

SENATE MEMBERS

Robert Stivers
President, LRC Co-Chair
David Givens
President Pro Tempore
Damon Thayer
Majority Floor Leader
Gerald A. Neal
Minority Floor Leader
Julie Raque Adams
Majority Caucus Chair
Reginald Thomas
Minority Caucus Chair
Mike Wilson
Majority Whip
David Yates
Minority Whip



LEGISLATIVE RESEARCH COMMISSION

State Capitol 700 Capital Avenue Frankfort KY 40601

502-564-8100

Capitol Fax 502-564-2922

Annex Fax 502-564-6543

legislature.ky.gov

Jay D. Hartz
Director

HOUSE MEMBERS

David W. Osborne
Speaker, LRC Co-Chair
David Meade
Speaker Pro Tempore
Steven Rudy
Majority Floor Leader
Derrick Graham
Minority Floor Leader
Suzanne Miles
Majority Caucus Chair
Cherlynn Stevenson
Minority Caucus Chair
Jason Nemes
Majority Whip
Rachel Roberts
Minority Whip

MEMORANDUM

TO: Taylor Brown, General Counsel, State Board of Elections

FROM: Emily Caudill, Regulations Compiler

RE: Acknowledgement of Proposed & Emergency Regulations – 031 KAR 005:026 & E

DATE: April 15, 2024

A copy of the ordinary and emergency administrative regulations listed above are enclosed for your files. Pursuant to KRS 13A.190, these emergency administrative regulations became effective upon filing with our office on **April 15, 2024** and, unless an extension on an accompanying ordinary is requested, will expire either in 270 days on **January 10, 2025**, or when replaced by its corresponding ordinary regulation, whichever occurs first. Please note - Expiration dates may be impacted by legislation or other statutes.

Emergency regulations

The emergency regulations are tentatively scheduled for review by the Administrative Regulation Review Subcommittee at its **June 2024** meeting. We will notify you of the date and time of this meeting once it has been scheduled. Pursuant to KRS 13A.280, **if** comments are received during the public comment period, a Statement of Consideration for these emergency regulations is due **by noon on June 14, 2024**.

Ordinary regulations

The ordinary regulations are tentatively scheduled for review by the Administrative Regulation Review Subcommittee at its **July 2024** meeting. We will notify you of the date and time of this meeting once it has been scheduled. Pursuant to KRS 13A.280, **if** comments are received during the public comment period, a Statement of Consideration for these ordinary regulations or a one-month extension request is due **by noon on July 15, 2024**.

Please reference KRS 13A.270 and 13A.280 for other requirements relating to the public hearing and public comment period and Statements of Consideration.

If you have questions, please contact us at RegsCompiler@LRC.ky.gov or (502) 564-8100.


Enclosures

FILED WITH LRC
TIME: 10:56 AM
APR 15 2024
Emily B Caudill
REGULATIONS COMPILER

STATEMENT OF EMERGENCY

31 KAR 5:026E

This emergency regulation is being promulgated pursuant to both KRS 13A.190(1)(a)(1), to meet an imminent threat to public welfare, as well as, KRS 13A.190(1)(a)(3), to meet an imminent deadline for the promulgation of an administrative regulation established by state statute. Section 150 of the Kentucky Constitution requires free and fair elections in the Commonwealth; KRS 118.025(4) sets May 21, 2024, as the date for the next primary election. Since the 2020 elections, conducted during the COVID-19 pandemic, the Commonwealth has expanded the availability of mail-in absentee voting. With lessons learned from each subsequent election, administrators continue to reform the mail-in request and delivery process to ensure the highest degree of security. This is being filed as an emergency administrative regulation to ensure the administrative regulations and procedures required by statute to promote free and fair elections are in effect for the upcoming election. This emergency administrative regulation is temporary in nature and will be replaced by an ordinary administrative regulation. The companion ordinary administrative regulation is identical to this emergency administrative regulation.


ANDY BESHEAR
Governor of Kentucky


KAREN SELLERS
Director, State Board of Elections

1 STATE BOARD OF ELECTIONS

2 (Emergency Amendment)

3 31 KAR 5:026E. Ballot standards and election security.

4 RELATES TO: KRS 117.001, 117.025, 117.085, 117.086, 117.0861, 117.087, 117.145,
5 117.225, 117.228, 117.295(1), 117.365

6 STATUTORY AUTHORITY: KRS 117.015(1)(a), 117.085, 117.086, 117.087(3)(d),
7 117.145, 117.228

8 NECESSITY, FUNCTION, AND CONFORMITY: KRS 117.015(1)(a) authorizes the State
9 Board of Elections to promulgate administrative regulations necessary to properly carry
10 out its duties. Several Kentucky Revised Statutes in Chapter 117 require the State Board
11 of Elections to promulgate administrative regulations that provide for measures that
12 establish standards for the ballots used during elections, as well as, measures that ensure
13 that votes cast during an election are done so in a free, fair, and secure manner. This
14 administrative regulation provides for those measures.

15 Section 1. In addition to the requirements for printed ballots established in KRS
16 117.145, ballots caused to be printed by the county clerk of each county shall meet quality
17 and size standards specific to the voting systems certified by both the State Board of
18 Elections and the United States Election Assistance Commission.

1 Section 2. The outer envelope of all mail-in absentee ballots shall bear a barcode
2 or other label that is unique to the individual voter and capable of being read by an
3 electronic optical scanner. The unique barcode or label for each mail-in absentee ballot
4 outer envelope shall be issued by the State Board of Elections. Upon the need to issue a
5 voter a second mail-in absentee ballot pursuant to KRS 117.085(9), the outer envelope of
6 the subsequent second mail-in absentee ballot shall bear a new unique barcode or label.

7 Section 3.

8 (1) Upon the time of certification of each candidate and each question to be voted
9 upon, all pre-printed paper ballots shall be secured by the county clerk of each county,
10 under lock and key, in an area under the direct control of the county clerk and approved
11 by the county board of elections.

12 (2) The possession of all pre-printed ballots shall be accounted for on SBE Form 76,
13 Ballot Reconciliation Statement.

14 (3) If paper ballots need to be printed at a county clerk's office, an accounting of
15 the printed ballots shall be made on either the SBE Form 76, Ballot Reconciliation
16 Statement, or by the printing equipment.

17 (4) Upon the transfer of ballots from the area under the direct control of the county
18 clerk to a polling location, the transfer shall be noted on the SBE Form 76, Ballot
19 Reconciliation Statement.

1 (5) Beginning with the in-person casting of ballots during the period described in
2 KRS 117.076, each voted in-person ballot shall remain in a locked and sealed receptacle,
3 until the conclusion of the period described in KRS 117.295(1).

4 (6) At the conclusion of each day of voting, an accounting of the number of all
5 voted, unvoted, and spoiled ballots shall be recorded on the SBE Form 76, Ballot
6 Reconciliation Statement.

7 (7) All ballots and election materials not secured in an area under the direct control
8 of the county clerk after the close of polls shall be secured at the voting location in a
9 secure manner, based upon the advice and recommendations of the county board of
10 elections and the sheriff from the time described in KRS 117.076 until the conclusion of
11 voting on the day of an election.

12 (8) As mail-in absentee ballots are received by county clerks, they shall have their
13 unique barcode or label scanned.

14 (9) Upon each mail-in absentee ballot being processed, the unique barcode or label
15 shall be scanned again.

16 (10) If a mail-in absentee ballot is found to be without the need for a signature
17 cure, or a mail-in absentee ballot has been returned along with a completed SBE Form 77,
18 Discrepant Mail-in Absentee Signature, the ballot shall be recorded into an optical
19 scanner, to be deposited in a locked and sealed receptacle for the period described in
20 KRS 117.295(1).

1 (11) Any completed SBE Form 76, Ballot Reconciliation Statement shall be turned
2 over to the local Commonwealth's Attorney along with any other materials required under
3 KRS 117.365.

4 Section 4. A voter who is disabled may request a mail-in absentee ballot via an
5 online accessible ballot portal, which shall conform to web accessible design standards as
6 established by the W3C Web Accessibility Initiative at <https://www.w3.org/WAI/>.

7 Section 5.

8 (1) Upon receipt of a valid mail-in ballot request, through the online request portal
9 or other valid request method, the request of the voter shall be noted in the Voter
10 Registration System, and reflected in the electronic pollbooks used by precinct election
11 officers.

12 (2) If a voter noted to have requested a mail-in absentee ballot appears at a polling
13 location to vote in-person, the precinct election officer shall communicate with the county
14 clerk, who shall make a determination as to whether the requested mail-in absentee ballot
15 has been completed and returned as a cast ballot by the voter.

16 (3) If the mail-in absentee ballot is found to have been completed and returned as
17 a cast ballot, the voter shall not be permitted to cast an in-person vote.

18 (4) If the mail-in absentee ballot is found not to have been completed and returned
19 as a cast ballot and the ballot has been returned to the county clerk no later than seven

20 (7) days prior to the date of the election as required by KRS 117.085(8), the county clerk

1 shall immediately cancel the issued ballot in the Voter Registration System and allow the
2 voter to cast an in-person ballot after the voter completes Form SBE 32, Oath of Voter,
3 copies of which shall be forwarded to the Commonwealth's Attorney.

4 Section 6.

5 (1) A voter, or an individual identified by KRS 117.0861(1), may deliver a mail-in
6 absentee ballot to the office of the county clerk in the county where the voter is registered,
7 to a secure ballot drop-box in the county where the voter is registered, or to a secure
8 drop-off receptacle if one is maintained by the county clerk in the county where the voter
9 is registered, rather than mailing the ballot via the United States Postal Service.

10 (2)

11 (a) A county choosing to use a receptacle for ballot drop-off other than a drop-
12 box provided by the State Board of Elections, shall formally seek the State Board of
13 Elections' approval of the receptacle before any ballot is allowed to be deposited inside.

14 (b) A county choosing to utilize a drop-off receptacle shall provide information
15 about the receptacle to the State Board of Elections as required by KRS 117.086(2)(b).

16 (3) A drop-box or receptacle located outside a County Clerk's Office shall be
17 located, secured, and identified as required by KRS 117.086(2)(c).

18 (4) A drop-box or receptacle located inside shall be under direct supervision as
19 required by KRS 117.086(2)(d) and shall be clearly marked as for use by voters in the

1 election, so as to differentiate the drop-box or receptacle from any other that may be in
2 use in the area.

3 (5) Any other non-elections related drop-box in use by a county clerk for any other
4 official business shall clearly indicate that the other drop-box is not for the return of
5 election material.

6 (6)

7 (a) The county clerk shall empty the drop box and any receptacle used each
8 business day as required by KRS 117.086(2)(e) and secure the absentee ballots therein in
9 a manner consistent with KRS 117.086(3).

10 (b) Upon each emptying of a drop-box or receptacle, the individuals collecting
11 absentee ballots pursuant to KRS 117.086(2)(e) shall complete Form SBE 78, Daily
12 Absentee Drop-Box Verification Sheet.

13 Section 7.

14 (1) After the receipt of a mail-in absentee ballot by the county clerk, the signature
15 shall be examined in accordance with KRS 117.087(3)(c)2 and 5.

16 (2) If a signature match cannot be made, notice shall be provided to the voter as
17 required by KRS 117.087(3)(c)5, which shall, at minimum, include the mailing of Form SBE
18 77, Discrepant Mail-in Absentee Signature.

19 (3) Upon the county board of elections, central counting board, or the county clerk
20 determining the need for a signature cure, the ballot shall be noted in the Voter

1 Registration System and the county clerk shall, on that same day, input the voter's address
2 and any other required data into the SBE 77 and mail the form to the voter.

3 Section 8.

4 ~~{(1) A voter unable to provide proof of identification as required under KRS~~
5 ~~117.225, and as defined under KRS 117.001(15), shall:~~

6 ~~(a) Meet the requirements of KRS 117.228(1)(c) by executing SBE Form 71, Voter~~
7 ~~Affirmation Form; and~~

8 ~~(b) Provide alternative proof of identification as required by KRS 117.228(2).~~

9 ~~(2) A voter personally known to an election officer may cast a ballot in accordance~~
10 ~~with KRS 117.228(4) upon the election officer executing SBE Form 72, Election Officer~~
11 ~~Affirmation Form.~~

12 ~~(3) Both the SBE 71 and SBE 72 shall be forwarded to the local Commonwealth's~~
13 ~~Attorney following the election.~~

14 ~~Section 9.]~~ A voter may make application to cast an excused in-person absentee
15 ballot pursuant to KRS 117.076(2) by completing SBE Form 44E, Excused In-Person
16 Absentee Ballot Application.

17 Section ~~9~~10. The status of the tamper-resistant seal and the number on the public
18 counter shall be recorded as required by KRS 117.076(12) before and after each day of in-
19 person absentee voting, on SBE Form 79, Daily Voting Machine Verification Sheet, which
20 cumulatively shall be collected by the County Clerk.

1 Section ~~10[1]~~. Incorporated by Reference.

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

3 (a) "Oath of Voter", Form SBE 32, 04/2022;

4 (b) "Ballot Reconciliation Statement", Form SBE 76, 04/2022;

5 (c) "Discrepant Mail-in Absentee Signature", Form SBE 77, 08/2022;

6 ~~{(d) "Voter Affirmation Form", Form SBE 71, 04/2022;~~

7 ~~{(e) "Election Officer Affirmation Form", Form SBE 72, 04/2022;}~~

8 ~~{(d){f} "Excused In-Person Absentee Ballot Application", Form SBE 44E, 04/2022;~~

9 ~~{(e){g} "Daily Voting Machine Verification Sheet", Form SBE 79, 04/2022; and~~

10 ~~{(f){h} "Daily Absentee Drop-Box Verification Sheet", Form SBE 78, 04/2022.~~

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

14 (3) This material may also be obtained on the board's Web site at
15 <https://elect.ky.gov>.



Karen Sellers
Executive Director, State Board of Elections

4/12/2024
Date

PUBLIC HEARING AND PUBLIC COMMENT PERIOD

A public hearing on this administrative regulation shall be held on May 31, 2024, 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 May 31, 2024. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Taylor Brown, General Counsel, 140 Walnut Street, Frankfort, Kentucky 40601, Phone: (502) 782-9499, Email: TaylorA.Brown@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

31 KAR 5:026E Contact Person: Taylor Brown, phone: 502-782-9499, email: TaylorA.Brown@ky.gov

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes standards for the ballots used during elections, as well as, measures that ensure that votes cast during an election are done so in a free, fair, and secure manner.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to ensure that the mail-in request and delivery process has the highest degree of security possible.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 117.015(1)(a) authorizes the State Board of Elections to promulgate administrative regulations necessary to properly carry out its duties.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists in the free and fair administration of elections in the Commonwealth as applied throughout KRS Chapter 117.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This amendment guarantees that two mail-in absentee ballots cannot be issued at the same

time with the same barcode or unique label should a voter request a second mail-in absentee ballot under KRS 117.085(9).

(b) The necessity of the amendment to this administrative regulation: Without clear definition, county clerks have been left unclear on how to handle subsequent mail-in absentee requests under KRS 117.085(9).

(c) How the amendment conforms to the content of the authorizing statutes: KRS 117.015(1)(a) authorizes the State Board of Elections to promulgate administrative regulations necessary to properly carry out its duties.

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

This amendment will offer clear guidance to county clerks on how to handle subsequent mail-in absentee requests under KRS 117.085(9).

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

This administrative regulation will affect voters of the Commonwealth, county clerks, and the State Board of Elections.

(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. To comply with this

administrative regulation, voters may need to complete a form or follow absentee ballot delivery instructions, while county clerks and the State Board of Elections will need to take steps to ensure the security of their elections.

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

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Compliance with this new administrative regulation will benefit all in ensuring that all elections conducted in the Commonwealth are done so in a free, fair, and secure manner.

(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 administrative regulation for the State Board of Elections will be minimal as it will require only the creation of the new Forms incorporated by reference.

(b) On a continuing basis: The only continuing cost will be the price associated with printing any copies of the SBE Forms that are necessary.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Funds from the State Board of Elections' administrative budget will be used in the implementation and enforcement of this administrative regulation.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: Implementation of this administrative regulation can be achieved without an increase in fees or funding by the General Assembly.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: No fees are associated with this administrative regulation.

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

FISCAL IMPACT STATEMENT

31 KAR 5:026E

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

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 117.015(1)(a) and 117.085(9) require and authorize the actions taken by this administrative regulation.

(2) Identify the promulgating agency and any other affected state units, parts, or divisions:
This administrative regulation will affect the promulgating agency, the State Board of Elections.

(a) Estimate the following for the first year:

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

Revenues: It is not expected or intended that this administrative regulation will generate any revenue.

Cost Savings: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings.

(b) How will expenditures, revenues, or cost savings differ in subsequent years? The State Board of Elections does not anticipate expenditures, revenues, or cost savings to differ in subsequent years.

(3) Identify affected local entities (for example: cities, counties, fire departments, school districts): This administrative regulation will affect county clerks.

(a) Estimate the following for the first year:

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

Revenues: It is not expected or intended that this administrative regulation will generate any revenue.

Cost Savings: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.

(b) How will expenditures, revenues, or cost savings differ in subsequent years? The State Board of Elections does not anticipate expenditures, revenues, or cost savings to differ in subsequent years.

(4) Identify additional regulated entities not listed in questions (2) or (3): This administrative regulation will affect voters desiring to vote by mail-in absentee ballot.

(a) Estimate the following for the first year:

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

Revenues: It is not expected or intended that this administrative regulation will generate any revenue.

Cost Savings: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.

(b) How will expenditures, revenues, or cost savings differ in subsequent years? The State Board of Elections does not anticipate expenditures, revenues, or cost savings to differ in subsequent years.

(a) How much cost savings will this administrative regulation generate for the regulated entities for the first year? The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.

(b) How much cost savings will this administrative regulation generate for the regulated entities for subsequent years? The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.

(5) Provide a narrative to explain the:

(a) Fiscal impact of this administrative regulation: The State board of Elections expects that this administrative regulation will have little to no fiscal impact on the regulated entities, outside those expenditures already undertaken.

(b) Methodology and resources used to determine the fiscal impact: This determination of this administrative regulation's fiscal impact is made by the listed contact person and other agency staff based on their collective experience with the subject matter.

(6) Explain:

(a) Whether this administrative regulation will have an overall negative or adverse major economic impact to the entities identified in questions (2) - (4). (\$500,000 or more, in aggregate): The State Board of Elections does not expect that this administrative regulation will result in a negative or adverse major economic impact to the entities identified in questions (2)-(4).

(b) The methodology and resources used to reach this conclusion: This conclusion is made by the listed contact person and other agency staff based on their collective experience with the subject matter.

SUMMARY OF MATERIAL INCORPORATED BY REFERENCE

"Oath of Voter," SBE Form 32, 04/2022, is the ½-page form signed by a voter and precinct election officer if a question arises as to the legality of a voter voting in-person.

"Excused In-Person Absentee Ballot Application" SBE Form 44E, 04/2022, is the 1-page application form used by a voter to apply to vote during the excused in-person absentee period.

"Voter Affirmation Form," Form SBE 71, 04/2022, is the 1-page form that a voter without proof of identification, as defined by KRS 117.001, will need to complete in order to vote in accordance with KRS 117.228(1)(c).

"Election Officer Affirmation Form" Form 72, 04/2022, is the 1-page form that a voter personally known to an election officer will need to complete in order to vote in accordance with KRS 117.228(4).

"Ballot Reconciliation Statement," Form SBE 76, 04/2022, is the 1-page form to be used to track all voted, unvoted, or spoiled ballots from their printing until the conclusion of an election.

"Discrepant Mail-in Absentee Signature," Form SBE 77, 08/2022, is the 1-page form to be used by the county board of elections, central counting board, or the county clerk to

contact a voter to provide notice to the voter that they may cure their signature before the closing of the polls on the day of the election.

“Daily Absentee Drop-Box Verification Sheet,” Form SBE 78, 04/2022, is the 1-page form to be used by the Democrat and Republican election officers charged with collecting mail-in absentee ballots drop drop-boxes or other authorized receptacles.

“Daily Voting Machine Verification Sheet” Form 79, 03/2023, is the 1-page form used by election officers to note the status of the tamper-resistant seal and the public counter on voting equipment during the period of in-person absentee voting.

SUMMARY OF CHANGES TO MATERIAL INCORPORATED BY REFERENCE

No changes to material incorporated by reference are being made in this amendment.

COMMONWEALTH OF KENTUCKY
STATE BOARD OF ELECTIONS

OATH OF VOTER

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,
(Name: Please Print)

that I am duly registered as a _____ voter in this precinct in
(Political Party Preference)

_____ County, Kentucky and that I currently reside at
(County)

_____. My previous address was
(Current Residence Street Address, City, and Zip Code)

_____ in this county.
(Previous Residence Street Address, City, and Zip Code)

I know of no legal disqualifications which should prevent my vote from being cast and counted in 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.

Voter must sign here

Date of Birth

Date

Precinct Name or No. _____

Signature of Precinct Election Officer or Challenger _____

This Oath shall be returned to the County Clerk who shall deliver it to the
Commonwealth's Attorney for investigation.

- ___ Voter moved to new precinct/new address. Not on precinct roster. Update registration.
- ___ Election Officer/Challenger dispute voter's qualifications.
- ___ Request to vote in-person after mail-in ballot request.

EXCUSED IN-PERSON ABSENTEE BALLOT APPLICATION

ELECTION DATE: _____ **COUNTY:** _____

1. NAME OF VOTER (CLERK MUST TYPE HERE)	
2. ADDRESS WHERE VOTER LIVES FOR VOTER REGISTRATION PURPOSES	
3. CITY & ZIP CODE	
4. PRECINCT NAME OR NUMBER	
5. PARTY AFFILIATION	
6. DATE OF BIRTH	
7. TELEPHONE NUMBER	
8. STATEMENT OF CITY & STATE WHERE VOTER SHALL BE ON ELECTION DAY	

► **GIVE REASON YOU CANNOT VOTE IN PERSON ON ELECTION DAY** *(Check one of the following boxes.)*

9.	Voter who is a member of the Armed Forces or a dependent of a member of the Armed Forces and will be out of the county on election day and during the days of no-excuse in-person absentee voting. <i>(Sign statement 1 below.)</i>
10.	Voter who is a citizen residing overseas and will be out of the county on election day and during the days of no-excuse in-person absentee voting. <i>(Sign statement 1 below.)</i>
11.	Voter, or spouse of voter, who has surgery scheduled that will require hospitalization on the day of an election and during the days of no-excuse in-person absentee voting. <i>(Sign statement 1 below.)</i>
12.	Voter who temporarily resides outside the state, but is still eligible to vote in this state and will be absent from the county of his or her residence on election day and during the days of no-excuse in-person absentee voting. <i>(Sign statement 1 below.)</i>
13.	Kentucky resident who is a uniformed-service voter and is confined to a military base on election day and during the days of no-excuse in-person absentee voting. <i>(Sign statement 1 below.)</i>
14.	Voter who is in her last trimester of pregnancy. <i>(Sign statement 2 below.)</i>
15.	Voter who has not been declared mentally disabled by a court of competent jurisdiction and, due to age, disability, or illness, is not able to appear at the polls on election day and during the days of no-excuse in-person absentee voting. <i>(Sign statement 1 below.)</i>
16.	Voter who is a student who temporarily resides outside the county of his or her residence and will be absent from the county of his or her residence on the day of an election and during the days of no-excuse in-person absentee voting. <i>(Sign statement 1 below.)</i>
17.	Voter who is employed in an occupation that is scheduled to work during all days and all hours, including commute time, that the polls are open on election day and during the days of no-excuse in-person absentee voting. <i>(Sign statement 1 below.)</i>
18.	Voter who is election officer tasked with election administration for the current election cycle. <i>(Sign statement 1 below.)</i>

Statement 1: I, the undersigned, meet the eligibility requirements for voting in my precinct and do declare, under penalty of perjury, that the information given in this application is true and correct.

_____ **(Signature of Applicant)** _____ **(Date Signed)**

If applicant uses "X" as his or her "mark", two witnesses are required and must sign below.

_____ **(Witness)** _____ **(Date Signed)**

_____ **(Witness)** _____ **(Date Signed)**

Statement 2: I, the undersigned, am in my last trimester of pregnancy, meet the eligibility requirements for voting in my precinct, and do declare, under penalty of perjury, that the information given in this application is true and correct.

_____ **(Signature of Applicant)** _____ **(Date Signed)**

If applicant uses "X" as his or her "mark", two witnesses are required and must sign below.

_____ **(Witness)** _____ **(Date Signed)**

_____ **(Witness)** _____ **(Date Signed)**



KENTUCKY STATE BOARD OF ELECTIONS

Voter Affirmation Form

I, _____, do hereby affirm that the name I have given here is the name that I am generally known by or the name I have given here is as stated on my voter registration.

I further affirm that:

To the best of my knowledge and belief, my date of birth is _____.

My current residential address, including the street address number is:

_____, if my address changed in the twenty-eight (28) days prior to the date of this election, I affirm that I moved on _____ and that my prior address was:

_____ I am a citizen of the United States;

_____ I am qualified to vote in this precinct under current Kentucky laws related to voter eligibility;

_____ I have not voted and will not vote in any other precinct during this election;

The following impediment has prevented me from procuring proof of identification as defined under KRS 117.001:

_____ Lack of transportation;

_____ Inability to obtain my birth certificate or other documents needed to show proof of identification;

_____ Work schedule;

_____ Lost or stolen identification;

_____ Disability or illness;

_____ Family responsibilities;

_____ Proof of identification has been applied for, but not yet received;

_____ I have a religious objection to being photographed.

I understand that making a false statement as to any of the affirmations on this form is punishable under penalties of perjury.

Signature

Date



KENTUCKY STATE BOARD OF ELECTIONS

Election Officer Affirmation Form

In accordance with K.R.S. 117.228(4), I _____, do hereby affirm the identity of _____, an individual wishing to vote in this election, as this individual is known to me by name and I know this individual to be a resident of this community.

Signed Name of Election Officer

Date

SBE 72 (04/2022)



KENTUCKY STATE BOARD OF ELECTIONS

Election Officer Affirmation Form

In accordance with K.R.S. 117.228(4), I _____, do hereby affirm the identity of _____, an individual wishing to vote in this election, as this individual is known to me by name and I know this individual to be a resident of this community.

Signed Name of Election Officer

Date

SBE 72 (04/2022)



KENTUCKY STATE BOARD OF ELECTIONS

Ballot Reconciliation Statement

County

Ballot Batch Numbers			
FROM		TO	

Date Ballots Received by Clerk or Date Printed by Clerk:	
---	--

Date Ballots Transferred to Polling Place:	
---	--

Day of Voting	Number of Ballots Cast During Polling	Number of Unvoted Ballots	Number of Ballots Spoiled
Thursday			
Friday			
Saturday			
Tuesday			



COMMONWEALTH OF KENTUCKY
STATE BOARD OF ELECTIONS

Date: _____

Name: _____

Mailing Address: _____

City, State, ZIP: _____

Re: Discrepant Mail-in Absentee Signature

Dear _____,

We have received your mail-in absentee ballot for the _____ . Kentucky Election Law requires the County Board of Elections to compare the signatures on the outer AND inner envelopes you return with a signature of record in order to verify your identity. Unfortunately, the County Board was unable to verify your signature with what is on file.

If you have not already been contacted by your county and addressed this matter, in order for your ballot to count, you must complete, sign, and return the enclosed form to your county clerk's office **by 6:00 PM local time**, _____. You may return this form by mail, email, fax, or in-person. It is also acceptable to take a photo of the completed form and email that to your county clerk using the email listed below.

If you indicate that you have not voted a ballot, or if you fail to return the enclosed form, we will not count this ballot. If you do not affirm on the enclosed form that you voted a ballot, we will also turn over this discrepancy to the County Attorney or the Office of the Attorney General for investigation.

If you have questions, please contact your county clerk's office at

Thank you for your assistance.

County Clerk

_____ County, Kentucky

Contact your clerk via e-mail, fax, or mail

Signature Affidavit Form

Complete, sign and return this form to your County Clerk's Office.

For County Office Use Only:

Date of Receipt: _____

Clerk or DC Name: _____

Voter ID #: _____

1. Select a box (you must select one)

Yes, I returned my mail-in absentee

OR

No, I did not return a mail-in absentee

2. Sign. If you are unable to sign, make a mark and have a witness to the mark sign on witness line.

If Yes is selected above: I state under penalty of perjury that I am an eligible voter; that my signature and name are as shown on this form; that I have only cast one ballot in this election in accordance with the provisions of the Kentucky Revised Statutes.

If No is selected above: I affirm that the information I have provided on this form is true and correct to the best of my knowledge.

Your signature or mark

Today's date (mm/dd/yyyy)

Witness (A witness is only needed if you are unable to sign and must make a mark.)

Today's date (mm/dd/yyyy)

3. Return this form

Return this form to your County Clerk's office **by** _____.

You may return it by:

1. Emailing it to: _____
2. Faxing it to: _____
3. Mailing or delivering it to: _____

You may also fill this form out and take a photo of it and email it to your county clerk using the email listed above.



Commonwealth of Kentucky

Daily Absentee Drop-Box Verification Sheet

County

Drop-Box Location

Date	Time	Number of Ballots Collected

Democrat Printed Name	Democrat Signature

Republican Printed Name	Republican Signature

Additional Comments



Commonwealth of Kentucky

Daily Voting Machine Verification Sheet

THIS FORM IS REQUIRED TO BE COMPLETED BEFORE VOTING BEGINS
AND AFTER VOTING ENDS EVERYDAY OF IN-PERSON VOTING!
PUBLIC NUMBERS MUST BE READ ALOUD

- Excused In-Person Absentee Voting No-Excuse In-Person Absentee Voting
- Election Day Voting

DATE	MACHINE LOCATION
TYPE OF DEVICE	DEVICE SERIAL NUMBER

Type of Device	Current Number of Seal	Status of the Seal
BEGINNING MEMORY DEVICE SEAL NUMBER		<input type="checkbox"/> SEALED <input type="checkbox"/> BROKEN
BEGINNING TUB SEAL SERIAL NUMBER		<input type="checkbox"/> SEALED <input type="checkbox"/> BROKEN
BEGINNING PUBLIC COUNTER NUMBER		

Verified by:

Print _____ /Signature _____
 Election Officer #1

Print _____ /Signature _____
 Election Officer #2 (*Must be of different political affiliation than Election Officer #1)

Type of Device	Current Number of Seal	Status of the Seal
ENDING MEMORY DEVICE SEAL NUMBER		<input type="checkbox"/> SEALED <input type="checkbox"/> BROKEN
ENDING TUB SEAL SERIAL NUMBER		<input type="checkbox"/> SEALED <input type="checkbox"/> BROKEN
ENDING PUBLIC COUNTER NUMBER		

Verified by:

Print _____ /Signature _____
 Election Officer #1

Print _____ /Signature _____
 Election Officer #2 (*Must be of different political affiliation than Election Officer #1)

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

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

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

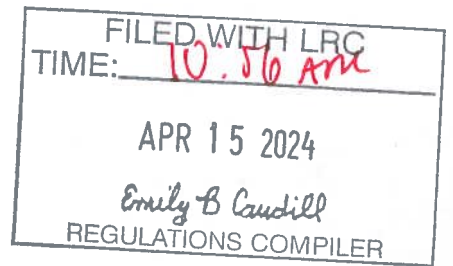
History: Not yet amended.

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

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

Effective: June 29, 2021

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



1 STATE BOARD OF ELECTIONS

2 (Amendment)

3 31 KAR 5:026. Ballot standards and election security.

4 RELATES TO: KRS 117.001, 117.025, 117.085, 117.086, 117.0861, 117.087, 117.145,
5 117.225, 117.228, 117.295(1), 117.365

6 STATUTORY AUTHORITY: KRS 117.015(1)(a), 117.085, 117.086, 117.087(3)(d),
7 117.145, 117.228

8 NECESSITY, FUNCTION, AND CONFORMITY: KRS 117.015(1)(a) authorizes the State
9 Board of Elections to promulgate administrative regulations necessary to properly carry
10 out its duties. Several Kentucky Revised Statutes in Chapter 117 require the State Board
11 of Elections to promulgate administrative regulations that provide for measures that
12 establish standards for the ballots used during elections, as well as, measures that ensure
13 that votes cast during an election are done so in a free, fair, and secure manner. This
14 administrative regulation provides for those measures.

15 Section 1. In addition to the requirements for printed ballots established in KRS
16 117.145, ballots caused to be printed by the county clerk of each county shall meet quality
17 and size standards specific to the voting systems certified by both the State Board of
18 Elections and the United States Election Assistance Commission.

1 Section 2. The outer envelope of all mail-in absentee ballots shall bear a barcode
2 or other label that is unique to the individual voter and capable of being read by an
3 electronic optical scanner. The unique barcode or label for each mail-in absentee ballot
4 outer envelope shall be issued by the State Board of Elections. Upon the need to issue a
5 voter a second mail-in absentee ballot pursuant to KRS 117.085(9), the outer envelope of
6 the subsequent second mail-in absentee ballot shall bear a new unique barcode or label.

7 Section 3.

8 (1) Upon the time of certification of each candidate and each question to be voted
9 upon, all pre-printed paper ballots shall be secured by the county clerk of each county,
10 under lock and key, in an area under the direct control of the county clerk and approved
11 by the county board of elections.

12 (2) The possession of all pre-printed ballots shall be accounted for on SBE Form 76,
13 Ballot Reconciliation Statement.

14 (3) If paper ballots need to be printed at a county clerk's office, an accounting of
15 the printed ballots shall be made on either the SBE Form 76, Ballot Reconciliation
16 Statement, or by the printing equipment.

17 (4) Upon the transfer of ballots from the area under the direct control of the county
18 clerk to a polling location, the transfer shall be noted on the SBE Form 76, Ballot
19 Reconciliation Statement.

1 (5) Beginning with the in-person casting of ballots during the period described in
2 KRS 117.076, each voted in-person ballot shall remain in a locked and sealed receptacle,
3 until the conclusion of the period described in KRS 117.295(1).

4 (6) At the conclusion of each day of voting, an accounting of the number of all
5 voted, unvoted, and spoiled ballots shall be recorded on the SBE Form 76, Ballot
6 Reconciliation Statement.

7 (7) All ballots and election materials not secured in an area under the direct control
8 of the county clerk after the close of polls shall be secured at the voting location in a
9 secure manner, based upon the advice and recommendations of the county board of
10 elections and the sheriff from the time described in KRS 117.076 until the conclusion of
11 voting on the day of an election.

12 (8) As mail-in absentee ballots are received by county clerks, they shall have their
13 unique barcode or label scanned.

14 (9) Upon each mail-in absentee ballot being processed, the unique barcode or label
15 shall be scanned again.

16 (10) If a mail-in absentee ballot is found to be without the need for a signature
17 cure, or a mail-in absentee ballot has been returned along with a completed SBE Form 77,
18 Discrepant Mail-in Absentee Signature, the ballot shall be recorded into an optical
19 scanner, to be deposited in a locked and sealed receptacle for the period described in
20 KRS 117.295(1).

1 (11) Any completed SBE Form 76, Ballot Reconciliation Statement shall be turned
2 over to the local Commonwealth's Attorney along with any other materials required under
3 KRS 117.365.

4 Section 4. A voter who is disabled may request a mail-in absentee ballot via an
5 online accessible ballot portal, which shall conform to web accessible design standards as
6 established by the W3C Web Accessibility Initiative at <https://www.w3.org/WAI/>.

7 Section 5.

8 (1) Upon receipt of a valid mail-in ballot request, through the online request portal
9 or other valid request method, the request of the voter shall be noted in the Voter
10 Registration System, and reflected in the electronic pollbooks used by precinct election
11 officers.

12 (2) If a voter noted to have requested a mail-in absentee ballot appears at a polling
13 location to vote in-person, the precinct election officer shall communicate with the county
14 clerk, who shall make a determination as to whether the requested mail-in absentee ballot
15 has been completed and returned as a cast ballot by the voter.

16 (3) If the mail-in absentee ballot is found to have been completed and returned as
17 a cast ballot, the voter shall not be permitted to cast an in-person vote.

18 (4) If the mail-in absentee ballot is found not to have been completed and returned
19 as a cast ballot and the ballot has been returned to the county clerk no later than seven

20 (7) days prior to the date of the election as required by KRS 117.085(8), the county clerk

1 shall immediately cancel the issued ballot in the Voter Registration System and allow the
2 voter to cast an in-person ballot after the voter completes Form SBE 32, Oath of Voter,
3 copies of which shall be forwarded to the Commonwealth's Attorney.

4 Section 6.

5 (1) A voter, or an individual identified by KRS 117.0861(1), may deliver a mail-in
6 absentee ballot to the office of the county clerk in the county where the voter is registered,
7 to a secure ballot drop-box in the county where the voter is registered, or to a secure
8 drop-off receptacle if one is maintained by the county clerk in the county where the voter
9 is registered, rather than mailing the ballot via the United States Postal Service.

10 (2)

11 (a) A county choosing to use a receptacle for ballot drop-off other than a drop-
12 box provided by the State Board of Elections, shall formally seek the State Board of
13 Elections' approval of the receptacle before any ballot is allowed to be deposited inside.

14 (b) A county choosing to utilize a drop-off receptacle shall provide information
15 about the receptacle to the State Board of Elections as required by KRS 117.086(2)(b).

16 (3) A drop-box or receptacle located outside a County Clerk's Office shall be
17 located, secured, and identified as required by KRS 117.086(2)(c).

18 (4) A drop-box or receptacle located inside shall be under direct supervision as
19 required by KRS 117.086(2)(d) and shall be clearly marked as for use by voters in the

1 election, so as to differentiate the drop-box or receptacle from any other that may be in
2 use in the area.

3 (5) Any other non-elections related drop-box in use by a county clerk for any other
4 official business shall clearly indicate that the other drop-box is not for the return of
5 election material.

6 (6)

7 (a) The county clerk shall empty the drop box and any receptacle used each
8 business day as required by KRS 117.086(2)(e) and secure the absentee ballots therein in
9 a manner consistent with KRS 117.086(3).

10 (b) Upon each emptying of a drop-box or receptacle, the individuals collecting
11 absentee ballots pursuant to KRS 117.086(2)(e) shall complete Form SBE 78, Daily
12 Absentee Drop-Box Verification Sheet.

13 Section 7.

14 (1) After the receipt of a mail-in absentee ballot by the county clerk, the signature
15 shall be examined in accordance with KRS 117.087(3)(c)2 and 5.

16 (2) If a signature match cannot be made, notice shall be provided to the voter as
17 required by KRS 117.087(3)(c)5, which shall, at minimum, include the mailing of Form SBE
18 77, Discrepant Mail-in Absentee Signature.

19 (3) Upon the county board of elections, central counting board, or the county clerk
20 determining the need for a signature cure, the ballot shall be noted in the Voter

1 Registration System and the county clerk shall, on that same day, input the voter's address
2 and any other required data into the SBE 77 and mail the form to the voter.

3 Section 8.

4 ~~[(1) A voter unable to provide proof of identification as required under KRS~~
5 ~~117.225, and as defined under KRS 117.001(15), shall:~~

6 ~~(a) Meet the requirements of KRS 117.228(1)(c) by executing SBE Form 71, Voter~~
7 ~~Affirmation Form; and~~

8 ~~(b) Provide alternative proof of identification as required by KRS 117.228(2).~~

9 ~~(2) A voter personally known to an election officer may cast a ballot in accordance~~
10 ~~with KRS 117.228(4) upon the election officer executing SBE Form 72, Election Officer~~
11 ~~Affirmation Form.~~

12 ~~(3) Both the SBE 71 and SBE 72 shall be forwarded to the local Commonwealth's~~
13 ~~Attorney following the election.~~

14 Section 9.] A voter may make application to cast an excused in-person absentee
15 ballot pursuant to KRS 117.076(2) by completing SBE Form 44E, Excused In-Person
16 Absentee Ballot Application.

17 Section 9[10]. The status of the tamper-resistant seal and the number on the public
18 counter shall be recorded as required by KRS 117.076(12) before and after each day of in-
19 person absentee voting, on SBE Form 79, Daily Voting Machine Verification Sheet, which
20 cumulatively shall be collected by the County Clerk.

1 Section ~~10[1]~~. Incorporated by Reference.

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

3 (a) "Oath of Voter", Form SBE 32, 04/2022;

4 (b) "Ballot Reconciliation Statement", Form SBE 76, 04/2022;

5 (c) "Discrepant Mail-in Absentee Signature", Form SBE 77, 08/2022;

6 ~~{(d) "Voter Affirmation Form", Form SBE 71, 04/2022;~~

7 ~~{(e) "Election Officer Affirmation Form", Form SBE 72, 04/2022;}~~


8 ~~{(f) "Excused In-Person Absentee Ballot Application", Form SBE 44E, 04/2022;~~

9 ~~{(g) "Daily Voting Machine Verification Sheet", Form SBE 79, 04/2022; and~~

10 ~~{(h) "Daily Absentee Drop-Box Verification Sheet", Form SBE 78, 04/2022.~~

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

14 (3) This material may also be obtained on the board's Web site at
15 <https://elect.ky.gov>.



Karen Sellers

Executive Director, State Board of Elections

4/12/2024

Date

PUBLIC HEARING AND PUBLIC COMMENT PERIOD

A public hearing on this administrative regulation shall be held on June 28, 2024, at 10:00 a.m. ET, at the Office of the State Board of Elections. Individuals interested in being heard at this hearing shall notify this agency in writing by five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. This hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until June 30, 2024. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Taylor Brown, General Counsel, 140 Walnut Street, Frankfort, Kentucky 40601, Phone: (502) 782-9499, Email: TaylorA.Brown@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

31 KAR 5:026 Contact Person: Taylor Brown, phone: 502-782-9499, email: TaylorA.Brown@ky.gov

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes standards for the ballots used during elections, as well as, measures that ensure that votes cast during an election are done so in a free, fair, and secure manner.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to ensure that the mail-in request and delivery process has the highest degree of security possible.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 117.015(1)(a) authorizes the State Board of Elections to promulgate administrative regulations necessary to properly carry out its duties.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists in the free and fair administration of elections in the Commonwealth as applied throughout KRS Chapter 117.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This amendment guarantees that two mail-in absentee ballots cannot be issued at the same

time with the same barcode or unique label should a voter request a second mail-in absentee ballot under KRS 117.085(9).

(b) The necessity of the amendment to this administrative regulation: Without clear definition, county clerks have been left unclear on how to handle subsequent mail-in absentee requests under KRS 117.085(9).

(c) How the amendment conforms to the content of the authorizing statutes: KRS 117.015(1)(a) authorizes the State Board of Elections to promulgate administrative regulations necessary to properly carry out its duties.

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

This amendment will offer clear guidance to county clerks on how to handle subsequent mail-in absentee requests under KRS 117.085(9).

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

This administrative regulation will affect voters of the Commonwealth, county clerks, and the State Board of Elections.

(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. To comply with this

administrative regulation, voters may need to complete a form or follow absentee ballot delivery instructions, while county clerks and the State Board of Elections will need to take steps to ensure the security of their elections.

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

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Compliance with this new administrative regulation will benefit all in ensuring that all elections conducted in the Commonwealth are done so in a free, fair, and secure manner.

(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 administrative regulation for the State Board of Elections will be minimal as it will require only the creation of the new Forms incorporated by reference.

(b) On a continuing basis: The only continuing cost will be the price associated with printing any copies of the SBE Forms that are necessary.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Funds from the State Board of Elections' administrative budget will be used in the implementation and enforcement of this administrative regulation.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: Implementation of this administrative regulation can be achieved without an increase in fees or funding by the General Assembly.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: No fees are associated with this administrative regulation.

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

FISCAL IMPACT STATEMENT

31 KAR 5:026

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

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 117.015(1)(a) and 117.085(9) require and authorize the actions taken by this administrative regulation.

(2) Identify the promulgating agency and any other affected state units, parts, or divisions:
This administrative regulation will affect the promulgating agency, the State Board of Elections.

(a) Estimate the following for the first year:

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

Revenues: It is not expected or intended that this administrative regulation will generate any revenue.

Cost Savings: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings.

(b) How will expenditures, revenues, or cost savings differ in subsequent years? The State Board of Elections does not anticipate expenditures, revenues, or cost savings to differ in subsequent years.

(3) Identify affected local entities (for example: cities, counties, fire departments, school districts): This administrative regulation will affect county clerks.

(a) Estimate the following for the first year:

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

Revenues: It is not expected or intended that this administrative regulation will generate any revenue.

Cost Savings: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.

(b) How will expenditures, revenues, or cost savings differ in subsequent years? The State Board of Elections does not anticipate expenditures, revenues, or cost savings to differ in subsequent years.

(4) Identify additional regulated entities not listed in questions (2) or (3): This administrative regulation will affect voters desiring to vote by mail-in absentee ballot.

(a) Estimate the following for the first year:

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

Revenues: It is not expected or intended that this administrative regulation will generate any revenue.

Cost Savings: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.

(b) How will expenditures, revenues, or cost savings differ in subsequent years? The State Board of Elections does not anticipate expenditures, revenues, or cost savings to differ in subsequent years.

(a) How much cost savings will this administrative regulation generate for the regulated entities for the first year? The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.

(b) How much cost savings will this administrative regulation generate for the regulated entities for subsequent years? The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.

(5) Provide a narrative to explain the:

(a) Fiscal impact of this administrative regulation: The State board of Elections expects that this administrative regulation will have little to no fiscal impact on the regulated entities, outside those expenditures already undertaken.

(b) Methodology and resources used to determine the fiscal impact: This determination of this administrative regulation's fiscal impact is made by the listed contact person and other agency staff based on their collective experience with the subject matter.

(6) Explain:

(a) Whether this administrative regulation will have an overall negative or adverse major economic impact to the entities identified in questions (2) - (4). (\$500,000 or more, in aggregate): The State Board of Elections does not expect that this administrative regulation will result in a negative or adverse major economic impact to the entities identified in questions (2)-(4).

(b) The methodology and resources used to reach this conclusion: This conclusion is made by the listed contact person and other agency staff based on their collective experience with the subject matter.

SUMMARY OF MATERIAL INCORPORATED BY REFERENCE

"Oath of Voter," SBE Form 32, 04/2022, is the ½-page form signed by a voter and precinct election officer if a question arises as to the legality of a voter voting in-person.

"Excused In-Person Absentee Ballot Application" SBE Form 44E, 04/2022, is the 1-page application form used by a voter to apply to vote during the excused in-person absentee period.

"Voter Affirmation Form," Form SBE 71, 04/2022, is the 1-page form that a voter without proof of identification, as defined by KRS 117.001, will need to complete in order to vote in accordance with KRS 117.228(1)(c).

"Election Officer Affirmation Form" Form 72, 04/2022, is the 1-page form that a voter personally known to an election officer will need to complete in order to vote in accordance with KRS 117.228(4).

"Ballot Reconciliation Statement," Form SBE 76, 04/2022, is the 1-page form to be used to track all voted, unvoted, or spoiled ballots from their printing until the conclusion of an election.

"Discrepant Mail-in Absentee Signature," Form SBE 77, 08/2022, is the 1-page form to be used by the county board of elections, central counting board, or the county clerk to

contact a voter to provide notice to the voter that they may cure their signature before the closing of the polls on the day of the election.

"Daily Absentee Drop-Box Verification Sheet," Form SBE 78, 04/2022, is the 1-page form to be used by the Democrat and Republican election officers charged with collecting mail-in absentee ballots drop drop-boxes or other authorized receptacles.

"Daily Voting Machine Verification Sheet" Form 79, 03/2023, is the 1-page form used by election officers to note the status of the tamper-resistant seal and the public counter on voting equipment during the period of in-person absentee voting.

SUMMARY OF CHANGES TO MATERIAL INCORPORATED BY REFERENCE

No changes to material incorporated by reference are being made in this amendment.

COMMONWEALTH OF KENTUCKY
STATE BOARD OF ELECTIONS

OATH OF VOTER

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,
(Name: Please Print)

that I am duly registered as a _____ voter in this precinct in
(Political Party Preference)

_____ County, Kentucky and that I currently reside at
(County)

_____. My previous address was
(Current Residence Street Address, City, and Zip Code)

_____ in this county.
(Previous Residence Street Address, City, and Zip Code)

I know of no legal disqualifications which should prevent my vote from being cast and counted in 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.

Voter must sign here

Date of Birth

Date

Precinct Name or No. _____

Signature of Precinct Election Officer or Challenger _____

This Oath shall be returned to the County Clerk who shall deliver it to the
Commonwealth's Attorney for investigation.

- Voter moved to new precinct/new address. Not on precinct roster. Update registration.
- Election Officer/Challenger dispute voter's qualifications.
- Request to vote in-person after mail-in ballot request.

EXCUSED IN-PERSON ABSENTEE BALLOT APPLICATION

ELECTION DATE: _____ **COUNTY:** _____

1. NAME OF VOTER (CLERK MUST TYPE HERE)	
2. ADDRESS WHERE VOTER LIVES FOR VOTER REGISTRATION PURPOSES	
3. CITY & ZIP CODE	
4. PRECINCT NAME OR NUMBER	
5. PARTY AFFILIATION	
6. DATE OF BIRTH	
7. TELEPHONE NUMBER	
8. STATEMENT OF CITY & STATE WHERE VOTER SHALL BE ON ELECTION DAY	

► **GIVE REASON YOU CANNOT VOTE IN PERSON ON ELECTION DAY** *(Check one of the following boxes.)*

9.	Voter who is a member of the Armed Forces or a dependent of a member of the Armed Forces and will be out of the county on election day and during the days of no-excuse in-person absentee voting. <i>(Sign statement 1 below.)</i>
10.	Voter who is a citizen residing overseas and will be out of the county on election day and during the days of no-excuse in-person absentee voting. <i>(Sign statement 1 below.)</i>
11.	Voter, or spouse of voter, who has surgery scheduled that will require hospitalization on the day of an election and during the days of no-excuse in-person absentee voting. <i>(Sign statement 1 below.)</i>
12.	Voter who temporarily resides outside the state, but is still eligible to vote in this state and will be absent from the county of his or her residence on election day and during the days of no-excuse in-person absentee voting. <i>(Sign statement 1 below.)</i>
13.	Kentucky resident who is a uniformed-service voter and is confined to a military base on election day and during the days of no-excuse in-person absentee voting. <i>(Sign statement 1 below.)</i>
14.	Voter who is in her last trimester of pregnancy. <i>(Sign statement 2 below.)</i>
15.	Voter who has not been declared mentally disabled by a court of competent jurisdiction and, due to age, disability, or illness, is not able to appear at the polls on election day and during the days of no-excuse in-person absentee voting. <i>(Sign statement 1 below.)</i>
16.	Voter who is a student who temporarily resides outside the county of his or her residence and will be absent from the county of his or her residence on the day of an election and during the days of no-excuse in-person absentee voting. <i>(Sign statement 1 below.)</i>
17.	Voter who is employed in an occupation that is scheduled to work during all days and all hours, including commute time, that the polls are open on election day and during the days of no-excuse in-person absentee voting. <i>(Sign statement 1 below.)</i>
18.	Voter who is election officer tasked with election administration for the current election cycle. <i>(Sign statement 1 below.)</i>

Statement 1: I, the undersigned, meet the eligibility requirements for voting in my precinct and do declare, under penalty of perjury, that the information given in this application is true and correct.

_____	(Signature of Applicant)	_____	(Date Signed)
If applicant uses "X" as his or her "mark", two witnesses are required and must sign below.			
_____	(Witness)	_____	(Date Signed)
_____	(Witness)	_____	(Date Signed)

Statement 2: I, the undersigned, am in my last trimester of pregnancy, meet the eligibility requirements for voting in my precinct, and do declare, under penalty of perjury, that the information given in this application is true and correct.

_____	(Signature of Applicant)	_____	(Date Signed)
If applicant uses "X" as his or her "mark", two witnesses are required and must sign below.			
_____	(Witness)	_____	(Date Signed)
_____	(Witness)	_____	(Date Signed)



KENTUCKY STATE BOARD OF ELECTIONS

Voter Affirmation Form

I, _____, do hereby affirm that the name I have given here is the name that I am generally known by or the name I have given here is as stated on my voter registration.

I further affirm that:

To the best of my knowledge and belief, my date of birth is _____.

My current residential address, including the street address number is:

_____, if my address changed in the twenty-eight (28) days prior to the date of this election, I affirm that I moved on _____ and that my prior address was:

_____ I am a citizen of the United States;

_____ I am qualified to vote in this precinct under current Kentucky laws related to voter eligibility;

_____ I have not voted and will not vote in any other precinct during this election;

The following impediment has prevented me from procuring proof of identification as defined under KRS 117.001:

_____ Lack of transportation;

_____ Inability to obtain my birth certificate or other documents needed to show proof of identification;

_____ Work schedule;

_____ Lost or stolen identification;

_____ Disability or illness;

_____ Family responsibilities;

_____ Proof of identification has been applied for, but not yet received;

_____ I have a religious objection to being photographed.

I understand that making a false statement as to any of the affirmations on this form is punishable under penalties of perjury.

Signature

Date



KENTUCKY STATE BOARD OF ELECTIONS

Election Officer Affirmation Form

In accordance with K.R.S. 117.228(4), I _____, do hereby affirm the identity of _____, an individual wishing to vote in this election, as this individual is known to me by name and I know this individual to be a resident of this community.

Signed Name of Election Officer

Date

SBE 72 (04/2022)



KENTUCKY STATE BOARD OF ELECTIONS

Election Officer Affirmation Form

In accordance with K.R.S. 117.228(4), I _____, do hereby affirm the identity of _____, an individual wishing to vote in this election, as this individual is known to me by name and I know this individual to be a resident of this community.

Signed Name of Election Officer

Date

SBE 72 (04/2022)



KENTUCKY STATE BOARD OF ELECTIONS

Ballot Reconciliation Statement

County

Ballot Batch Numbers			
FROM		TO	

Date Ballots Received by Clerk or Date Printed by Clerk:	
---	--

Date Ballots Transferred to Polling Place:	
---	--

Day of Voting	Number of Ballots Cast During Polling	Number of Unvoted Ballots	Number of Ballots Spoiled
Thursday			
Friday			
Saturday			
Tuesday			



COMMONWEALTH OF KENTUCKY
STATE BOARD OF ELECTIONS

Date: _____

Name: _____

Mailing Address: _____

City, State, ZIP: _____

Re: Discrepant Mail-in Absentee Signature

Dear _____,

We have received your mail-in absentee ballot for the _____ . Kentucky Election Law requires the County Board of Elections to compare the signatures on the outer AND inner envelopes you return with a signature of record in order to verify your identity. Unfortunately, the County Board was unable to verify your signature with what is on file.

If you have not already been contacted by your county and addressed this matter, in order for your ballot to count, you must complete, sign, and return the enclosed form to your county clerk's office **by 6:00 PM local time**, _____. You may return this form by mail, email, fax, or in-person. It is also acceptable to take a photo of the completed form and email that to your county clerk using the email listed below.

If you indicate that you have not voted a ballot, or if you fail to return the enclosed form, we will not count this ballot. If you do not affirm on the enclosed form that you voted a ballot, we will also turn over this discrepancy to the County Attorney or the Office of the Attorney General for investigation.

If you have questions, please contact your county clerk's office at

Thank you for your assistance.

County Clerk

_____ County, Kentucky

Contact your clerk via e-mail, fax, or mail

Signature Affidavit Form

Complete, sign and return this form to your County Clerk's Office.

For County Office Use Only:

Date of Receipt: _____

Clerk or DC Name: _____

Voter ID #: _____

1. Select a box (you must select one)

Yes, I returned my mail-in absentee

OR

No, I did not return a mail-in absentee

2. Sign. If you are unable to sign, make a mark and have a witness to the mark sign on witness line.

If Yes is selected above: I state under penalty of perjury that I am an eligible voter; that my signature and name are as shown on this form; that I have only cast one ballot in this election in accordance with the provisions of the Kentucky Revised Statutes.

If No is selected above: I affirm that the information I have provided on this form is true and correct to the best of my knowledge.

Your signature or mark

Today's date (mm/dd/yyyy)

Witness (A witness is only needed if you are unable to sign and must make a mark.)

Today's date (mm/dd/yyyy)

3. Return this form

Return this form to your County Clerk's office by _____.

You may return it by:

1. Emailing it to: _____
2. Faxing it to: _____
3. Mailing or delivering it to: _____

You may also fill this form out and take a photo of it and email it to your county clerk using the email listed above.



Commonwealth of Kentucky

Daily Absentee Drop-Box Verification Sheet

County

Drop-Box Location

Date	Time	Number of Ballots Collected

Democrat Printed Name	Democrat Signature

Republican Printed Name	Republican Signature

Additional Comments



Commonwealth of Kentucky

Daily Voting Machine Verification Sheet

THIS FORM IS REQUIRED TO BE COMPLETED BEFORE VOTING BEGINS
AND AFTER VOTING ENDS EVERYDAY OF IN-PERSON VOTING!
PUBLIC NUMBERS MUST BE READ ALOUD

- Excused In-Person Absentee Voting No-Excuse In-Person Absentee Voting
- Election Day Voting

DATE	MACHINE LOCATION
TYPE OF DEVICE	DEVICE SERIAL NUMBER

Type of Device	Current Number of Seal	Status of the Seal
BEGINNING MEMORY DEVICE SEAL NUMBER		<input type="checkbox"/> SEALED <input type="checkbox"/> BROKEN
BEGINNING TUB SEAL SERIAL NUMBER		<input type="checkbox"/> SEALED <input type="checkbox"/> BROKEN
BEGINNING PUBLIC COUNTER NUMBER		

Verified by:
 Print _____ /Signature _____
 Election Officer #1

Print _____ /Signature _____
 Election Officer #2 (*Must be of different political affiliation than Election Officer #1)

Type of Device	Current Number of Seal	Status of the Seal
ENDING MEMORY DEVICE SEAL NUMBER		<input type="checkbox"/> SEALED <input type="checkbox"/> BROKEN
ENDING TUB SEAL SERIAL NUMBER		<input type="checkbox"/> SEALED <input type="checkbox"/> BROKEN
ENDING PUBLIC COUNTER NUMBER		

Verified by:
 Print _____ /Signature _____
 Election Officer #1

Print _____ /Signature _____
 Election Officer #2 (*Must be of different political affiliation than Election Officer #1)