, which is completed by the voter and signed in two (2) places by you, as the precinct election officer issuing the provisional ballot. Form 39, Provisional Ballot Inner Envelope, with the voted provisional ballot inside is inserted into form SBE 38, Provisional Ballot Outer Envelope, and sealed by the voter. You are never to look at a voter's voted provisional ballot.

THIS ENVELOPE <u>MUST</u> BE SEALED.		SBE 38 (06/2017)
<b><u>PRECINCT ELECTION OFFICER USE ONLY</u></b>	<b>PROVISIONAL BALLOT AFFIRMATION</b>	<b><u>COUNTY BOARD OF ELECTIONS USE ONLY</u></b>
PRECINCT NAME: _____	I, _____, hereby state, under oath or affirmation, that I am duly registered (Print Name)	<input type="checkbox"/> COUNT
<b>Circumstances for Issuing a Provisional Ballot:</b> (Please check one below)	as a _____ voter in this precinct in _____ County, Kentucky and that (Political Party Preference) (County)	<input type="checkbox"/> DID NOT COUNT (List reason below)
<input type="checkbox"/> Voter whose name does not appear on the precinct roster and whose registration status cannot be determined by the Precinct Officer.	I currently reside at _____ (Current Residence Street Address and Zip Code)	
<input type="checkbox"/> Voter whose name does not appear on the precinct roster and who has been verified as ineligible to vote.	I know of no legal disqualifications which should prevent my vote from being cast and counted at this election and I affirm that I have not voted and will not vote in another precinct or by absentee ballot in this state during this election.	
<input type="checkbox"/> Voter who does not have identification.	I understand that any person who falsely signs and verifies any form requiring verification shall be guilty of perjury and subject to the penalties therefore. I further understand that if I execute the Affirmation and am not a registered voter at the current address stated above, I have committed a criminal act.	
<input type="checkbox"/> Voter who is voting as a result of a Federal or State Court Order or any Order under State law in effect 10 days prior to Election Day which extends the polling hours.		
<input type="checkbox"/> Voter has been challenged by all four Precinct Election Officers.		
<b>List Reason for Challenge:</b> _____ _____ _____	_____ Voter must sign here                      Date of Birth                      Date	
<b>VERIFIED BY:</b> _____ Precinct Election Officer must sign here	<b>PRECINCT ELECTION OFFICER SIGNATURE VERIFICATION:</b> _____ Precinct Election Officer must sign here	<b>VERIFIED BY:</b> _____ Board Member must sign here

Remember: The "Provisional Ballot Affirmation" is completed by the voter AND signed in two (2) places by you, as the precinct election officer issuing the provisional ballot.

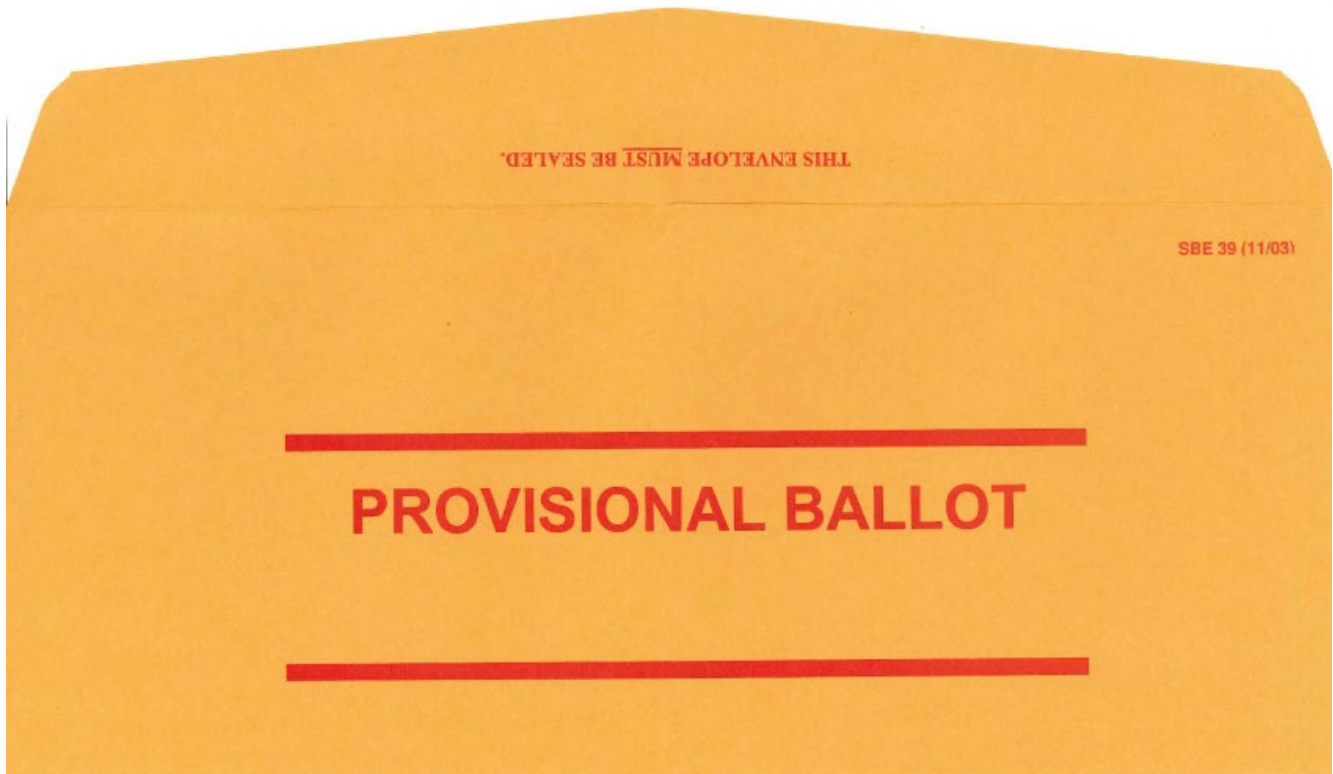
# FORM SBE 38, PROVISIONAL BALLOT OUTER ENVELOPE - SAMPLE COMPLETED

THIS ENVELOPE <u>MUST</u> BE SEALED.		SBE 38 (06/28/17)
<p><b>PRECINCT ELECTION OFFICER USE ONLY</b></p> <p>PRECINCT NAME: <u>B103</u></p> <p>Circumstances for Issuing a Provisional Ballot: (Please check one below)</p> <p><input type="checkbox"/> Voter whose name does not appear on the precinct roster and whose registration status cannot be determined by the Precinct Officer.</p> <p><input type="checkbox"/> Voter whose name does not appear on the precinct roster and who has been verified as ineligible to vote.</p> <p><input checked="" type="checkbox"/> Voter who does not have identification.</p> <p><input type="checkbox"/> Voter who is voting as a result of a Federal or State Court Order or any Order under State law in effect 10 days prior to Election Day which extends the polling hours.</p> <p><input type="checkbox"/> Voter has been challenged by all four Precinct Election Officers.</p> <p>List Reason for Challenge: _____ _____</p> <p style="text-align: right;">VERIFIED BY: <u>[Signature]</u> Precinct Election Officer must sign here</p>	<p><b>PROVISIONAL BALLOT AFFIRMATION</b></p> <p>I, <u>Peter Parker</u>, hereby state, under oath or affirmation, that I am duly registered (Print Name)</p> <p>as a <u>Democrat</u> voter in this precinct in <u>Franklin</u> County, Kentucky and that (Political Party Preference) (County)</p> <p>I currently reside at <u>140 Walnut Street, Frankfort 40601</u> (Current Residence Street Address and Zip Code)</p> <p>I know of no legal disqualifications which should prevent my vote from being cast and counted at this election and I affirm that I have not voted and will not vote in another precinct or by absentee ballot in this state during this election.</p> <p>I understand that any person who falsely signs and verifies any form requiring verification shall be guilty of perjury and subject to the penalties therefore. I further understand that if I execute the Affirmation and am not a registered voter at the current address stated above, I have committed a criminal act.</p> <p><u>Peter Parker</u> <u>4/27/1953</u> <u>5/22/2018</u> Voter must sign here Date of Birth Date</p> <p style="text-align: center;">PRECINCT ELECTION OFFICER SIGNATURE VERIFICATION: <u>[Signature]</u> Precinct Election Officer must sign here</p>	<p><b>COUNTY BOARD OF ELECTIONS USE ONLY</b></p> <p><input type="checkbox"/> COUNT</p> <p><input type="checkbox"/> DID NOT COUNT (List reason below)</p> <p>_____ _____ _____ _____ _____ _____ _____ _____ _____ _____</p> <p>VERIFIED BY: _____ Board Member must sign here</p>

Remember: The "Provisional Ballot Affirmation" is completed by the voter AND signed in two (2) places by you, as the precinct election officer issuing the provisional ballot.

## FORM SBE 39, PROVISIONAL BALLOT INNER ENVELOPE – SAMPLE BLANK

Form 39, Provisional Ballot Inner Envelope, contains the words "PROVISIONAL BALLOT" printed on the outside. The voter places the voted provisional ballot in form 39, Provisional Ballot Inner Envelope, and seals it. The voter places form SBE 39, Provisional Ballot Inner Envelope, into form SBE 38, Provisional Ballot Outer Envelope, and hands it to you.

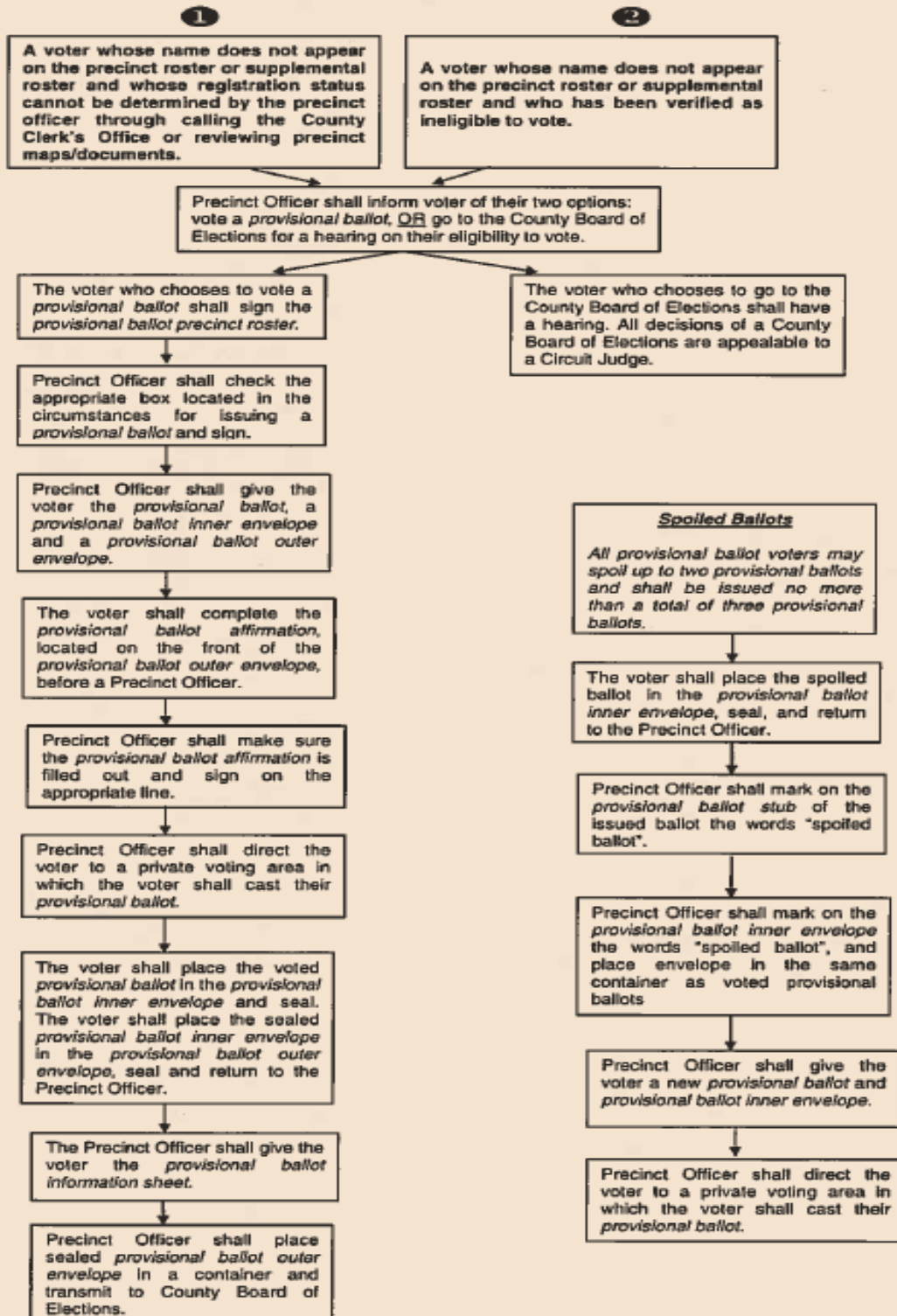


# FORM SBE 48C, KENTUCKY'S PROVISIONAL BALLOT PROCESS - SAMPLE

## Kentucky's Provisional Ballot Process

**Provisional Ballot:** a ballot cast in an election for federal office by an individual who resides in a voting precinct but whose eligibility to vote is in question or is not determinable on Election Day.

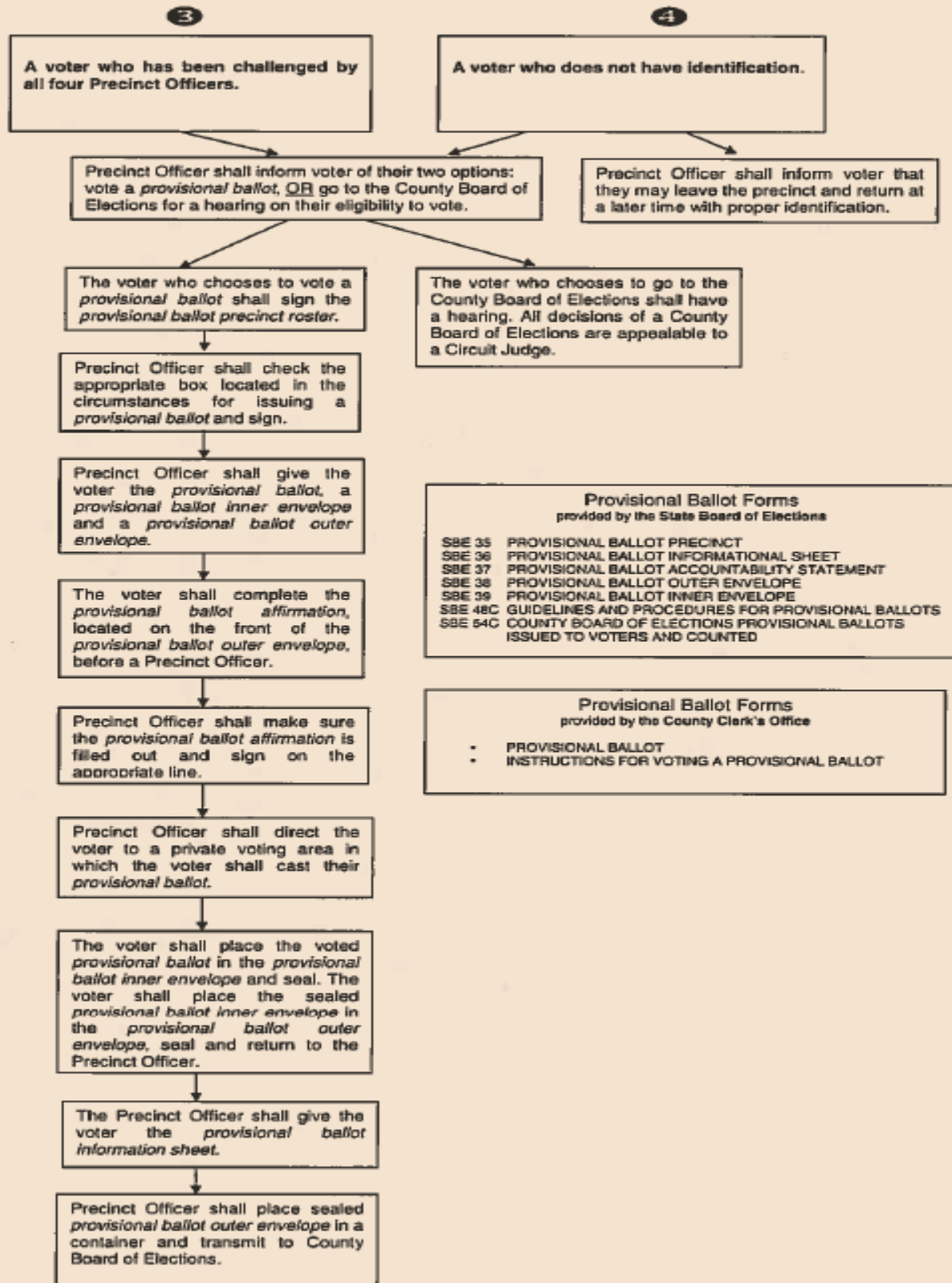
### Five Circumstances for Issuing a Provisional Ballot:



### Kentucky's Provisional Ballot Process Continued

**Provisional Ballot:** a ballot cast in an election for federal office by an individual who resides in a voting precinct but whose eligibility to vote is in question or is not determinable on election day.

#### Five Circumstances for Issuing a Provisional Ballot:

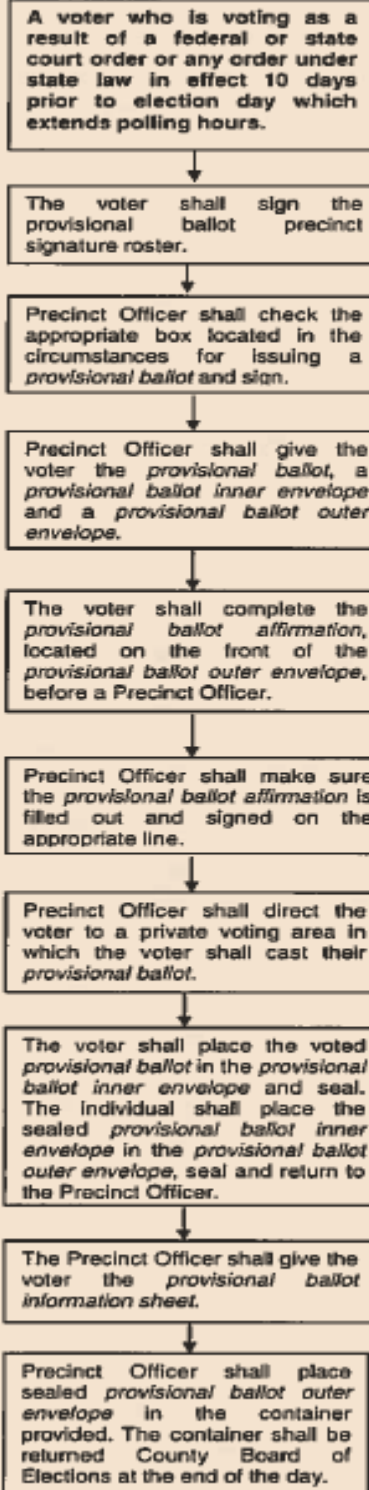


### Kentucky's Provisional Ballot Process Continued

**Provisional Ballot:** a ballot cast in an election for federal office by an individual who resides in a voting precinct but whose eligibility to vote is in question or is not determinable on Election Day.

#### Five Circumstances for Issuing a Provisional Ballot:

**5**



# FORM SBE 53, PRECINCT SHERIFF'S POST-ELECTION REPORT – SAMPLE COMPLETED

Commonwealth of Kentucky  
State Board of Elections

## PRECINCT SHERIFF'S POST-ELECTION REPORT

**KRS 117.355(1)** Within three (3) days after any primary or general election, the precinct election sheriff shall file a report with the chairman of the county board of elections and with the local grand jury. The report shall include any irregularities observed and any recommendations for improving the election process.

County	ANY
Date Of Election	11-6-2007
Precinct	A101 - FRANKLIN ELEMENTARY
Name Of Precinct Election Sheriff (Please Print)	PETER PARKER

**IRREGULARITIES OBSERVED:** (If you observed any irregularities, describe in your own words with as many details as possible, including names of alleged violators of election laws. Reported violations should include, but not be limited to violations of KRS 117.255 relating to assisting voters and execution of the voter assistance forms, adjusting the voting machine in primary elections to enable the voter to vote for only persons for whom the voter is entitled to vote, voting more than once, and voting supplemental paper ballots. Violations of KRS 117.235 relating to electioneering must also be reported. If more space is required, attach additional sheets as necessary. If no violations are observed, so indicate.)

JOHN DOE WAS OBSERVED HANDING OUT CAMPAIGN LITERATURE WHILE WAITING IN LINE TO VOTE. I INFORMED MR. DOE THAT HIS ACTIONS WERE NOT PERMITTED AND WAS A FORM OF ELECTIONEERING. HE APPOLOGIZED AND STOPPED HIS ACTIONS IMMEDIATELY. NO OTHER PROBLEMS OR VIOLATIONS OBSERVED.

**RECOMMENDATIONS FOR IMPROVING THE ELECTION PROCESS:** (Describe recommendations in your own words. If more space if required, attach additional sheets as necessary.)

NO RECOMMENDATIONS AT THIS TIME.

11-6-2007

Date Signed

Peter Parker

Signature of Precinct Election Sheriff

KRS 117.255  
KRS 117.355

SBE 53 (4/00)

White – Grand Jury  
Canary – County Board of Elections  
Pink – Precinct Election Sheriff

# PRECINCT ELECTION OFFICERS' REVIEW

## STATEMENTS

### ANSWER "TRUE" OR "FALSE" TO STATEMENTS (*see pages 68-71 for ANSWERS*)

1.	All precincts must close at 6:00 p.m., unless there are voters waiting in line at 6:00 p.m. to vote.
2.	Campaign workers for any candidate may witness the vote count after the polls have closed.
3.	Voters who have been approved for permanent voter assistance do not have to sign the EPB and can only use the accessible voting machine.
4.	Only a person whose name appears on the EPB may vote in your precinct/county.
5.	Spouses are not permitted to accompany each other into the voting booth without first qualifying for voter assistance and completing form SBE 31, Voter Assistance Form.
6.	Members of the news media may not conduct interviews with voters inside the voting room.
7.	If a minor goes into the voting booth with a voter and accidentally casts the ballot on the voting machine, the judges should reset the machine and permit the voter to vote again.
8.	All voters are allowed only two minutes to vote if other voters are in line waiting to vote.
9.	A candidate may assist a voter in the voting booth if that voter qualifies for assistance.
10.	Even if one of the precinct election officers knows a voter, each voter must confirm his or her current address as listed on the EPB.
11.	A voter who has been challenged by an election officer or challenger can vote after completing form SBE 32, Oath of Voter, and by signing the EPB.
12.	If a voter is not known by one of the precinct election officers and does not present proof of identification at the polls, he is not allowed to vote on the voting machine.
13.	Only the two precinct judges are required to be able to set up a voting machine at the beginning of the Election Day.
14.	Persons assisting voters who have been approved for permanent voting assistance still need to sign form SBE 31, Voter Assistance Form.

	15.	The voter with a visual impairment or voter with a disability must vote on the voting machine specifically designed to accommodate the voter with disabilities.
	16.	No one allowed in the voting room may use paper, telephone or a computer to create a check-off list or record the identity of voters.
	17.	A voter can use a Tennessee driver's license as a form of identification at the polls.
	18.	The certified list of write-in candidates provided to you by the county clerk should not be posted in the polling location. You may distribute the certified list of write-in candidates only to those voters who request the list.

## ANSWERS

<b><u>TRUE</u></b>	<b>1.</b>	<p>All precincts must close at 6 p.m., unless there are voters waiting in line at 6 p.m. to vote.</p> <p><b>At 6 p.m., the sheriff shall stand at the end of the line of those voters who arrived by 6:00 p.m. and that voter shall be the last voter permitted to vote. The precinct sheriff shall wait in line with the last voter until he has voted. Any voters who arrive after the last voter in line at 6:00 p.m. shall not be permitted to vote. When the last voter in line by 6:00 p.m. has voted, the polls shall then be closed. (See pages 13 and 16).</b></p>
<b><u>FALSE</u></b>	<b>2.</b>	<p>Campaign workers for any candidate may witness the vote count after the polls have closed.</p> <p><b>In regular elections, the governing authority to each political party, each candidate for member of board of education, nonpartisan candidate, independent candidate, or independent ticket. Members of the news media MAY also observe the vote count. General onlookers or well-wishers MAY NOT observe the vote count at the end of the day. (See page 41).</b></p>
<b><u>FALSE</u></b>	<b>3.</b>	<p>Voters who have been approved for permanent voter assistance do not have to sign the EPB and can only use the accessible voting machine.</p> <p><b>Voters who have been approved for permanent voting assistance DO NOT have to sign form SBE 31, Voter Assistance Form, or list the reason assistance is needed. However, all voters who vote MUST sign the EPB or form SBE 25, Supplemental Precinct Signature Roster, and can use any voting machine of their choice whether or not they have been approved for permanent assistance. (See pages 32, 33, 34, and 44).</b></p>
<b><u>FALSE</u></b>	<b>4.</b>	<p>Only a person whose name appears on the EPB may vote in your precinct/county.</p> <p><b>There are many reasons that may result in a qualified voter's name being omitted from the voter rolls. If a person's name does not appear on the EPB, follow the procedures listed on page 25</b></p>

<b><u>TRUE</u></b>	<b>5.</b>	Spouses are not permitted to accompany each other into the voting booth without first qualifying for voter assistance and completing form SBE 31, Voter Assistance Form.  <b>The only person(s) that may enter the voting booth with a voter is the person(s) assisting a voter who qualifies for voting assistance and a minor child at the voter's discretion. (See pages 33 and 40).</b>
<b><u>TRUE</u></b>	<b>6.</b>	Members of the news media may not conduct interviews with voters inside the voting room.  <b>Members of the news media may conduct interviews outside the door of the voting room as long as they do not interfere with the election process. Members of the news media may not conduct interviews inside the room where the voting machine is located. News media may film the voting process in the room where the voting machine is located as long as they do not record the identity of voters or interfere with the election process. (See page 42).</b>
<b><u>FALSE</u></b>	<b>7.</b>	If a minor goes into the voting booth with a voter and accidentally casts the ballot on the voting machine, the judges should reset the machine and permit the voter to vote again.  <b>Once the vote is cast, the voter cannot vote again. A voter may cast only one vote. Voters who take minor children into the voting booth with them should be warned of this situation. (See page 40).</b>
<b><u>FALSE</u></b>	<b>8.</b>	All voters are allowed only two minutes to vote if other voters are in line waiting to vote.  <b>Voters with a disability must be given a reasonable amount of time to cast their ballot. Voters who do not need extra time due to a disability are limited to two minutes in the voting booth only if other voters are waiting in line to use the voting machine. KRS 117.255(7). (See page 6).</b>
<b><u>TRUE</u></b>	<b>9.</b>	A candidate may assist a voter in the voting booth if that voter qualifies for assistance.  <b>Voters who are eligible to receive assistance may be assisted by any person of their choice, including a candidate, as long as the person assisting the voter is not the voter's employer, an agent of that employer, or an officer or agent of the voter's labor union. If a voter does not bring someone with him, or does not choose someone at the polls to assist him, then the two precinct election judges may assist the voter. (See page 33).</b>
<b><u>TRUE</u></b>	<b>10.</b>	Even if one of the precinct election officers knows a voter, each voter must confirm his or her current address.  <b>The precinct election clerk should always verify the current address of a voter, even if one of the precinct election officers knows that voter personally. It is possible that the identifying precinct election</b>

		<b>officer is unaware that the voter moved or that the address has been updated due to 911 address system upgrades. (See pages 10 and 20).</b>
<b><u>TRUE</u></b>	<b>11.</b>	<p>A voter who has been challenged by an election officer or challenger can vote after completing form SBE 32, Oath of Voter, and by signing the Precinct Signature Roster.</p> <p><b>A voter who has been challenged by precinct election officers or challenger must complete form SBE 32, Oath of Voter, before he/she will be permitted to vote on the voting machine. After form SBE 32, Oath of Voter, has been completed, the voter must sign the Precinct Signature Roster or form SBE 25, Supplemental Precinct Signature Roster. (See pages 39 and 40).</b></p>
<b><u>TRUE</u></b>	<b>12.</b>	<p>If a voter is not known by one of the precinct election officers and does not present proof of identification at the polls, he/she is not allowed to vote on the voting machine.</p> <p><b>Before a person is allowed to vote on the voting machine in the precinct, a voter must show proof of identification, including those types required to accompany the completion of form SBE 71, or be personally known by one of the precinct election officers. The voter is permitted to leave the polling place to get his ID if he/she has not already signed the EPB. However, if the voter refuses to get his/her ID, the voter may vote a provisional ballot. (See pages 4, 20, and 21).</b></p>
<b><u>FALSE</u></b>	<b>13.</b>	<p>Only the two precinct judges are required to be able to set up a voting machine at the beginning of the election day.</p> <p><b>All officers need to be able to open a voting machine in case one or both judges are late or absent. Not understanding this could prevent the precinct from opening on time. (See pages 4 and 5).</b></p>
<b><u>TRUE</u></b>	<b>14.</b>	<p>Persons assisting voters who have been approved for permanent voting assistance still need to sign form SBE 31, Voter Assistance Form.</p> <p><b>The individual assisting the voter MUST always sign form SBE 31, Voter Assistance Form. (See page 33).</b></p>
<b><u>FALSE</u></b>	<b>15.</b>	<p>The voter with a visual impairment or voter with a disability must vote on the voting machine specifically designed to accommodate the voter with disabilities.</p> <p><b>The voter with a visual impairment or voter with a disability may vote on any voting machine the voter chooses and request assistance. (See pages 6, 32 and 44).</b></p>
<b><u>FALSE</u></b>	<b>16.</b>	No one allowed in the voting room may use paper, telephone or a computer to create a check-off list or record the identity of voters.

		<b>No election officer, voter, or other person permitted by law within the voting room, can use paper, telephone, a personal telecommunications device, or a computer or other information technology system for the purpose of creating a check-off list or otherwise recording the identity of voters within the voting room, except for the official use of the Precinct Signature Roster and Challengers. (See page 42).</b>
<b><u>TRUE</u></b>	<b>17.</b>	<p>A voter can use a Tennessee driver's license as a form of identification at the polls.</p> <p><b>A voter must present proof of identification as explained in the chart on page 21. A voter presenting an out of state driver's license as proof of identification would need to also fill out form SBE 71.</b></p>
<b><u>TRUE</u></b>	<b>18.</b>	<p>The certified list of write-in candidates provided to you by the county clerk should not be posted in the polling location. You may distribute the certified list of write-in candidates only to those voters who request the list.</p> <p><b>On August 16, 2018, the Office of the Attorney General issued an Opinion, OAG 18-011, which concluded that the decision as to whether certified lists of write-in candidates may be provided to voters was left to the discretion of the Kentucky State Board of Elections ("SBE"). On August 21, 2018, the SBE met and voted unanimously to maintain the past pattern and practice; that is, precinct election officers may distribute a certified list of write-in candidates <u>only to those voters who request the list</u>. Precinct election officers <u>may not</u> post the list at the polling location for all voters to view. (See page 28).</b></p>

**NOTES**

[illegible]

## APPENDIX

**1) 31 KAR 4:193E – Emergency Administrative Regulations for the November 3, 2020 General Election**

**2) Centers for Disease Control and Prevention - Considerations for Election Polling Locations and Voters, Interim guidance to prevent spread of coronavirus disease 2019 (COVID-19). Last updated June 22, 2020, a more recent document, if available, may be found here: <https://www.cdc.gov/coronavirus/2019-ncov/community/election-polling-locations.html>**

## **STATEMENT OF EMERGENCY**

### **31 KAR 4:193E**

This emergency administrative regulation is necessary given that the Kentucky Constitution requires free and fair elections, and specifically because the COVID-19 pandemic has created a state of emergency in the Commonwealth and poses a risk to the health and well-being of voters. See, Governor's Executive Orders 2020-215 and 2020-688. This emergency regulation will allow the Commonwealth to conduct general, special, and local option elections on November 3, 2020, in a manner that reduces the amount of exposure voters, poll workers, and administrators have to possible infection, thereby helping state and federal efforts to slow and stop the spread of the novel coronavirus. This emergency administrative regulation is promulgated pursuant to KRS 13A.190(a)(1) and (4), as well as to be consistent with the Voting Accessibility for the Elderly and Handicapped Act, 52 U.S.C. 20101 et seq. Pursuant to KRS 13A.190(1)(b)(1), this emergency regulation is temporary in nature and will expire as provided in this section. To take effect, it must be ratified by the Governor and Secretary of State through respective executive orders. This emergency administrative regulation will not be replaced by an ordinary administrative regulation.

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ANDY BESHEAR  
Governor

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JARED DEARING  
Director, State Board of Elections

1     **STATE BOARD OF ELECTIONS**

2     **(New Emergency Administrative Regulation)**

3     **31 KAR 4:193E. Procedures for November 3, 2020 Elections.**

4             RELATES TO: KRS Chapters 39A and 117

5             STATUTORY AUTHORITY: KRS 39A.100(1)(l)

6             NECESSITY, FUNCTION, AND CONFORMITY: KRS 39A.100(1)(l) requires the State  
7     Board of Elections to establish procedures for election officials to follow when the  
8     Governor has declared a state of emergency and the Secretary of State has recommended  
9     to the Governor, and the Governor has agreed, that a different time, place, or manner for  
10    holding elections is necessary. This emergency administrative regulation outlines the  
11    procedures to be undertaken to effectively conduct the November 3, 2020 elections. The  
12    following temporary emergency regulations relate to the procedures by which a lawful,  
13    registered Kentucky voter may cast a ballot for the elections to be held November 3, 2020.

14            This emergency administrative regulation governs the November 3, 2020 elections  
15    only. Neither it, nor any of its component parts, is intended to govern or influence the  
16    conduct of any other election. This emergency administrative regulation does not create  
17    legal authority or precedent for any election beyond the November 3, 2020 elections.

1           Section 1. All provisions outlined in this emergency administrative regulation shall  
2   apply to the Commonwealth's November 3, 2020 elections only. Any existing  
3   administrative regulation promulgated by the State Board of Elections that conflicts with  
4   any provision herein is suspended in pertinent part as applied to the November 3, 2020  
5   elections. Any existing statute that directly conflicts with Governor's Executive Order  
6   2020-688, inclusive of the Secretary of State's recommendations as incorporated therein,  
7   is deemed suspended in pertinent part, by the authority of the General Assembly  
8   consistent with Section 15 of the Kentucky Constitution, as applied to the November 3,  
9   2020 elections. However, no regulation or statute is or shall be deemed as suspended, in  
10   whole or in part, unless it directly conflicts with Governor's Executive Order 2020-688, the  
11   Secretary of State's recommendations as incorporated therein, or the provisions herein.

12           Section 2. Definitions. All terms used herein shall have the same definitions as  
13   currently stated in the Kentucky Revised Statutes and Kentucky Administrative  
14   Regulations unless given a definition here.

15           (1) The phrase "not able to appear at the polls on election day on account of age,  
16   disability or illness," as enacted at KRS 117.085(1)(a)(8) shall be interpreted to mean "of  
17   an age, or possessing of a health condition or vulnerability, or potentially in contact with  
18   a person of an age, or possessing a health condition or vulnerability, that the voter  
19   believes subjects the voter, or other person, to an unacceptable risk of harm from  
20   contracting or transmitting the novel coronavirus."

1           (2) "Disability or illness" as enacted at KRS 117.228(1)(c)(8)(e), shall mean to include  
2    "an inability to procure photographic proof of identification due to office closure,  
3    temporary work stoppage, or backlog of issuing authorities of such photographic proof  
4    of identification, as caused by the COVID-19 pandemic; or, possession of a health  
5    condition or vulnerability that the voter believes subjects the voter to unacceptable risk  
6    of harm from the novel coronavirus, including unacceptable risk of transmission of the  
7    virus from the voter to others."

8           (3) "Inability to obtain his or her birth certificate or other documents needed to  
9    show proof of identification," as enacted at KRS 117.228(1)(c)(8)(b) shall mean to include  
10   "the inability to provide a copy of proof of identification possessed by the voter."

11          (4) "Covered voter," as enacted at KRS 117A.010 shall mean to include "those  
12   within the disability community who wish to receive their ballot via electronic means in  
13   the same manner as utilized by military and overseas voters."

14          Section 3. In lieu of in-person absentee voting, described by KRS 117.085, County  
15   Clerks shall make in-person voting available to any registered voter of the county during  
16   generally available hours coinciding with regular business hours beginning on October  
17   13, 2020. No absentee excuse or application otherwise required by KRS 117.077 or  
18   117.085 shall be required for eligibility to vote early in-person. County Clerks shall make  
19   in-person voting available to any registered voter of the county on the three Saturdays  
20   before the November 3, 2020 election for a span of at least four (4) hours each Saturday.

1 The location(s) for in-person voting shall be permitted to be outside of the County Clerk's  
2 office, so long as voting is conducted in a secured area. County Clerks, with assistance  
3 from the State Board of Elections and Secretary of State, shall publicize the location(s)  
4 where in-person voting shall occur. During the days of in-person voting, appropriate  
5 precautions shall be taken consistent with Centers for Disease Control guidance, and the  
6 State Board of Elections, with the assistance of the Governor, shall provide materials to  
7 assist in proper sanitization. County Clerks shall implement in-person voting procedures  
8 that limit direct contact between individuals, whether poll workers or voters. Such  
9 procedures shall promote a method of voting whereby poll workers do not come into  
10 contact with voters.

11 Section 4. County Clerks, taking into account population, geographical  
12 impediments, and consistent with the term of Section 5 herein, may reduce the number  
13 of sites for in-person voting on November 3, 2020 to the number of secured locations in  
14 which the Clerk reasonably believes can: (1) be fully staffed with election officials; and (2)  
15 facilitate voting in a manner consistent with Centers for Disease Control guidance, as well  
16 as, procedures that limit direct contact between individuals, whether poll workers or  
17 voters. Such procedures shall promote a method of voting whereby poll workers do not  
18 come into contact with voters. At any site used for voting on November 3, 2020, election  
19 officials shall be empowered to check-in any registered voter in the county, regardless of  
20 what precinct the voter is registered in, and counties shall have the flexibility to use the

1 same election equipment across sites. The State Board of Elections, with the assistance  
2 of the Governor, shall provide materials to assist in proper sanitization.

3       Section 5. No later than September 30, 2020, counties shall present any plan to  
4 reduce the number of sites for in-person voting on November 3, 2020 to the State Board  
5 of Elections, the Office of the Governor, and the Office of the Secretary of State for  
6 approval, and no plan for reduction of November 3, 2020 voting locations shall be  
7 implemented without the consent of the State Board of Elections, the Office of the  
8 Governor, and the Office of the Secretary of State. Plans shall include: the address and  
9 type of facility for each voting location; the number and type of voting machine or  
10 machines to be used at the voting location; the number of poll workers required to fully  
11 staff the location. Counties shall be authorized to seek approval of an amended plan at  
12 any time before November 2, 2020, to add or reduce locations as demand necessitates.

13       Section 6. Each county shall establish at least one (1) site for in-person voting on  
14 November 3, 2020, which is capable of permitting any registered voter residing in the  
15 county to vote at that location. In each county's Section 5 Plan, each such site shall be  
16 noted as a "County-wide Voting Center." County Clerks, with assistance from the State  
17 Board of Elections and Secretary of State, shall publicize the address of this and all  
18 location(s) where in-person voting shall occur on November 3, 2020.

19       Section 7. The provisions of KRS 117.065(2), requiring that buildings, including  
20 schools, constructed, in whole or in part, with tax revenues be available as voting places

1 without cost shall not be deemed to directly conflict with any executive order,  
2 administrative regulation, or statute.

3       Section 8. A voter may deliver an absentee ballot to the office of the County Clerk  
4 in the county where the voter is registered, or to a secure drop-off location if one is  
5 maintained by the County Clerk in the county where the voter is registered, rather than  
6 mailing the ballot via the United States Postal Service. To assist County Clerks in  
7 managing the flow of receipt of voter-delivered absentee ballots, the State Board of  
8 Elections shall purchase secure drop-boxes and provide them to County Clerks based on  
9 request and availability with each requesting county being guaranteed one drop-box at  
10 minimum. Any county choosing to use a receptacle for ballot drop-off other than the  
11 drop-boxes provided by the State Board of Elections during calendar year 2020, must  
12 formally seek the State Board of Elections' approval of the receptacle before any ballot  
13 shall be allowed to be deposited inside. Any county choosing to utilize a drop-off  
14 receptacle, including those provided by the State Board of Elections, shall inform the State  
15 Board of Elections of the number of receptacles being used, the type of each receptacle  
16 being used, and the location of each drop-off location. Any receptacle located outside a  
17 County Clerk's Office shall be placed in a well-lit, easily accessible location, be bolted  
18 down, and be under video surveillance at all times. Any drop-box located inside, shall be  
19 under direct supervision of the staff of the County Clerk at all times that it is accessible to  
20 the public. Each County Clerk utilizing one or more ballot drop-off receptacle shall empty

1 each receptacle at least once each business day of the County Clerk's Office, and secure  
2 the absentee ballots therein in a manner consistent with KRS 117.086(6); however, County  
3 Clerks shall empty receptacles more frequently than daily, as needed, so as to reasonably  
4 accommodate the volume of voter-delivered absentee ballots.

5       Section 9. County Clerks shall be permitted to utilize as precinct election officials  
6 voters who are registered to vote other than as Democrats or Republicans, and all precinct  
7 election officials shall be permitted to work in shifts of less than twelve (12) hours.  
8 Notwithstanding KRS 117.045(9), voters who have changed their registration within the  
9 last year shall be eligible to serve as an election official for the November 3, 2020 elections.  
10 In the appointment of precinct election officials for November 3, 2020, County Clerks shall  
11 give preference to precinct election officials who have prior experience as same, whether  
12 in prior elections or in early voting conducted pursuant to this regulation.

13       Section 10. The State Board of Elections shall ensure that each county is provided  
14 access to sufficient election equipment, subject to available funding.

15       Section 11. As soon as feasible, the State Board of Elections shall make available a  
16 secure online portal for the request of an absentee ballot by a registered voter. The  
17 requester shall provide personally identifiable information in order to request the  
18 absentee ballot. The secure online portal shall have the capacity to ensure verification of  
19 the identity of the voter, in a manner not inconsistent with Senate Bill 2, 2020 Regular  
20 Session of the Kentucky General Assembly, except as applied herein. Should a voter not

1 have a driver's license record on file with the Kentucky Department of Transportation, the  
2 voter may confirm their identity by completing an oath of voter, not inconsistent with the  
3 language provided from the Secretary of State, found on the secure online portal. The  
4 secure online portal shall transmit the request to the County Clerk of the county in which  
5 the requester is registered to vote. The County Clerk shall be responsible for determining  
6 if a request is valid and may, at their discretion, fulfill a request believed valid by taking  
7 the information of a voter without internet access over the telephone or in person and  
8 directly inputting that information into the secure online portal. The County Clerk shall  
9 transmit a valid absentee ballot to the registered voter within seven (7) days of receipt or  
10 within seven (7) days of ballots being available, no sooner than September 15, 2020. The  
11 secure online portal shall close at 11:59 p.m. ET, on October 9, 2020. Notwithstanding the  
12 availability of this secure online portal, a registered voter shall still be entitled to request  
13 a mail-in absentee ballot using the method of request described in KRS 117.085 until  
14 October 9, 2020. From October 10, 2020, through November 3, 2020, only applications  
15 for an absentee ballot due to medical emergency, pursuant to KRS 117.077, shall be  
16 deemed as valid. An application for an absentee ballot due to a medical emergency need  
17 not be notarized and this clause shall not expand the definition or use of the term medical  
18 emergency.

19           Section 12. Postage for all ballots sent by County Clerks to voters and for all ballots  
20 sent from voters to County Clerks shall be paid by the State. Intelligent Barcodes shall be

utilized for tracking of all mail-in absentee ballots and shall serve in lieu of mail books for County Clerks.

Section 13. Prior to issuance of an absentee ballot to a voter, County Clerks shall highlight with a colored marker each signature blank an absentee-by-mail voter is required by law to sign. All absentee ballots shall be received by the County Clerk of the voter's county of registration by no later than 6:00 p.m., local time, on November 3, 2020, except that, any absentee ballot postmarked on or before November 3, 2020 shall be accepted upon receipt by a County Clerk until 6:00 p.m., local time, November 6, 2020. A ballot delivered by 6:00 p.m., local time, on November 3, 2020 shall not be required to bear a postmark.

Section 14. On or before September 14, 2020, each County Board of Elections shall appoint an absentee ballot processing committee with a minimum of four (4) members, all of whom must be registered voters of that county. Each committee shall have an equal number of registered Democrats and registered Republicans, but membership shall not be restricted to registered members of those parties. One political party shall not compose a majority of a committee unless the role of the committee is assumed by the local County Board of Elections. Each County Board of Elections shall establish, and present to the State Board of Elections for approval, a process for observation of absentee ballot processing and counting, to be conducted in a manner consistent with Centers for Disease Control guidance. The absentee ballot processing committee may meet every

1 day, subject to the needs and requirements of ballot processing, beginning as early as  
2 September 21, 2020, to review the absentee ballots cast in the county, but no person shall  
3 publicize any tallies or counts of these ballots, or any partial election results, until 6:00  
4 p.m. local time, on November 3, 2020. Once processed, absentee ballots must be stored  
5 in a manner consistent with current statutes and practices.

6       Section 15. No absentee ballot may be processed and counted unless and until  
7 the absentee ballot processing committee verifies the signature on the absentee ballot  
8 envelope to match the voter's signature of record, to include the signature on the voter's  
9 driver's license or voter registration card. If a signature match cannot be made, or if the  
10 voter has committed another absentee ballot error that is subject to remediation, the  
11 County Board of Elections, absentee ballot processing committee, or the County Clerk  
12 shall make a reasonable effort to contact the voter using the contact information provided  
13 by the voter's absentee ballot application, and provide the voter with a timeframe and  
14 manner in which the voter may cure the discrepancy. All signature cures must be made  
15 by November 9, 2020.

16       Section 16. Counties shall undertake a good-faith effort to cure all absentee ballot  
17 irregularities, when possible, with attempts to cure absentee ballot irregularities starting  
18 with a letter generated by the State Board of Elections and mailed to the voter with  
19 appropriate instructions. In addition to the letter, counties may, but are not required to,

1 also use email or telephone contact information, if such is provided by the voter, in an  
2 attempt to inform the voter of the irregularity.

3 Section 17. To determine voter intent for ballots imperfectly cast, County Boards  
4 of Elections shall take the following universal directives into consideration when reviewing  
5 ballot irregularities:

6 (1) Missing outside signature- DON'T REJECT automatically. If there is an inside  
7 signature there is at least one signature for review that will meet substantial compliance.

8 (2) Missing signature on flap- DON'T REJECT automatically. If there was an outside  
9 signature there is at least one signature for review that will meet substantial compliance.

10 (3) Missing outside signature- DO NOT REJECT automatically, but if the inside flap  
11 is missing the signature then REJECT IT.

12 (4) Signature on outside but missing inside flap: REJECT IT.

13 (5) If there is a signature that can be matched, but flap is missing: REJECT IT.

14 (6) Inner envelope not sealed but all the components are present and doesn't  
15 appear tampered with: ACCEPT IT.

16 (7) Detached flap: if it isn't attached but is either inside the white envelope or even  
17 inside the yellow envelope it will meet substantial compliance: ACCEPT IT.

18 (8) The Inner Envelope is missing and the ballot is just in the white envelope:  
19 REJECT IT.

1           (9) Returned or dropped off in just the inner envelope with flap attached and  
2 signature present: ACCEPT IT.

3           (10) Returned in an unofficial outside envelope, if inside envelope, flap and  
4 signature are present: ACCEPT IT; If no signature on flap: REJECT IT.

5           (11) A signature is present, but in wrong location: ACCEPT IT

6           Section 18. State funds shall procure, at minimum, an additional eight staff  
7 members for each county, with the eight largest counties by population receiving more  
8 staffing and funding proportionally. All meetings of any absentee ballot processing  
9 committees must be posted on the State Board of Elections website at least twenty-four  
10 (24) hours prior to the meeting; a schedule of meetings that is updated when changes are  
11 made to meeting dates shall satisfy this requirement as long as they are posted in advance  
12 of the meeting. At least seven (7) business days prior to November 3, 2020 , each County  
13 Board of Elections must also post on the State Board of Elections' website: the members  
14 of an absentee ballot processing committee; any registered challengers; all plans  
15 submitted or approved pursuant to Section 5 of this regulation; and all polling locations  
16 with addresses and hours of operation. Any cancellation of a meeting by an absentee  
17 ballot processing committee, shall not require twenty-four (24) hour notice.

18           Section 19. The State Board of Elections and the Secretary of State shall jointly  
19 conduct an advertising campaign, subject to available funding, to inform voters of  
20 changes to election rules referenced herein and voters' options to vote.

1           Section 20. The Governor shall take such action as is necessary to provide funds  
2   sufficient to cover the increase in cost necessitated by implementation of these  
3   regulations, including but not limited to matching state funds against, and in order to  
4   secure, the maximum matching federal funds available for pandemic-related election  
5   costs.

6           Section 21. Voters required to submit an affirmation as described in KRS  
7   117.228(1)(c) shall complete "Voter Affirmation Form" SBE 71, 08/2020. Election Officials  
8   required to submit an affirmation as described in KRS 117.228(4) shall complete "Election  
9   Official Affirmation Form" SBE 72, 09/2020. All final vote totals must be transmitted via  
10   "Certification, Official Count and Record of Election Totals" SBE 49, 08/2020 to the  
11   Secretary of State's Office no later than 6:00 p.m., local time, November 10, 2020.

12          Section 22. Counties shall publicly report results from ballots cast by voters in-  
13   person on Election Day, by voters during early voting, and all absentee ballots processed  
14   by 6:00 p.m., local time, November 3, 2020. Such reporting shall occur no later than 11:59  
15   p.m. ET, November 3, 2020. A second reporting of all votes tallied shall be submitted by  
16   counties before 5:00 p.m. ET, November 6, 2020.

17          Section 23. If an absentee ballot is delivered by hand to a County Clerk's Office by  
18   6:00 p.m., November 3, 2020 or by the United States Postal Service, bearing a postmark  
19   of November 3, 2020 or an earlier date, by 6:00 p.m., November 7, 2020., and is discovered  
20   to have been delivered to the wrong County Clerk's Office, it shall be sent by the receiving

1 County Clerk to the correct County Clerk via overnight delivery by the United State Postal  
2 Service no later than November 9, 2020. County Clerks shall use the Postal Corporate  
3 Express Mail Account, which shall be no cost, and shall inform the Postal Clerk that they  
4 were instructed to use the Postal Corporate Express Mail Account under the direction of  
5 the Kentuckiana Political Mail Coordinator. Once a voter has requested a mail-in absentee  
6 ballot, the voter shall not vote in person unless the voter has failed to receive such  
7 requested ballot by October 28, 2020.

8 Section 24. If a voter has requested, but not received their absentee ballot by  
9 October 28, 2020, the voter may appear at a county polling location to vote in person. The  
10 election officer shall contact the County Clerk and County Board of Elections who shall  
11 determine the voter's eligibility and verify the ballot has not been returned and/or  
12 counted. The County Clerk or their designee shall cancel the voter's absentee ballot in  
13 the Voter Registration System. Only after the voter's application has been canceled in the  
14 Voter Registration System shall the voter be required to sign the supplemental roster, an  
15 oath of voter, and be informed that voting more than once in an election is a criminal  
16 offense. Each voter who is deemed ineligible to vote may vote a provisional ballot or  
17 request a hearing before the County Board of Elections.

18 Section 25. The deadline for a candidate to seek a recanvass for any special  
19 election held on November 3, 2020 shall be extended to 4:00 p.m. ET, on November 10,  
20 2020.

1           Section 26. The provisions of KRS 117.085(10) shall remain except that the State  
2 Board of Elections shall be required to produce to any duly qualified candidate, political  
3 party or organization committee or officials thereof, or any committee that advocates or  
4 opposes an amendment or public question, for a one-time fee of \$3,500, the names of  
5 those voters who have: (1) completed an application for a mail-in absentee ballot; (2)  
6 turned in an absentee ballot; and (3) those that have voted in-person before November  
7 3, 2020. Requests from the State Board of Elections for production of such information  
8 shall require accompanying payment at the time of first request. The payment of the one-  
9 time fee of \$3,500 shall require the State Board of Election to provide updates of the  
10 information in a Microsoft Excel spreadsheet format twice weekly to the requestor from  
11 August 31, 2020 through November 2, 2020. The information provided by the State Board  
12 of Elections shall not be used for any commercial purpose.

13           Section 27. Should changes in conditions related to the COVID-19 pandemic or  
14 the effective administration of the November 3, 2020 election require additional policies  
15 or procedures, the State Board of Elections shall be authorized to promulgate further  
16 administrative regulations after a public meeting of the State Board of Elections, with  
17 contingent approval of both the Governor and the Secretary of State.

18           Section 28. Incorporated by Reference. (1) The following material is incorporated  
19 by reference:

20           (a) "Certification, Official Count and Record of Election Totals", SBE 49, 08/2020;

1           (b) "Voter Affirmation Form" SBE 71, 08/2020;

2           (c) "Election Official Affirmation Form" SBE 72, 09/2020.

3           (2) This material may be inspected, copied, or obtained, subject to applicable  
4 copyright law, at the State Board of Elections, 140 Walnut Street, Frankfort, Kentucky  
5 Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:40 p.m.

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Andy Beshear  
Governor

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Jared Dearing  
Executive Director, State Board of Elections

## **PUBLIC HEARING AND PUBLIC COMMENT PERIOD**

A public hearing on this temporary emergency administrative regulation shall be held on November 30, 2020, 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 November 30, 2020. 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, 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 4:193E 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 emergency administrative regulation outlines the procedures to be undertaken to effectively conduct the November 3, 2020 elections.

**(b) The necessity of this administrative regulation:** This emergency administrative regulation is necessary given that the Kentucky Constitution requires free and fair elections, yet the COVID-19 pandemic has created a state of emergency in the Commonwealth and poses a risk to the health and well-being of voters.

**(c) How this administrative regulation conforms to the content of the authorizing statutes:** KRS 39A.100(1)(l) orders the State Board of Elections to establish procedures for election officials to follow when the Governor has declared a state of emergency and the Secretary of State has recommended to the Governor, and the Governor has agreed, that a different time, place, or manner for holding elections is necessary.

**(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:** This emergency administrative regulation fulfills the mandates of KRS 39A.100(1)(l) and will provide the necessary framework for the Commonwealth's November 3, 2020 given the ongoing state of emergency.

**(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 emergency administrative regulation.

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

This emergency administrative regulation will affect all registered voters in the Commonwealth, along with county fiscal courts, and governmental entities related to the administration of electoral processes.

**(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:** It is anticipated that any regulated entities impacted by this emergency administrative regulation will have to take no action fundamentally divergent from those actions already established for the administration of electoral processes.

**(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 emergency administrative regulation will cost roughly \$5,240,000 at the state government level. County-level should not exceed those already anticipated by election needs under ordinary circumstances. There are no costs to the individual voters to return a mail-in absentee ballot.

**(c) As a result of compliance, what benefits will accrue to the entities identified in question (3):** Compliance with this new emergency administrative regulation will benefit the entirety of the Commonwealth in that it will allow for the conduction of elections that minimize the health-risk of all involved during the ongoing state of emergency related to the COVID-19 pandemic.

**(5) 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 emergency administrative regulation for the State Board of Elections will be minimal as most costs will be borne at the county level or subsidized pursuant to the federal Help America Vote Act (HAVA) and Coronavirus Aid, Relief, and Economic Security (CARES) Act.

**(b) On a continuing basis:** This will be a temporary emergency administrative regulation.

**(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation:** A combination of federal, state, and

local funds will be used in the implementation and enforcement of this emergency 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:** The State Board of Elections believes that the implementation of this emergency 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 emergency administrative regulation.

**(9) TIERING: Is tiering applied? Explain why or why not.** Tiering is not used in this emergency administrative regulation as a desired result of the promulgation of this emergency administrative regulation is a uniform procedure for the administration of the November 3, 2020 elections throughout all of the counties in the Commonwealth.

## **FISCAL NOTE ON STATE OR LOCAL GOVERNMENT**

31 KAR 4:193E 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 and the Secretary of State's Office will be impacted by this emergency administrative regulation. At the local level, office of all County Clerks and all local Boards of Elections will be impacted by this emergency administrative regulation.

**(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation.** Statutes and regulations either requiring or authorizing this emergency administrative regulation include: KRS 13A.190, KRS 13A.190, and 52 U.S.C. 20101 *et seq.*

**(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 emergency 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 emergency 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 estimates that the implementation of this emergency administrative regulation will cost roughly \$5,240,000 at the at the state-government level. County-level expenses should not exceed those already anticipated by election needs under ordinary circumstances. There are no costs to the individual voters to return a mail-in absentee ballot.

**(d) How much will it cost to administer this program for subsequent years?** This emergency administrative regulation is temporary and will not be in force following the administration of the November 3, 2020 elections.

## **SUMMARY OF MATERIAL INCORPORATED BY REFERENCE**

"Certification, Official Count and Record of Election Totals" SBE 49, 11/03, is the 1-page permit application form that counties use return vote totals to the Secretary of State.

## Coronavirus Disease 2019 (COVID-19)

[MENU >](#)

# Considerations for Election Polling Locations and Voters

## Considerations for Election Polling Locations

Interim guidance to prevent spread of coronavirus disease 2019 (COVID-19)

Updated June 22, 2020

[Print](#)

### Summary of changes:

- Expanded guidance on changes to operations, procedures, and facilities for polling locations
- Added reminders to maintain accessibility
- Added recommendations for voters

## Guiding Principles to Keep in Mind

The more an individual interacts with others, and the longer that interaction, the higher the risk of COVID-19 spread. Elections with only in-person voting on a single day are higher risk for COVID-19 spread because there will be larger crowds and longer wait times. Lower risk election polling settings include those with:

- a wide variety of voting options
- longer voting periods (more days and/or more hours)
- any other feasible options for reducing the number of voters who congregate indoors in polling locations at the same time

The virus that causes COVID-19, is mostly spread by respiratory droplets released when people talk, cough, or sneeze. It may be possible that a person can get COVID-19 by touching a surface or object that has the virus on it and then touching their own mouth, nose, or possibly their eyes. Personal prevention practices (such as [handwashing](#), [staying home when sick](#)) and environmental [cleaning and disinfection](#) are important actions election officials, poll workers, and voters can take to help lower the risk of COVID-19 spread.

## Recommendations for Election Officials and Poll Workers


### Promoting Behaviors that Reduce Spread

- **Stay home when sick or after recent close contact with a person with COVID-19**
  - Educate poll workers about when they should [stay home](#) and when they can return to work.
    - Poll workers who are sick, have tested positive for COVID-19, or have recently had a [close contact](#) with a person with COVID-19 should stay home. Ensure that poll locations are adequately staffed to cover any sick workers who need to stay home.
    - CDC's criteria can help inform when poll workers may return to work:
      - [If they have been sick with COVID-19](#)
      - [If they have recently had a close contact with a person with COVID-19](#)
      - [If they have tested positive for COVID-19](#)
- **Hand Hygiene and Respiratory Etiquette**
  - Provide an alcohol-based hand sanitizer with at least 60% alcohol for use at each step in the voting process where voters interact with poll workers, after using the voting machine, and as the final step in the voting process. Place alcohol-based hand sanitizer in visible, frequently used locations such as registration desks, where

“I Voted” stickers are dispensed, and exits. Alcohol-based hand sanitizers may not be compatible with electronic voting equipment and may damage paper ballots. Poll workers and voters should ensure their hands are completely dry before handling these items.

- Encourage poll workers to [wash their hands](#) frequently (e.g., before entering the polling location, before and after breaks or shifts, after touching or handling masks or PPE, after using the restroom, after touching shared surfaces or objects) with soap and water for at least 20 seconds.
- Encourage workers and voters [to cover coughs and sneezes](#) with a tissue or use the inside of their elbow. Used tissues should be thrown in the trash and hands washed immediately with soap and water for at least 20 seconds.
  - If soap and water are not readily available, use hand sanitizer that contains at least 60% alcohol.




## • Masks

- Recommend and reinforce the use of [masks](#) among all workers. Masks are most essential in times when physical distancing is difficult. Information should be provided to workers on [proper use, removal, and washing of masks](#).
- Encourage voters to use [masks](#) while in the polling location. In jurisdictions where voters’ masks may need to be removed to support identification procedures, alcohol-based hand sanitizer containing at least 60% alcohol should be provided at the station so voters can sanitize their hands after removing their masks. A plastic barrier between the voter and the poll worker can provide additional protection. Post signs providing instruction on [proper removal and handling](#)  of masks.
  - Note: [masks](#) should **not** be placed on:
    - Babies and children younger than 2 years old
    - Anyone who has trouble breathing or is unconscious
    - Anyone who is incapacitated or otherwise unable to remove the mask without assistance
- [Masks](#) are meant to protect other people in case the wearer is unknowingly infected but does not have symptoms. [Masks](#) are not meant to be a substitute for personal protective equipment such as surgical masks, respirators, or other medical personal protective equipment.
- Masks can make it more difficult for people who are deaf or hard-of-hearing to lip-read, hear, or understand what people are saying. Communication can be supported with written communication, posting information/instructions, and decreasing background noise. Lip reading can be supported with clear masks, face shields, or plexiglass barriers. Consistent with applicable law, election officials should consider having supplies, such as clear face coverings available, to ensure that voting is accessible to people with disabilities.

## • Adequate Supplies

- Ensure adequate supplies to support [healthy hygiene](#) behaviors. Supplies include soap, hand sanitizer containing at least 60% alcohol (placed at every station, if supplies allow), paper towels, tissues, disinfectant wipes, and no-touch trash cans.

## • Signs and Messages


- Post [signs](#) in highly visible locations (e.g., at entrances, in restrooms) that [promote everyday protective measures](#)  and describe how to [stop the spread](#)  of germs such as by [properly washing hands](#) and [properly wearing a mask](#) .
- Include messages about behaviors that prevent the spread of COVID-19 when communicating with voters (such as on websites, in videos, in emails, and on [social media accounts](#)).
- To the extent consistent with applicable law, ensure that any signage and messages are accessible to voters with disabilities, for example by providing large print or braille versions or having audible messages with the same information.
- Find free CDC print and digital resources at the [communications resources main page](#).

## • Social Distancing


- Remind voters upon arrival to leave space between themselves and others. Encourage voters to stay at least 6 feet apart. Polling places may provide [signs](#), or other visual cues such as floor markings, decals, or chalk marks to help voters and workers remember this.
- Have plans to manage lines to ensure social distancing can be maintained.
- Clearly mark points of entry and exit to avoid bottlenecks.
- Discourage voters and workers from greeting others with physical contact (e.g., handshakes). Include this reminder on [signs](#) about social distancing.

# Maintaining Healthy Environments

- **Disinfect surfaces**

- Surfaces that are frequently touched by multiple people, for example door handles, registration tables, pens, and clipboards, should be disinfected frequently using products with [EPA-approved emerging viral pathogens claims](#)  .
- Follow the manufacturer's instructions for all cleaning and disinfection products (e.g., concentration, application method and contact time, use of personal protective equipment, storage).
- If the surface is dirty, it should [be cleaned](#) before disinfecting.
- If public restrooms are available in the polling location, they should be cleaned and disinfected routinely.
- After the polling location closes, clean and [disinfect](#) all facility areas and items, including all tables, chairs, door handles, and restrooms, used by poll workers or voters. The facility can be returned to normal use immediately with no additional precautions.

- **Clean and disinfect voting-associated equipment**

- Voting machines, laptops, tablets, keyboards, ballot activation cards, and other reusable items should be disinfected routinely.
- Follow the [equipment manufacturer's instructions](#)  for appropriate cleaning and disinfection procedures for voting machines and associated electronics.
  - To prevent damage to the equipment, post signs near voting equipment discouraging voters from disinfecting the equipment with their own wipes or touching the equipment with hands that are still wet with hand sanitizer.
- Consider use of wipeable covers for electronics.
- If no manufacturer guidance is available, consider the use of alcohol-based wipes or spray containing at least 70% alcohol to clean voting machine buttons and touch screens. Dry surfaces thoroughly to avoid pooling of liquids.
- After the polling location closes, all equipment and transport cases should be cleaned and disinfected following the manufacturer's instructions prior to returning it to the election office.

- **Shared objects**

- Where possible, replace shared objects, like pens or ballot activation cards, with single-use objects.
- Shared objects, like pens or ballot activation cards, should be [disinfected](#) between users.
- Headphones for voters with disabilities should be single-use or [disinfected](#) between users.
- Minimize handling of shared objects. For example, reusable ballot activation cards or ballot secrecy sleeves can be deposited into a container instead of handing them to a poll worker.

- **Ventilation**

- Ensure that ventilation systems operate properly and increase circulation of outdoor air as much as possible, for example by opening windows and doors. Do not open windows and doors if doing so poses a safety or health risk to poll workers, voters, or children accompanying voters (e.g., risk of falling or triggering asthma symptoms).

- **Crowd and line management**

- Consider increasing the number of polling locations available for early voting and extending the hours of operation.
- Maintain or increase the total number of polling places available to the public on Election Day to improve the ability to social distance.
- Unless there is no other option, do not increase the number of potential registered voters assigned to each polling place.
- Minimize lines as much as possible, especially tightly spaced queues in small indoor spaces. Use floor markings or decals and signs to remind voters to maintain social distancing while in line.
- Limit the number of voters in the facility by moving lines outdoors if weather permits or using a ticket system for access to the facility.


- **Modified layouts and procedures**

- Increase distance between voting booths to ensure that voters remain 6 feet apart.



- To ensure sufficient space for social distancing and other measures, identify larger facilities for use as future polling places.
- Modify the polling location layout to ensure voters move in one direction while in voting locations and to avoid bottlenecks, such as single doors for entry and exit.
- Items to be reviewed, such as poll books or identification, should be placed on a table for examination to minimize handling.
- Notify voters of changes to polling operations, including the availability of alternative voting options that minimize contact, as allowed in the local jurisdiction.
- Ensure that any changes to operations do not limit accessibility to voters with disabilities.
- **Physical barriers and guides**
  - Physical barriers, such as plexiglass shields, can be used to protect workers and voters when physical distance cannot be maintained, for example at registration desks or between voting stations.
  - Consider placing markings or decal on the floor to remind voters to maintain at least 6 feet of space from other voters and workers.

## Maintaining Healthy Operations

- **Where available in your jurisdiction, offer alternative voting methods that minimize direct contact and reduce crowd size at polling locations**
  - Consider offering alternatives to in-person voting if allowed in the jurisdiction.
  - Offer early voting or extended hours, where voter crowds may be smaller throughout the day.
  - Consider drive-up voting for eligible voters if allowed in the jurisdiction.
  - Encourage voters planning to vote in-person on election day to arrive at off-peak times. For example, if voter crowds are lighter mid-morning, advertise that in advance to the community.
- **Protect [people at increased risk for severe illness](#)**
  - Relocate polling locations from nursing homes, long-term care facilities, and senior living residences, to help protect older adults and those with underlying medical conditions from potential COVID-19 exposure.
  - Polling locations (e.g., libraries, schools) should ensure that voters can be separated from other facility users. For example, poll workers and voters can use designated entrances, exits, and restrooms that are separate from other facility users.
  - Limit nonessential visitors. Poll workers and voters should be discouraged from bringing accompanying persons (e.g., family members, friends) to the polling location.
  - Poll workers at higher risk for severe illness from COVID-19 should be assigned tasks that minimize direct contact with voters and other poll workers. These workers should be encouraged to practice [preventive actions](#), such as social distancing and handwashing.
- **Consider alternative voting options for voters with symptoms**
  - Where possible in your jurisdiction, offer alternative voting options for voters with symptoms, those who are sick or known COVID-19 positive. Alternative voting options should minimize exposure between poll workers and voters, such as a designated polling site or curbside voting for sick voters. Poll workers assisting voters with symptoms should be provided with [personal protective equipment](#) (PPE), including respiratory protection, face shields, gowns, and gloves, and trained in the appropriate use of this equipment.
  - Post [signs](#) to discourage anyone with symptoms from entering the polling location buildings and provide voting options for those with symptoms. Ensure that any signage is accessible to voters with disabilities, for example by providing large print or braille versions or having audible messages with the same information.
- **Scheduled or staggered voting**
  - Consider offering scheduled voting or staggered entry to the polling location.
- **Mail-in ballots**
  - Workers handling mail-in ballots should practice hand hygiene frequently.
  - Mail-in ballots submitted directly to polling locations can be held for three hours prior to processing to further reduce risk.

- Machines used to process mail in ballots should be cleaned and disinfected routinely. Follow the [equipment manufacturer's instructions](#)  for appropriate cleaning and disinfection procedures for voting machines and associated electronics.
- Ballots can be stored as usual without additional precautions.
- Mail-in voting can make it more difficult for voters with disabilities to exercise their right to vote. Election officials should ensure that accessible voting options are available and that these options are consistent with the recommendations for slowing the spread of COVID-19.

## Recommendations for Voters

- **Practice [healthy behaviors to protect yourself](#) and slow the spread of COVID-19**
  - [Wash your hands](#) before entering and after leaving the polling location.
  - While in the polling location, use alcohol-based hand sanitizer containing at least 60% alcohol frequently, especially after touching surfaces frequently touched by multiple people, such as door handles or voting machines.
  - Cover coughs and sneezes with a tissue or the inside of your elbow. Throw used tissues in lined trash cans. [Wash your hands](#) or use an alcohol-based hand sanitizer containing at least 60% alcohol.
  - Wear a [mask](#). Children under 2 and anyone who has trouble breathing, is incapacitated or otherwise unable to remove the mask without assistance should not wear a mask.
  - Maintain at least 6 feet (about 2 arms' length) of distance from others. It is important to continue [social distancing](#) even when you and others are wearing masks.
- **Consider voting alternatives available in your jurisdiction that minimize contact.** Voting alternatives that limit the number of people you come in contact with or the amount of time you are in contact with others can help reduce the spread of COVID-19. Check your [local election office website](#)  for more information on voting alternatives available in your jurisdiction.
- **Do not disinfect or wipe down the voting equipment yourself.** Electronic voting equipment can be damaged by cleaners and disinfectants. If you use hand sanitizer before touching the voting equipment, ensure your hands are completely dry to avoid damaging the equipment. Wash your hands or use alcohol-based hand sanitizer **after** using the voting equipment.
- **Avoid crowds**
  - Use early voting, if available in your jurisdiction.
  - Vote at off-peak times, such as mid-morning.
  - If driving to the polls and your schedule allows, monitor the voter line from your car and join it when it's shorter.
- **Be prepared**
  - Check your voting location and requirements in advance because they may have changed due to COVID-19.
  - Verify your voter registration information is correct in advance of reporting to the polling location.
  - Contact your [local or state election office](#)  for additional information for voters with disabilities.
  - Make sure you have all necessary documents to avoid delays at the polling location.
  - If possible, complete any registration forms prior to arriving at the polling location.
  - Where possible, review or complete a sample ballot at home to speed the process of casting your ballot at the polling location.
  - Bring your own black ink pen.
  - Bring a stylus or similar object for use with touchscreen voting machines. Check with poll workers before using.



## Resources

[Vendor and Manufacturer Guidance on Cleaning Voting Machines and Other Election Technology](#)

[Cybersecurity Infrastructure and Security Agency Election Security Resources](#)

[Finding Voting Locations and Poll Workers](#)

[Considerations for Modifying the Scale of In-Person Voting](#)

[Health and Safety at the Polling Place](#)

[Safeguarding Staff and Working Environment from COVID-19](#)

Last Updated June 22, 2020