



ELAINE N. WALKER  
SECRETARY OF STATE

COMMONWEALTH OF KENTUCKY  
**OFFICE OF THE SECRETARY OF STATE**

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May 10, 2011

To Whom It May Concern:

It's an honor to oversee the 2011 Primary Election in Kentucky this year. I am joining 17 new County Clerks in overseeing my first Election. I am very lucky to have a terrific team at both the Secretary of State's office and the State Board of Elections to help with this process. I hope this Election Guide is as helpful to you as it was to each of us while we were putting it together.

This year, we have record-setting voter registration, up by 11,028 voters from the previous record set during the General Election in 2008. We've added three new precincts in the state, bringing our total to 3,578 and 2,486 polling locations. In addition to these changes, we've updated our reporting software so that you are able to see how many precincts are reporting instead of just which counties. I am sure this change will help each of you as you report on these totals.

It is our hope that we have a clean election conducted with the utmost integrity. However, should any problems arise, we have been working diligently with the Attorney General's office to ensure these matters are resolved quickly and with the full force of the law. As always, if you hear of anything or have any questions about suspected incidents, please do not hesitate to contact our office.

Finally, as a friendly reminder, I'd like to re-iterate that we welcome the press covering the election and helping increase civic participation in Kentucky, but please be mindful of people voting as you report. While covering the election you cannot interrupt the voting process, record the identity of voters, or interview voters inside the polling location.

I look forward to working with you!

Thank you,

A handwritten signature in cursive script that reads "Elaine N. Walker".

Elaine N. Walker





COMMONWEALTH OF KENTUCKY  
OFFICE OF THE SECRETARY OF STATE  
Elaine N. Walker

## 2011 PRIMARY ELECTION MEDIA PACKET

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### Voter Registration Deadline

- ❖ April 18, 2011  
Applications must be turned in to the County Clerk's office by close of business. Applications must be postmarked by 4/18.

**Closed Primary:** That means a voter must register as a Democrat or Republican by December 31, 2010, to be eligible to vote in that party's May 2011 Primary. If a voter chooses a different political registration other than Republican or Democrat or changes political party registration after December 31, 2010 the voter cannot vote in the Republican or Democrat primaries; however, the voter may vote in nonpartisan city and judicial primaries. All eligible and registered voters, regardless of political party registration, may vote in the November 2011 General Election or any special election. **KRS 116.055.**

- ❖ 8,969 registered voters changed their party designation on or after January 1, 2011, making them ineligible to voting in the May 2011 *partisan* primary races.

### Voter Information Center

- ❖ [www.elect.ky.gov/vic](http://www.elect.ky.gov/vic)

Visit the Voter Information Center at the State Board of Elections' (SBE) website to determine if you are registered to vote, where to vote, eligibility to vote in the *partisan* primary races, and to see your elected representatives. You may also view a sample ballot for your county. Sample ballots are also published in each county's paper of largest circulation not less than 3 days prior to the primary. Sample ballots are also posted in each precinct on Election Day.

### Registered Voters

#### Primary Election

- 2,917,837 Statewide
- 1,633,288 Democrat
- 1,084,982 Republican
- 199,567 Other

### Election Day

- ❖ Precinct Locations: Each County Board of Elections selects precinct locations. Kentucky currently has 3,578 precincts statewide.
- ❖ Hours of Voting: 6 AM to 6 PM, prevailing time. At 6 PM the Precinct Sheriff goes to the end of the line and stays there until everyone in front of him has voted. Anyone in line by 6 PM is given the opportunity to vote.
- ❖ Voter's Identification: All voters must produce identification or be known by a precinct officer prior to voting. Acceptable types of ID are personal acquaintance of precinct officer, driver's license, Social Security card, credit card, or another form of ID containing both picture and signature. KRS 117.227 and 31 KAR 4:010.

### Voting Equipment

- ❖ The SBE certifies voting machines that can be sold in Kentucky and then purchased by the county fiscal court.
- ❖ 93 counties will have two types of voting systems in each precinct. 27 counties replaced all of their voting equipment. These changes were due to HAVA requirements that each precinct have a voting machine accessible for those with disabilities and that lever voting equipment be replaced.
- ❖ For a detailed listing of voting machines by county, please go to the SBE website.
  - 6 counties use Danaher Electronic 1242 and Hart InterCivic e-slates
  - 1 county uses Micro-Vote MV-464 and ES&S Ivotronics
  - 85 counties use Hart InterCivic escans and Hart InterCivic eslates
  - 21 counties use only ES&S Ivotronics
  - 6 counties use only Hart InterCivic eslates
  - 1 county uses Diebold optical scan and Diebold Accuvote.
- ❖ The County Board of Elections has the discretion to choose which voting equipment to use on Election Day as long as the requirements of state and federal law are met.

### Absentee Voting

- ❖ The deadline to apply for a mail-in absentee ballot is May 10 (7 days before the election). The application must be received by the deadline. A voter can request a mail-in application if he is unable to go to the polls because of:
  - Age, disability or illness;
  - Military and their dependents;
  - Military confined to base;
  - Overseas citizens;
  - Students;
  - Incarcerated, but not yet convicted;
  - Vacationers and snowbirds; or
  - Employment takes the voter out of the county.
- ❖ Voting Machine Absentee Ballots: County Board of Elections must begin absentee voting *at least* 12 working days before the election. A voter can vote absentee in the clerk's office, or other designated location, if he is:
  - Military and their dependents;
  - Military confined to a military base;
  - Student temporarily residing out of county;
  - Voter, and spouse, who has scheduled surgery;
  - Voter will be absent from the county all hours polls are opened;
  - Pregnant woman in her last trimester, or
  - Precinct Officer, Alternate, County Board member, Deputy Clerks, and State Board of Elections staff.
- ❖ Counting of absentee ballots will begin not before 10 AM on Election Day, but results will not be released until after 6 PM, prevailing time.

### Election Night Results System

- ❖ Election Night Results (ENR) can be accessed through the SBE website, [www.elect.ky.gov](http://www.elect.ky.gov).
- ❖ This new ENR system will contain statewide unofficial race results for all 120 counties.
- ❖ The totals on this site are unofficial totals. The totals will be made official after the SBE certifies the results.
- ❖ **Attention: Please be patient while county clerks are submitting vote totals to the system. Many voting locations are miles from the Clerk's office and accuracy of the vote count is a priority on election night.**

### Electioneering

- ❖ No person shall electioneer within the interior of a building or affix any electioneering materials to the exterior or interior of a building designated by the County Board of Elections and approved by the SBE for absentee voting, during the hours absentee voting is conducted. KRS 117.235(3).
- ❖ No person shall electioneer within 300 feet of the entrance to a polling place on Election Day. KRS 117.235(3).
- ❖ Exception: 31 KAR 4:170 allows an exception for bumper stickers to the ban on electioneering. A bumper sticker is allowed measuring within **14" x 5"**, affixed to a person's vehicle while parked or passing through 300 feet of any polling place on Election Day for a reasonable amount of time in which to vote.

### Check-Off List Prohibited

- ❖ No person allowed in the voting room, including precinct election officers, **except challengers**, can use paper, telephone, a cell phone, or a computer to create a check-off list or record the identity of voters except for the official use of the precinct signature roster. KRS 117.236.

### Who May Witness the Vote Count?

- ❖ **Election Night Vote Count at the Precinct:** In primary elections, each candidate, slate of candidates, or group of candidates may designate a representative and representatives of the news media may observe the taking of the tally of votes from the voting machine in each precinct. KRS 117.275 (1).
- ❖ **At the Clerk's Office:** Absentee Vote Count: Candidates or their representatives and representatives of the news media. KRS 117.087 (3). [These individuals **shall not** make public the absentee ballot results until after 6 p.m., prevailing time. KRS 117.087(7)].
- ❖ **At a Recanvass:** Each political party may appoint a representative to be its governing body. Each candidate to be voted for may be present, in person or by a representative or both, as well as the news media. KRS 117.305 (1).

### Media in the Voting Room

- ❖ Members of the news media may be in the voting room for the limited purpose of filming the voting process. The media, however, **MAY NOT** conduct interviews with voters inside the voting room, record the identity of voters, or otherwise disrupt the voting process. **OAG 88-76 and KRS 117.236.**
- ❖ Precinct Officers are instructed to immediately contact the county clerk's office when the news media appear.

### Who is Allowed in the Voting Room:

**(KRS 117.235, 117.255 and 31 KAR 4:090)**

- Precinct Election Officers
- Voters
- Anyone assisting a voter {KRS 117.255 (2)}.
- Voting machine technicians
- A minor child may accompany the voter
- Duly appointed Challengers
- Law Enforcement officers
- Representatives conducting mock elections for school children.

### Challengers-Primary Election (KRS 117.315-318)

The county political party may designate up to 2 challengers in each precinct in the county.

- ❖ All Challengers must receive training.
- ❖ Challengers may question the eligibility of a voter of the same political party for the following reasons:
  - Is not a duly registered voter in the precinct;
  - Is not a resident of the precinct;
  - Is a convicted felon; or
  - Is not the person he claims to be.
- ❖ **Challengers shall not:**
  - Challenge a voter of a different political party;
  - Speak directly with a voter being challenged;
  - Electioneer;
  - Handle election materials;
  - 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.

# *Media Guide*

*Primary Election  
May 17, 2011*

*Kentucky  
State Board of  
Elections*

*Elaine Walker,  
Secretary of State  
Chairman*

*Sarah Ball Johnson,  
Executive Director*

*Sandy Milburn,  
Assistant Director*

**Media Contact:  
Lindsay Zoeller  
Office: (502) 564-3490 ext. 404**

[www.elect.ky.gov](http://www.elect.ky.gov)

Prepared by the State Board of Elections

# 1st Congressional District

Republican  
Party

Democratic  
Party

**Governor and Lieutenant Governor**  
(Vote for one)

Barbara "Bobbie"  
**HOLSCLAW**  
Bill  
VERMILLION JR.

Phil  
**MOFFETT**  
Mike  
HARMON

David L.  
**WILLIAMS**  
Richie  
FARMER

**Secretary of State**  
(Vote for one)

Bill  
**JOHNSON**  
Hilda  
**LEGG**

Alison Lundergan  
**GRIMES**  
Elaine N.  
**WALKER**

**Auditor of Public Accounts**  
(Vote for one)

John T.  
**KEMPER III.**  
Addia Kathryn  
**WUCHNER**

# 1st Congressional District

Republican  
Party

Democratic  
Party

**State Treasurer**  
(Vote for one)

Steve  
**HAMRICK**  
L.J. "Todd"  
**HOLLENBACH**

**Commissioner of Agriculture**  
(Vote for one)

James R.  
**COMER**  
Rob  
**ROTHENBURGER**

Robert "Bob"  
**FARMER**  
Stewart  
**GRITTON**  
John Faris  
**LACKEY**  
David  
**WILLIAMS**  
B.D.  
**WILSON**

## 2nd Congressional District

	Republican Party	Democratic Party
<b>Governor and Lieutenant Governor</b> (Vote for one)	Phil <b>MOFFETT</b> Mike HARMON  David L. <b>WILLIAMS</b> Richie FARMER  Barbara "Bobbie" <b>HOLSCLAW</b> Bill VERMILLION JR.	
<b>Secretary of State</b> (Vote for one)	Hilda <b>LEGG</b>  Bill <b>JOHNSON</b>	Elaine N. <b>WALKER</b>  Alison Lundergan <b>GRIMES</b>
<b>Auditor of Public Accounts</b> (Vote for one)	Addia Kathryn <b>WUCHNER</b>  John T. <b>KEMPER III.</b>	

## 2nd Congressional District

Republican  
Party

Democratic  
Party

State Treasurer  
(Vote for one)

L.J. "Todd"  
HOLLENBACH

Steve  
HAMRICK

Commissioner of Agriculture  
(Vote for one)

Rob  
ROTHENBURGER

James R.  
COMER

Stewart  
GRITTON

John Faris  
LACKEY

David  
WILLIAMS

B.D.  
WILSON

Robert "Bob"  
FARMER

# 3rd Congressional District

	Republican Party	Democratic Party
<b>Governor and Lieutenant Governor</b> (Vote for one)	David L. <b>WILLIAMS</b> Richie FARMER  Barbara "Bobbie" <b>HOLSCLAW</b> Bill VERMILLION JR.  Phil <b>MOFFETT</b> Mike HARMON	
<b>Secretary of State</b> (Vote for one)	Bill <b>JOHNSON</b> Hilda <b>LEGG</b>	Alison Lundergan <b>GRIMES</b> Elaine N. <b>WALKER</b>
<b>Auditor of Public Accounts</b> (Vote for one)	John T. <b>KEMPER III.</b> Addia Kathryn <b>WUCHNER</b>	

# 3rd Congressional District

Republican  
Party

Democratic  
Party

State Treasurer  
(Vote for one)

Steve  
HAMRICK  
L.J. "Todd"  
HOLLENBACH

Commissioner of Agriculture  
(Vote for one)

James R.  
COMER  
Rob  
ROTHENBURGER

John Faris  
LACKEY  
David  
WILLIAMS  
B.D.  
WILSON  
Robert "Bob"  
FARMER  
Stewart  
GRITTON

## 4th Congressional District

Republican  
Party

Democratic  
Party

**Governor and Lieutenant Governor**  
(Vote for one)

Barbara "Bobbie"  
**HOLSCLAW**  
Bill  
VERMILLION JR.

Phil  
**MOFFETT**  
Mike  
HARMON

David L.  
**WILLIAMS**  
Richie  
FARMER

**Secretary of State**  
(Vote for one)

Hilda  
**LEGG**  
Bill  
**JOHNSON**

Elaine N.  
**WALKER**  
Alison Lundergan  
**GRIMES**

**Auditor of Public Accounts**  
(Vote for one)

Addia Kathryn  
**WUCHNER**  
John T.  
**KEMPER III.**

# 4th Congressional District

Republican  
Party

Democratic  
Party

State Treasurer  
(Vote for one)

L.J. "Todd"  
HOLLENBACH  
  
Steve  
HAMRICK

Commissioner of Agriculture  
(Vote for one)

Rob  
ROTHENBURGER  
  
James R.  
COMER

David  
WILLIAMS  
  
B.D.  
WILSON  
  
Robert "Bob"  
FARMER  
  
Stewart  
GRITTON  
  
John Faris  
LACKEY

# 5th Congressional District

Republican  
Party

Democratic  
Party

**Governor and Lieutenant Governor**  
(Vote for one)

Phil  
**MOFFETT**  
Mike  
HARMON

David L.  
**WILLIAMS**  
Richie  
FARMER

Barbara "Bobbie"  
**HOLSCLAW**  
Bill  
VERMILLION JR.

**Secretary of State**  
(Vote for one)

Bill  
**JOHNSON**  
Hilda  
**LEGG**

Alison Lundergan  
**GRIMES**  
Elaine N.  
**WALKER**

**Auditor of Public Accounts**  
(Vote for one)

John T.  
**KEMPER III.**  
Addia Kathryn  
**WUCHNER**

# 5th Congressional District

Republican  
Party

Democratic  
Party

State Treasurer  
(Vote for one)

Steve  
**HAMRICK**  
L.J. "Todd"  
**HOLLENBACH**

Commissioner of Agriculture  
(Vote for one)

James R.  
**COMER**  
Rob  
**ROTHENBURGER**

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B.D.  
**WILSON**  
Robert "Bob"  
**FARMER**  
Stewart  
**GRITTON**  
John Faris  
**LACKEY**  
David  
**WILLIAMS**

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# 6th Congressional District

Republican  
Party

Democratic  
Party

**Governor and Lieutenant Governor**  
(Vote for one)

David L.  
**WILLIAMS**  
Richie  
FARMER

Barbara "Bobbie"  
**HOLSCLAW**  
Bill  
VERMILLION JR.

Phil  
**MOFFETT**  
Mike  
HARMON

**Secretary of State**  
(Vote for one)

Hilda  
**LEGG**  
Bill  
**JOHNSON**

Elaine N.  
**WALKER**  
Alison Lundergan  
**GRIMES**

**Auditor of Public Accounts**  
(Vote for one)

Addia Kathryn  
**WUCHNER**  
John T.  
**KEMPER III.**

## 6th Congressional District

Republican  
Party

Democratic  
Party

**State Treasurer**  
(Vote for one)

L.J. "Todd"  
**HOLLENBACH**  
Steve  
**HAMRICK**

**Commissioner of Agriculture**  
(Vote for one)

Rob  
**ROTHENBURGER**  
James R.  
**COMER**

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Robert "Bob"  
**FARMER**  
Stewart  
**GRITTON**  
John Faris  
**LACKEY**  
David  
**WILLIAMS**  
B.D.  
**WILSON**

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## Kentucky Election Turnout Percentages

<u>Year</u>	<u>Primary</u>	<u>General</u>
2010	32.2	49.1
2009	NO ELECTION	NO ELECTION
2008	32.2	64.0
2007	20.2	37.8
2006	31.4	49.5
2005	NO ELECTION	NO ELECTION
2004	14.0	64.7
2003	17.0	40.2
2002	32.0	47.5
2001	NO ELECTION	NO ELECTION
2000	14.2	61.3
1999	6.4	20.4
1998	37.6	47.8
1997	NO ELECTION	NO ELECTION
1996	18.2	59.3
1995	21.3	44.4
1994	15.7	38.8
1993	41.7	43.5
1992	26.5	73.2
1991	35.9	46.1
1990	22.9	52.5
1989	42.6	47.2
1988	21.2 (23.1)*	66.6
1987	39.2	43.9
1986	16.2	39.2
1985	45.5	43.9
1984	18.0	68.3
1983	42.5	56.2
1982	14.8	40.5

\* Note: Kentucky had a separate Presidential Preference Primary in 1988. The number listed in the ( ) are the Presidential Preference Primary turnout results.

## Kentucky Primary Turnout Percentages

Year	Total Turnout	Democratic Turnout	Republican Turnout
2010	32.2	33.9	34.7
2008	32.2	43.5	19.7
2007	20.2	22.4	19.9
2006	31.4	36.4	28
2005	NO ELECTION	NO ELECTION	NO ELECTION
2004	14	16	13.2
2003	17	18.8	17.2
2002	32	37	28.7
2001	NO ELECTION	NO ELECTION	NO ELECTION
2000	14.2	16.8	12
1999	6.4	7.9	4.8
1998	37.6	43.5	33.9
1997	NO ELECTION	NO ELECTION	NO ELECTION
1996	18.2	21.2	15.7
1995	21.3	24.5	18
1994	15.7	17.8	12.9
1993	41.7	47.5	33.9
1992	26.5	31	19
1991	35.9	40.1	29.7
1990	22.9	27.3	14.7
1989	42.6	48.5	32.8
1988	21.2	25	12.2
1987	39.2	48.4	21.5
1986	16.2	18.6	12.2
1985	45.5	51.8	35.4
1984	18	21.3	12
1983	42.5	52.1	22.9
1982	14.8	15.8	12.6



# NASS

National Association  
of Secretaries of State

## Fact Sheet: The Different Types of Voting Systems

**Background:** As part of the Help America Vote Act (HAVA) of 2002, states received federal grant funding to implement new voting equipment that adheres to these minimum voting standards:

- Notifies voters if they overvote, and gives them the opportunity to correct their ballots
- Produces a permanent paper record with a manual audit capability
- Provides disability access equal to the level of access, privacy and independence available to other voters

The law also mandates that states provide "at least one DRE or other voting system equipped for individuals with disabilities at each polling place." While many states utilize DRE technology to meet this requirement, many others use ballot marking devices or vote-by-phone systems for this purpose (see below). One state, Oregon, offers an alternative format ballot for individuals with disabilities that can be read and marked by voters using their home computer.

According to Electionline.org, the most widely-used technology in the 2008 presidential election was optical scan technology

(57.7 percent of voters), followed by direct-recording electronic devices (30.7 percent of voters), lever machines (5.83 percent), handcounted paper ballots (.52 percent) and punch card equipment (.14 percent).

**Optical Scan System:** Optical scan machines scan and tabulate the selections made on a paper ballot. Voters make their selection using a pen to fill in an oval or connect two lines. Jurisdictions in 49 states and the District of Columbia use optical scan technology in some capacity. Seven of these states use optical scan only to process absentee or mail ballots.

**Direct Recording Electronic Voting Machine (DRE):** DREs, often referred to as "touch-screen machines," display the ballot electronically and prompt the voter to make selections using a touch-screen or a dial. The machine then records the votes on a memory card. Thirty states currently use DRE machines in some capacity. Eighteen of these states have jurisdictions using DREs with a voter-verified paper audit trail (VVPAT), while 17 states have jurisdictions that use DRE without a VVPAT. Additionally, seventeen states with jurisdictions using DRE machines as their primary voting system provide paper ballots in the event of equipment failure.

**Punch Cards and Lever Machines:** Lever machines are mechanical systems that tabulate votes after the voter pulls a lever. With a punch card system, a voter punches a hole in the ballot card opposite their choice and places the ballot in a ballot box or tabulating device. One of the goals of the Help America Vote Act (HAVA) was to eliminate the use of punch cards and lever machines. One state has jurisdictions that use lever machines, and one state has jurisdictions that use punch card machines.

**Vote-by-Phone System:** Five states (Connecticut, Maine, Oklahoma, New Hampshire and Vermont) offer vote-by-phone systems to permit voters with disabilities, the elderly and others to vote privately and independently at polling places. These systems allow voters to use a telephone keypad and audio prompts to mark a paper ballot, which is then printed out in an election office to be counted with the rest of the ballots on Election Day.

**Ballot Marking Devices:** As with the DRE machines, ballot markers display the ballot electronically and prompt the voter to make their selection on a touch-screen. These devices, however, do not record votes – they mark the voters' choices on an optical scan paper ballot, which is then tabulated by a separate optical scan machine. Twenty-nine states have jurisdictions using ballot marking devices.

SOURCE: September 2008 NASS Report, "Engaging the Energized Electorate: NASS Survey on State Preparations for the 2008 Presidential Election." Online: [www.nass.org](http://www.nass.org).



<p>15500 Wells Port Drive Austin, TX 78728 1-888-223-4278</p>	<p>Precinct Voting System v 4.0 Federal Voting System ID N-1-04-22-22-001</p> <p>eSlate™ Direct Record Electronic (DRE) Precinct Voting System v 4.1 Federal Voting System ID N-1-04-22-22-002</p> <p>eSlate™ Direct Record Electronic (DRE) Precinct Voting System v 5.0 Federal Voting System ID N-1-04-22-22-003</p> <p>eSlate™ Direct Record Electronic (DRE) Precinct Voting System v 6.1 Federal Voting System ID N-1-04-22-22-005</p> <p>eSlate™ Direct Record Electronic (DRE) Precinct Voting System v 6.2.1 Federal Voting System ID N-1-04-22-22-006 System 6.2.1 hardware and software components (Hardware components: eSlate/DAU 4.2.13 and eScan 1.3.14) Federal Voting Systems ID N-1-04-22-22-006</p>	<p>August 16, 2005</p> <p>November 10, 2005</p> <p>August 23, 2006</p> <p>December 19,2006</p> <p>Re-Certified on September 17, 2007</p>
<p>AccuPoll 15101 Red Hill Ave, Ste 220 Tustin, CA 92780</p>	<p>AccuPoll v 2.5 DRE voting system Federal Voting System ID N-2-13-22-22-001</p>	<p>May 17, 2005</p>
<p>Premier Elections Solutions (formerly Diebold Election Systems) 405 N 115<sup>th</sup> St Omaha, NE 68154</p>	<p>Accuvote-OS optical scan (Model D) v.1.96.6 Accuvote-TSX DRE v.4.6.3 Voter card encoder v.1.3.2 Accuvote-OS central count v.2.0.12 Key card tool v. 4.6.1 VC Programmer v.4.6.1.</p> <p>Accuvote-TSX DRE v.4.6.4 Federal Voting System ID</p>	<p>August 16, 2005</p> <p>March 21, 2006</p>

	<p>N-1-06-22-22-001 N-1-06-22-22-002</p> <p>Accuvote-TSX Model D Tablet</p> <p>Gems 1.18.24, AccuVote-OS Models A,B,C,D with firmware version 1.96.6, AccuVote-TSX DRE Model A,B,C,D with firmware version 4.6.4, Voter Card Encoder version 1.3.2, AccuVote-OS Central Count with firmware version 2.0.12, Key Card Tool version 4.6.1, and VCP Programmer version 4.6.1.</p>	<p>September 19, 2006</p> <p>Re-Certified on September 17, 2007</p>
<p>Danaher Corp. Harp Enterprises, Inc. 2400 Merchant Street Lexington, KY 40510 1-800-432-9282 c/o Danaher Corp.</p>	<p>Electronic 1242 voting system, 5M Guardian EMS 3.0; Display PC v 3.0; Reader-USB v 3.0;DB upgrade v 3.0;Guardian Reports v 4.0.0;GT Audio v 1.0.0;1242 firmware v.5M1 and MCRP-USB firmware v. 1.09 Federal Voting System ID N-2-01-22-22-00</p>	<p>March 10, 2006</p>

<b>Company</b>	<b>Voting System Certified to the 1990 Federal Voting System Standards</b>	<b>Approval Date</b>
<p>AccuPoll 15101 Red Hill Ave, Ste 220 Tustin, CA 92780</p>	<p>AccuPoll (version 02.03.14) DRE voting system</p>	<p>September 21, 2004</p>
<p>Avante International Technology, Inc. 70 Washington Rd Princeton, NJ 08550-1012</p>	<p>Vote-Trakker™ (model ECV308, v 4.4.3) DRE voting system</p>	<p>January 14, 2003</p>
<p>Diebold Election Systems 1611 Wilmeth Road McKinney, TX 75069</p>	<p>ACCU VOTE ES 2000 Optical Scan Tabulation System  I-Mark Systems, Inc. EBS Model 100</p>	<p>December 16, 1996</p>

<p>(972) 542-6000</p> <p>(Diebold purchased Global Election Systems in 2001)</p>	<p>Electronic Ballot Station (Conditional Approval-must purchase a battery backup system and a privacy booth) (1990 Federal Voting System Standards)</p> <p>ACCU VOTE TS R6 DRE Precinct Counter Model (1990 Federal Voting System Standards)</p>	<p>November 6, 1997</p> <p>January 15, 2002</p>
<p>ES&amp;S Election Systems &amp; Software 11208 John Galt Blvd Omaha, NE 68137 1-800-247-8683</p> <p>(ES&amp;S purchased American Information Systems and Business Records Corp.)</p>	<p>AIS Precinct Counter Model 100</p> <p>Mail-In Absentee Ballot Counters Model 150 and Model 550</p> <p>Optech III-P Eagle Precinct Count (Conditional Approval-must purchase a battery backup system)</p> <p>iVotronic (v.7.4.5.0) DRE voting system</p>	<p>February 21, 1997</p> <p>February 21, 1997</p> <p>June 20, 1997</p> <p>January 14, 2003</p>
<p>Harp Enterprises, Inc. 2400 Merchant Street Lexington, KY 40510 1-800-432-9282 c/o Danaher Corp.</p>	<p>Electronic 1242 DRE Voting System</p>	<p>January 23, 1997</p>
<p>Hart InterCivic 15500 Wells Port Drive Austin, TX 78728 1-888-223-4278</p>	<p>eSlate™ Direct Record Electronic (DRE) Precinct Voting System (Tally 2.8, Ballot Now 1.4, eSlate 1.15, JBC 1.15 and SERVO 1.1)</p>	<p>June 18, 2002</p>
<p>MicroVote General Corp. Election Solutions 6366 Guilford Avenue Indianapolis, IN 46220-1750 (317) 257-4900</p>	<p>MV-464 Electronic Voting Computer</p> <p>Infinity Voting System (DRE)</p>	<p>January 23, 1997</p> <p>July 15, 2002</p>
<p>Unilect Corporation 7080 Donlon Way Ste 220 Dublin, CA 94568</p>	<p>Patriot Touch-Screen (v 2.5.2) DRE Precinct Voting System</p>	<p>October 21, 2003</p>
<p>Voting Technologies International 757 North Broadway Milwaukee, WI 53202</p>	<p>VotWare (V 3.3.4)</p>	<p>September 17, 2002</p>

State Board of Elections  
Type of Voting Equipment used in each Kentucky County

County Name	Number of Precincts	Number of Voting Machines	Equipment Type
Adair	16	19	Hart InterCivic eScan™
		17	Hart InterCivic eSlate™
Allen	13	16	Hart InterCivic eScan™
		14	Hart InterCivic eSlate™
Anderson	14	17	Hart InterCivic eScan™
		16	Hart InterCivic eSlate™
Ballard	13	16	Hart InterCivic eScan™
		14	Hart InterCivic eSlate™
Barren	24	28	Hart InterCivic eScan™
		25	Hart InterCivic eSlate™
Bath	12	1	Hart InterCivic eScan™
		29	Hart InterCivic eSlate™
Bell	32	41	Electronic 1242
		1	Hart InterCivic eScan™
		35	Hart InterCivic eSlate™
Boone	60	64	Hart InterCivic eScan™
		61	Hart InterCivic eSlate™
Bourbon	18	20	Hart InterCivic eScan™
		20	Hart InterCivic eSlate™
Boyd	44	47	Hart InterCivic eScan™
		48	Hart InterCivic eSlate™
Boyle	25	28	Hart InterCivic eScan™
		27	Hart InterCivic eSlate™
Bracken	8	20	Hart InterCivic eSlate™
		1	Hart InterCivic eScan™
Breathitt	21	66	ES&S Ivotronic
		1	ES&S M-100 Scan
Breckinridge	15	18	Hart InterCivic eScan™
		16	Hart InterCivic eSlate™
Bullitt	48	53	Hart InterCivic eScan™
		50	Hart InterCivic eSlate™
Butler	12	14	Hart InterCivic eScan™
		13	Hart InterCivic eSlate™
Caldwell	13	14	Hart InterCivic eScan™
		14	Hart InterCivic eSlate™
Calloway	31	31	Hart InterCivic eScan™
		31	Hart InterCivic eSlate™
Campbell	66	70	Hart InterCivic eScan™
		66	Hart InterCivic eSlate™
Carlise	6	7	Hart InterCivic eScan™
		8	Hart InterCivic eSlate™
Carroll	11	12	Hart InterCivic eScan™
		12	Hart InterCivic eSlate™
Carter	26	27	Hart InterCivic eSlate™
		27	Hart InterCivic eScan™
Casey	15	18	Electronic 1242
		1	Hart InterCivic eScan™
		16	Hart InterCivic eSlate™
Christian	44	46	Hart InterCivic eScan™
		47	Hart InterCivic eSlate™
Clark	26	29	Hart InterCivic eScan™
		28	Hart InterCivic eSlate™

<b>County Name</b>	<b>Number of Precincts</b>	<b>Number of Voting Machines</b>	<b>Equipment Type</b>
Clay	20	48	ES&S Ivotronic
		1	ES&S M-100 Scan
Clinton	13	26	ES&S Ivotronic
		1	ES&S M-100 Scan
Crittenden	12	16	Hart InterCivic eScan™
		14	Hart InterCivic eSlate™
Cumberland	9	11	Electronic 1242
		1	Hart InterCivic eScan™
		10	Hart InterCivic eSlate™
Daviess	85	93	Hart InterCivic eScan™
		90	Hart InterCivic eSlate™
Edmonson	10	11	Hart InterCivic eScan™
		11	Hart InterCivic eSlate™
Elliott	7	15	ES&S Ivotronic
		1	ES&S M-100 Scan
Estill	15	32	Hart InterCivic eSlate™
		1	Hart InterCivic eScan™
Fayette	287	316	Hart InterCivic eSlate™
		2	Hart InterCivic eScan™
Fleming	18	20	Hart InterCivic eScan™
		20	Hart InterCivic eSlate™
Floyd	42	85	ES&S Ivotronic
		1	ES&S M-100 Scan
Franklin	44	47	Hart InterCivic eScan™
		46	Hart InterCivic eSlate™
Fulton	12	13	Hart InterCivic eScan™
		13	Hart InterCivic eSlate™
Gallatin	8	9	Hart InterCivic eScan™
		8	Hart InterCivic eSlate™
Garrard	14	16	Hart InterCivic eScan™
		14	Hart InterCivic eSlate™
Grant	23	24	Hart InterCivic eScan™
		24	Hart InterCivic eSlate™
Graves	30	33	Hart InterCivic eScan™
		31	Hart InterCivic eSlate™
Grayson	23	25	Hart InterCivic eScan™
		24	Hart InterCivic eSlate™
Green	10	13	Hart InterCivic eScan™
		11	Hart InterCivic eSlate™
Greenup	32	43	Hart InterCivic eScan™
		53	Hart InterCivic eSlate™
Hancock	10	11	Hart InterCivic eScan™
		11	Hart InterCivic eSlate™
Hardin	57	58	Hart InterCivic eScan™
		59	Hart InterCivic eSlate™
Harlan	35	89	Hart InterCivic eSlate™
		1	Hart InterCivic eScan™
Harrison	17	52	Hart InterCivic eSlate™
		1	Hart InterCivic eScan™
Hart	19	21	Hart InterCivic eScan™
		20	Hart InterCivic eSlate™
Henderson	46	50	Hart InterCivic eScan™
		39	Hart InterCivic eSlate™
Henry	20	22	Hart InterCivic eScan™
		22	Hart InterCivic eSlate™

<b>County Name</b>	<b>Number of Precincts</b>	<b>Number of Voting Machines</b>	<b>Equipment Type</b>
Hickman	6	6	Hart InterCivic eScan™
		7	Hart InterCivic eSlate™
Hopkins	40	44	Hart InterCivic eScan™
		41	Hart InterCivic eSlate™
Jackson	14	30	ES&S Ivotronic
		1	ES&S M-100 Scan
Jefferson	527	330	Accu-Vote ES
		400	Accu-Vote TSX
Jessamine	37	38	Hart InterCivic eScan™
		38	Hart InterCivic eSlate™
Johnson	31	83	ES&S Ivotronic
		1	ES&S M-100 Scan
Kenton	108	112	Hart InterCivic eScan™
		111	Hart InterCivic eSlate™
Knott	30	62	ES&S Ivotronic
		1	ES&S M-100 Scan
Knox	30	45	MicroVote MV-464
		31	ES&S Ivotronic
		1	ES&S M-100 Scan
Larue	12	14	Hart InterCivic eScan™
		13	Hart InterCivic eSlate™
Laurel	45	122	ES&S Ivotronic
		2	ES&S M-100 Scan
Lawrence	18	21	Hart InterCivic eScan™
		20	Hart InterCivic eSlate™
Lee	10	22	ES&S Ivotronic
		1	ES&S M-100 Scan
Leslie	17	46	ES&S Ivotronic
		1	ES&S M-100 Scan
Letcher	32	64	ES&S Ivotronic
		1	ES&S M-100 Scan
Lewis	14	17	Electronic 1242
		15	Hart InterCivic eSlate™
		1	Hart InterCivic eScan™
Lincoln	17	35	ES&S Ivotronic
		1	ES&S M-100 Scan
Livingston	10	12	Hart InterCivic eScan™
		11	Hart InterCivic eSlate™
Logan	20	22	Hart InterCivic eScan™
		21	Hart InterCivic eSlate™
Lyon	6	8	Hart InterCivic eScan™
		7	Hart InterCivic eSlate™
McCracken	54	58	Hart InterCivic eScan™
		55	Hart InterCivic eSlate™
McCreary	18	20	Hart InterCivic eScan™
		19	Hart InterCivic eSlate™
McLean	8	11	Hart InterCivic eScan™
		9	Hart InterCivic eSlate™
Madison	56	59	Hart InterCivic eScan™
		57	Hart InterCivic eSlate™
Magoffin	14	29	ES&S Ivotronic
		1	ES&S M-100 Scan
Marion	17	18	Hart InterCivic eScan™
		18	Hart InterCivic eSlate™

County Name	Number of Precincts	Number of Voting Machines	Equipment Type
Marshall	25	25	Hart InterCivic eScan™
		27	Hart InterCivic eSlate™
Martin	14	29	ES&S Ivotronic
		1	ES&S M-100 Scan
Mason	16	22	Hart InterCivic eScan™
		21	Hart InterCivic eSlate™
Meade	18	19	Hart InterCivic eScan™
		20	Hart InterCivic eSlate™
Meniffee	6	17	ES&S Ivotronic
		1	ES&S M-100 Scan
Mercer	17	18	Hart InterCivic eScan™
		18	Hart InterCivic eSlate™
Metcalf	12	14	Hart InterCivic eScan™
		13	Hart InterCivic eSlate™
Monroe	12	14	Hart InterCivic eScan™
		13	Hart InterCivic eSlate™
Montgomery	18	22	Hart InterCivic eScan™
		19	Hart InterCivic eSlate™
Morgan	12	43	ES&S Ivotronic
		1	ES&S M-100 Scan
Muhlenberg	26	29	Hart InterCivic eScan™
		28	Hart InterCivic eSlate™
Nelson	27	31	Hart InterCivic eScan™
		29	Hart InterCivic eSlate™
Nicholas	5	12	Hart InterCivic eSlate™
		1	Hart InterCivic eScan™
Ohio	25	27	Hart InterCivic eScan™
		26	Hart InterCivic eSlate™
Oldham	34	35	Hart InterCivic eScan™
		35	Hart InterCivic eSlate™
Owen	13	15	Hart InterCivic eScan™
		15	Hart InterCivic eSlate™
Owsley	8	10	Electronic 1242
		9	Hart InterCivic eSlate™
		2	Hart InterCivic eScan™
Pendleton	12	26	ES&S Ivotronic
		1	ES&S M-100 Scan
Perry	37	45	Electronic 1242
		40	Hart InterCivic eSlate™
		41	Hart InterCivic eScan™
Pike	57	58	Hart InterCivic eScan™
		58	Hart InterCivic eSlate™
Powell	11	48	ES&S Ivotronic
		1	ES&S M-100 Scan
Pulaski	59	64	Hart InterCivic eScan™
		61	Hart InterCivic eSlate™
Robertson	5	5	Hart InterCivic eScan™
		5	Hart InterCivic eSlate™
Rockcastle	14	30	ES&S Ivotronic
		1	ES&S M-100 Scan
Rowan	18	20	Hart InterCivic eScan™
		20	Hart InterCivic eSlate™
Russell	16	18	Hart InterCivic eScan™
		17	Hart InterCivic eSlate™
Scott	35	37	Hart InterCivic eScan™
		37	Hart InterCivic eSlate™

<b>County Name</b>	<b>Number of Precincts</b>	<b>Number of Voting Machines</b>	<b>Equipment Type</b>
Shelby	34	35	Hart InterCivic eScan™
		35	Hart InterCivic eSlate™
Simpson	13	17	Hart InterCivic eScan™
		16	Hart InterCivic eSlate™
Spencer	11	12	Hart InterCivic eScan™
		12	Hart InterCivic eSlate™
Taylor	20	23	Hart InterCivic eScan™
		22	Hart InterCivic eSlate™
Todd	13	15	Hart InterCivic eScan™
		14	Hart InterCivic eSlate™
Trigg	14	15	Hart InterCivic eScan™
		14	Hart InterCivic eSlate™
Trimble	12	13	Hart InterCivic eScan™
		13	Hart InterCivic eSlate™
Union	16	18	Hart InterCivic eScan™
		17	Hart InterCivic eSlate™
Warren	64	70	Hart InterCivic eScan™
		66	Hart InterCivic eSlate™
Washington	14	16	Hart InterCivic eScan™
		15	Hart InterCivic eSlate™
Wayne	19	22	Hart InterCivic eScan™
		22	Hart InterCivic eSlate™
Webster	14	15	Hart InterCivic eScan™
		15	Hart InterCivic eSlate™
Whitley	36	42	Hart InterCivic eScan™
		37	Hart InterCivic eSlate™
Wolfe	8	31	ES&S Ivotronic
		1	ES&S M-100 Scan
Woodford	16	20	Hart InterCivic eScan™
		17	Hart InterCivic eSlate™
<b>Total</b>	<b>3,578</b>	<b>7,276</b>	

## Type of Voting Equipment used in each Kentucky County

### 1242 Voting Equipment used in each Kentucky County

<b>County Name</b>	<b>Number of Precincts</b>	<b>Number of Voting Machines</b>	<b>Equipment Type</b>
Bell	32	41	Electronic 1242
Casey	15	18	Electronic 1242
Cumberland	9	11	Electronic 1242
Lewis	14	17	Electronic 1242
Owsley	8	10	Electronic 1242
Perry	37	45	Electronic 1242
<b>Total</b>	<b>115</b>	<b>142</b>	

## E-Slate Voting Equipment used in each Kentucky County

County Name	Number of Precincts	Number of Voting Machines	Equipment Type
Adair	16	17	Hart InterCivic eSlate™
Allen	13	14	Hart InterCivic eSlate™
Anderson	14	15	Hart InterCivic eSlate™
Ballard	13	14	Hart InterCivic eSlate™
Barren	24	25	Hart InterCivic eSlate™
Bath	12	29	Hart InterCivic eSlate™
Bell	32	35	Hart InterCivic eSlate™
Boone	60	61	Hart InterCivic eSlate™
Bourbon	18	19	Hart InterCivic eSlate™
Boyd	44	48	Hart InterCivic eSlate™
Boyle	25	27	Hart InterCivic eSlate™
Bracken	8	20	Hart InterCivic eSlate™
Breckinridge	15	16	Hart InterCivic eSlate™
Bullitt	48	50	Hart InterCivic eSlate™
Butler	12	13	Hart InterCivic eSlate™
Caldwell	13	14	Hart InterCivic eSlate™
Calloway	31	31	Hart InterCivic eSlate™
Campbell	66	66	Hart InterCivic eSlate™
Carlise	6	8	Hart InterCivic eSlate™
Carroll	11	12	Hart InterCivic eSlate™
Carter	26	57	Hart InterCivic eSlate™
Casey	15	16	Hart InterCivic eSlate™
Christian	44	47	Hart InterCivic eSlate™
Clark	26	26	Hart InterCivic eSlate™
Crittenden	12	13	Hart InterCivic eSlate™
Cumberland	9	10	Hart InterCivic eSlate™
Daviess	85	90	Hart InterCivic eSlate™
Edmonson	10	11	Hart InterCivic eSlate™
Estill	15	32	Hart InterCivic eSlate™
Fayette	287	316	Hart InterCivic eSlate™
Fleming	18	20	Hart InterCivic eSlate™
Franklin	44	46	Hart InterCivic eSlate™
Fulton	12	13	Hart InterCivic eSlate™
Gallatin	8	9	Hart InterCivic eSlate™
Garrard	14	14	Hart InterCivic eSlate™
Grant	23	24	Hart InterCivic eSlate™
Graves	30	31	Hart InterCivic eSlate™
Grayson	23	24	Hart InterCivic eSlate™
Green	10	11	Hart InterCivic eSlate™
Greenup	32	53	Hart InterCivic eSlate™
Hancock	10	11	Hart InterCivic eSlate™
Hardin	57	59	Hart InterCivic eSlate™
Harlan	35	89	Hart InterCivic eSlate™
Harrison	17	48	Hart InterCivic eSlate™
Hart	19	20	Hart InterCivic eSlate™
Henderson	46	39	Hart InterCivic eSlate™
Henry	20	22	Hart InterCivic eSlate™
Hickman	6	7	Hart InterCivic eSlate™
Hopkins	40	41	Hart InterCivic eSlate™
Jessamine	37	38	Hart InterCivic eSlate™
Kenton	108	111	Hart InterCivic eSlate™
Larue	12	13	Hart InterCivic eSlate™
Lawrence	18	20	Hart InterCivic eSlate™
Lewis	14	15	Hart InterCivic eSlate™

Livingston	10	11	Hart InterCivic eSlate™
Logan	20	21	Hart InterCivic eSlate™
Lyon	6	7	Hart InterCivic eSlate™
McCracken	54	55	Hart InterCivic eSlate™
McCreary	18	19	Hart InterCivic eSlate™
McLean	8	9	Hart InterCivic eSlate™
Madison	56	57	Hart InterCivic eSlate™
Marion	17	18	Hart InterCivic eSlate™
Marshall	25	27	Hart InterCivic eSlate™
Mason	16	21	Hart InterCivic eSlate™
Meade	18	20	Hart InterCivic eSlate™
Mercer	17	18	Hart InterCivic eSlate™
Metcalfe	12	13	Hart InterCivic eSlate™
Monroe	12	13	Hart InterCivic eSlate™
Montgomery	18	19	Hart InterCivic eSlate™
Muhlenberg	26	28	Hart InterCivic eSlate™
Nelson	27	29	Hart InterCivic eSlate™
Nicholas	5	12	Hart InterCivic eSlate™
Ohio	25	26	Hart InterCivic eSlate™
Oldham	34	35	Hart InterCivic eSlate™
Owen	13	15	Hart InterCivic eSlate™
Owsley	8	9	Hart InterCivic eSlate™
Perry	37	40	Hart InterCivic eSlate™
Pike	57	58	Hart InterCivic eSlate™
Pulaski	59	61	Hart InterCivic eSlate™
Robertson	5	5	Hart InterCivic eSlate™
Rowan	18	20	Hart InterCivic eSlate™
Russell	16	17	Hart InterCivic eSlate™
Scott	35	37	Hart InterCivic eSlate™
Shelby	34	35	Hart InterCivic eSlate™
Simpson	13	16	Hart InterCivic eSlate™
Spencer	11	12	Hart InterCivic eSlate™
Taylor	20	21	Hart InterCivic eSlate™
Todd	13	14	Hart InterCivic eSlate™
Trigg	14	14	Hart InterCivic eSlate™
Trimble	12	13	Hart InterCivic eSlate™
Union	16	17	Hart InterCivic eSlate™
Warren	64	66	Hart InterCivic eSlate™
Washington	14	15	Hart InterCivic eSlate™
Wayne	19	20	Hart InterCivic eSlate™
Webster	14	15	Hart InterCivic eSlate™
Whitley	36	37	Hart InterCivic eSlate™
Woodford	16	17	Hart InterCivic eSlate™
<b>Total</b>	<b>2,631</b>	<b>2,962</b>	

## Absentee E-Scan Voting Equipment used in each Kentucky County

<b>County Name</b>	<b>Number of Precincts</b>	<b>Number of Voting Machines</b>	<b>Equipment Type</b>
Adair	16	1	Hart InterCivic eScan™
Allen	13	1	Hart InterCivic eScan™
Anderson	14	1	Hart InterCivic eScan™
Ballard	13	1	Hart InterCivic eScan™
Barren	24	1	Hart InterCivic eScan™
Bath	12	1	Hart InterCivic eScan™
Bell	32	1	Hart InterCivic eScan™
Boone	60	1	Hart InterCivic eScan™
Bourbon	18	1	Hart InterCivic eScan™
Boyd	44	1	Hart InterCivic eScan™
Boyle	25	1	Hart InterCivic eScan™
Bracken	8	1	Hart InterCivic eScan™
Breckinridge	15	1	Hart InterCivic eScan™
Bullitt	48	1	Hart InterCivic eScan™
Butler	12	1	Hart InterCivic eScan™
Caldwell	13	1	Hart InterCivic eScan™
Calloway	31	1	Hart InterCivic eScan™
Campbell	66	1	Hart InterCivic eScan™
Carlise	6	1	Hart InterCivic eScan™
Carroll	11	1	Hart InterCivic eScan™
Carter	26	1	Hart InterCivic eScan™
Casey	15	1	Hart InterCivic eScan™
Christian	44	1	Hart InterCivic eScan™
Clark	26	1	Hart InterCivic eScan™
Crittenden	12	1	Hart InterCivic eScan™
Cumberland	9	1	Hart InterCivic eScan™
Daviess	85	1	Hart InterCivic eScan™
Edmonson	10	1	Hart InterCivic eScan™
Estill	15	1	Hart InterCivic eScan™
Fayette	287	2	Hart InterCivic eScan™
Fleming	18	1	Hart InterCivic eScan™
Franklin	44	1	Hart InterCivic eScan™
Fulton	12	1	Hart InterCivic eScan™
Gallatin	8	1	Hart InterCivic eScan™
Garrard	14	1	Hart InterCivic eScan™
Grant	23	1	Hart InterCivic eScan™
Graves	30	1	Hart InterCivic eScan™
Grayson	23	1	Hart InterCivic eScan™
Green	10	1	Hart InterCivic eScan™
Greenup	32	1	Hart InterCivic eScan™
Hancock	10	1	Hart InterCivic eScan™
Hardin	57	1	Hart InterCivic eScan™
Harlan	35	1	Hart InterCivic eScan™
Harrison	17	1	Hart InterCivic eScan™
Hart	19	1	Hart InterCivic eScan™
Henderson	46	1	Hart InterCivic eScan™
Henry	20	1	Hart InterCivic eScan™
Hickman	6	1	Hart InterCivic eScan™
Hopkins	40	1	Hart InterCivic eScan™
Jessamine	37	1	Hart InterCivic eScan™
Kenton	108	1	Hart InterCivic eScan™
Larue	12	1	Hart InterCivic eScan™
Lawrence	18	1	Hart InterCivic eScan™

Lewis	14	1	Hart InterCivic eScan™
Livingston	10	1	Hart InterCivic eScan™
Logan	20	1	Hart InterCivic eScan™
Lyon	6	1	Hart InterCivic eScan™
McCracken	54	1	Hart InterCivic eScan™
McCreary	18	1	Hart InterCivic eScan™
McLean	8	1	Hart InterCivic eScan™
Madison	56	1	Hart InterCivic eScan™
Marion	17	1	Hart InterCivic eScan™
Marshall	25	1	Hart InterCivic eScan™
Mason	16	1	Hart InterCivic eScan™
Meade	18	1	Hart InterCivic eScan™
Mercer	17	1	Hart InterCivic eScan™
Metcalfe	12	1	Hart InterCivic eScan™
Monroe	12	1	Hart InterCivic eScan™
Montgomery	18	1	Hart InterCivic eScan™
Muhlenberg	26	1	Hart InterCivic eScan™
Nelson	27	1	Hart InterCivic eScan™
Nicholas	5	1	Hart InterCivic eScan™
Ohio	25	1	Hart InterCivic eScan™
Oldham	34	1	Hart InterCivic eScan™
Owen	13	1	Hart InterCivic eScan™
Owsley	8	1	Hart InterCivic eScan™
Perry	37	1	Hart InterCivic eScan™
Pike	57	1	Hart InterCivic eScan™
Pulaski	59	1	Hart InterCivic eScan™
Robertson	5	1	Hart InterCivic eScan™
Rowan	18	1	Hart InterCivic eScan™
Russell	16	1	Hart InterCivic eScan™
Scott	35	1	Hart InterCivic eScan™
Shelby	34	1	Hart InterCivic eScan™
Simpson	13	1	Hart InterCivic eScan™
Spencer	11	1	Hart InterCivic eScan™
Taylor	20	1	Hart InterCivic eScan™
Todd	13	1	Hart InterCivic eScan™
Trigg	14	1	Hart InterCivic eScan™
Trimble	12	1	Hart InterCivic eScan™
Union	16	1	Hart InterCivic eScan™
Warren	64	1	Hart InterCivic eScan™
Washington	14	1	Hart InterCivic eScan™
Wayne	19	1	Hart InterCivic eScan™
Webster	14	1	Hart InterCivic eScan™
Whitley	36	1	Hart InterCivic eScan™
Woodford	16	1	Hart InterCivic eScan™
<b>Total</b>	<b>2,631</b>	<b>98</b>	

## E-Scan Voting Equipment used in each Kentucky County

<b>County Name</b>	<b>Number of Precincts</b>	<b>Number of Voting Machines</b>	<b>Equipment Type</b>
Adair	16	18	Hart InterCivic eScan™
Allen	13	15	Hart InterCivic eScan™
Anderson	14	16	Hart InterCivic eScan™
Ballard	13	15	Hart InterCivic eScan™
Barren	24	27	Hart InterCivic eScan™
Boone	60	63	Hart InterCivic eScan™
Bourbon	18	19	Hart InterCivic eScan™
Boyd	44	47	Hart InterCivic eScan™
Boyle	25	27	Hart InterCivic eScan™
Breckinridge	15	17	Hart InterCivic eScan™
Bullitt	48	52	Hart InterCivic eScan™
Butler	12	13	Hart InterCivic eScan™
Caldwell	13	13	Hart InterCivic eScan™
Calloway	31	30	Hart InterCivic eScan™
Campbell	66	69	Hart InterCivic eScan™
Carlisle	6	6	Hart InterCivic eScan™
Carroll	11	11	Hart InterCivic eScan™
Carter	26	26	Hart InterCivic eScan™
Christian	44	45	Hart InterCivic eScan™
Clark	26	28	Hart InterCivic eScan™
Crittenden	12	15	Hart InterCivic eScan™
Daviess	85	92	Hart InterCivic eScan™
Edmonson	10	10	Hart InterCivic eScan™
Fleming	18	19	Hart InterCivic eScan™
Franklin	44	46	Hart InterCivic eScan™
Fulton	12	12	Hart InterCivic eScan™
Gallatin	8	8	Hart InterCivic eScan™
Garrard	14	15	Hart InterCivic eScan™
Grant	23	23	Hart InterCivic eScan™
Graves	30	32	Hart InterCivic eScan™
Grayson	23	24	Hart InterCivic eScan™
Green	10	12	Hart InterCivic eScan™
Greenup	32	42	Hart InterCivic eScan™
Hancock	10	10	Hart InterCivic eScan™
Hardin	57	57	Hart InterCivic eScan™
Hart	19	20	Hart InterCivic eScan™
Henderson	46	49	Hart InterCivic eScan™
Henry	20	21	Hart InterCivic eScan™
Hickman	6	5	Hart InterCivic eScan™
Hopkins	40	43	Hart InterCivic eScan™
Jessamine	37	37	Hart InterCivic eScan™
Kenton	108	111	Hart InterCivic eScan™
Larue	12	13	Hart InterCivic eScan™
Lawrence	18	20	Hart InterCivic eScan™
Livingston	10	11	Hart InterCivic eScan™
Logan	20	21	Hart InterCivic eScan™
Lyon	6	7	Hart InterCivic eScan™
McCracken	54	57	Hart InterCivic eScan™
Mccreary	18	19	Hart InterCivic eScan™
McLean	8	10	Hart InterCivic eScan™
Madison	56	58	Hart InterCivic eScan™
Marion	17	17	Hart InterCivic eScan™
Marshall	25	24	Hart InterCivic eScan™
Mason	16	21	Hart InterCivic eScan™

Meade	18	18	Hart InterCivic eScan™
Mercer	17	17	Hart InterCivic eScan™
Metcalfe	12	13	Hart InterCivic eScan™
Monroe	12	13	Hart InterCivic eScan™
Montgomery	18	21	Hart InterCivic eScan™
Muhlenberg	26	28	Hart InterCivic eScan™
Nelson	27	30	Hart InterCivic eScan™
Ohio	25	26	Hart InterCivic eScan™
Oldham	34	34	Hart InterCivic eScan™
Owen	13	14	Hart InterCivic eScan™
Perry	37	40	Hart InterCivic eScan™
Pike	57	57	Hart InterCivic eScan™
Pulaski	59	63	Hart InterCivic eScan™
Robertson	5	4	Hart InterCivic eScan™
Rowan	18	19	Hart InterCivic eScan™
Russell	16	17	Hart InterCivic eScan™
Scott	35	36	Hart InterCivic eScan™
Shelby	34	34	Hart InterCivic eScan™
Simpson	13	16	Hart InterCivic eScan™
Spencer	11	11	Hart InterCivic eScan™
Taylor	20	22	Hart InterCivic eScan™
Todd	13	14	Hart InterCivic eScan™
Trigg	14	14	Hart InterCivic eScan™
Trimble	12	12	Hart InterCivic eScan™
Union	16	17	Hart InterCivic eScan™
Warren	64	69	Hart InterCivic eScan™
Washington	14	15	Hart InterCivic eScan™
Wayne	19	21	Hart InterCivic eScan™
Webster	14	14	Hart InterCivic eScan™
Whitley	36	41	Hart InterCivic eScan™
Woodford	16	19	Hart InterCivic eScan™
<b>Total</b>	<b>2,158</b>	<b>2,307</b>	

Microvote Equipment used in each Kentucky County

County Name	Number of Precincts	Number of Voting Machines	Equipment Type
Knox	30	55	MicroVote MV-464
<b>Total</b>	<b>30</b>	<b>55</b>	

ES&S Voting Equipment used in each Kentucky County

County Name	Number of Precincts	Number of Voting Machines	Equipment Type
Breathitt	21	43	ES&S Ivotronic
Clay	20	48	ES&S Ivotronic
Clinton	13	28	ES&S Ivotronic
Elliott	7	15	ES&S Ivotronic
Floyd	42	85	ES&S Ivotronic
Jackson	14	30	ES&S Ivotronic
Johnson	31	83	ES&S Ivotronic
Knott	30	62	ES&S Ivotronic
Knox	30	31	ES&S Ivotronic
Laurel	45	122	ES&S Ivotronic
Lee	10	22	ES&S Ivotronic
Leslie	17	35	ES&S Ivotronic
Letcher	32	64	ES&S Ivotronic
Lincoln	17	35	ES&S Ivotronic
Magoffin	14	29	ES&S Ivotronic
Martin	14	29	ES&S Ivotronic
Meniffee	6	13	ES&S Ivotronic
Morgan	12	25	ES&S Ivotronic
Pendleton	12	26	ES&S Ivotronic
Powell	11	48	ES&S Ivotronic
Rockcastle	14	30	ES&S Ivotronic
Wolfe	8	31	ES&S Ivotronic
<b>Total</b>	<b>420</b>	<b>934</b>	

M-100 Absentee Voting Equipment used in each Kentucky County

<b>County Name</b>	<b>Number of Precincts</b>	<b>Number of Voting Machines</b>	<b>Equipment Type</b>
Breathitt	21	1	ES&S M-100
Clay	20	1	ES&S M-100
Clinton	13	1	ES&S M-100
Elliott	7	1	ES&S M-100
Floyd	42	1	ES&S M-100
Jackson	14	1	ES&S M-100
Johnson	31	1	ES&S M-100
Knott	30	1	ES&S M-100
Knox	30	1	ES&S M-100
Laurel	45	2	ES&S M-100
Lee	10	1	ES&S M-100
Leslie	17	1	ES&S M-100
Letcher	32	1	ES&S M-100
Lincoln	17	1	ES&S M-100
Magoffin	14	1	ES&S M-100
Martin	14	1	ES&S M-100
Meniffee	6	1	ES&S M-100
Morgan	12	1	ES&S M-100
Pendleton	12	1	ES&S M-100
Powell	11	1	ES&S M-100
Rockcastle	14	1	ES&S M-100
Wolfe	8	1	ES&S M-100
<b>Total</b>	<b>420</b>	<b>23</b>	

AccuVote Voting Equipment used in each Kentucky County

<b>County Name</b>	<b>Number of Precincts</b>	<b>Number of Voting Machines</b>	<b>Equipment Type</b>
Jefferson	524	330	Accu-Vote ES
<b>Total</b>	<b>524</b>	<b>330</b>	

TSX Voting Equipment used in each Kentucky County

<b>County Name</b>	<b>Number of Precincts</b>	<b>Number of Voting Machines</b>	<b>Equipment Type</b>
Jefferson	524	400	Accu-Vote TSX
<b>Total</b>	<b>524</b>	<b>400</b>	

Westlaw.

1988-1991 Ky. Op. Atty. Gen. 2-120, Ky. OAG 88-76, 1988 WL 409938  
(Ky.A.G.)

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(Cite as: 1988-1991 Ky. Op. Atty. Gen. 2-120, Ky. OAG 88-76, 1988 WL 409938 (Ky.A.G.))

1988-1991 Ky. Op. Atty. Gen. 2-120, Ky. OAG  
88-76, 1988 WL 409938 (Ky.A.G.)

1Office of the Attorney General  
Commonwealth of Kentucky

OAG 88-76

October 31, 1988

Teresa Rushing  
County Court Clerk  
2nd Floor Courthouse  
Murray, Kentucky 42071  
Honorable Michael L. Judy  
General Counsel  
Kentucky Press Association  
332 Capital Avenue  
Frankfort, Kentucky 40601  
Mr. Jim Paxton  
Editor, The Paducah Sun  
408 Kentucky Avenue  
Paducah, Kentucky 42002

Dear Madam and Sirs:

Each of you have requested an opinion concerning the interpretation of KRS 117.235(1), as it applies to the right of news media to have access to the polling place for the purpose of observing the **election** process and to take photographs, or television film. This particular section of the general **election** laws became effective in 1974, and is not a part of the recently enacted **election** fraud legislation.

KRS 117.235(1) provides as follows:

“(1) No person other than the **election** officers and challengers, shall be permitted within the voting room while the vote is being polled, except for the purpose of voting or except by the authority of the **election** officers

to keep order and enforce the law.”

It is our opinion that a strict and literal interpretation of KRS 117.235(1) prohibits all persons other than voters and **election** officials from being in the voting room during the **election** process. KRS 117.235(5) further provides:

“(5) The **election** sheriff, under the supervision of the precinct **election** judges, shall enforce the **election** laws and maintain law and order at the polls and within fifty (50) feet of any entrance to the building in which the voting machine is located if that entrance is unlocked and is used by the voters. Assistance may be requested of any law enforcement officer.”

The literal interpretation of KRS 117.235 subsections (1) and (5), quite simply, provides that no one shall enter the polling place, and that those persons not authorized by **election** officials shall be prohibited from doing so by the **election** sheriff.

Under this interpretation, Ms. Rushing was entirely correct in **stating** that members of the news media were prohibited from the polling place for the purpose of taking still pictures and/or television film.

While we think a literal interpretation of KRS 117.235(1) is facially correct, we at the same time recognize and believe that there are certain First Amendment rights guaranteed by the United States Constitution which must be given due consideration in the application of this statute. The United States Supreme Court has held that forms of expression may be limited if the limitation serves a sufficiently compelling interest and is sufficiently narrow. *Brown v. Hartlege*, 456 U.S. 45, 71 L.Ed.2d 732, 102 S.Ct. 1523 (1982). The Supreme Court has further held, in the case of *Buckley v. Valeo*, 424 U.S. 1, 46 L.Ed.2d 659, 96 S.Ct. 612, (1976), 424 U.S. 1, at p. 25 that the interest of the government in fair and orderly **elections** is compelling and in such an instance legislative bodies may regulate narrowly. There must be struck a balance between the **state's** interest in the integrity of **elections** as against the First Amendment interest of the affected party, *Brown v. Hartlege*, supra, 456 U.S. 45, at p.

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(Cite as: 1988-1991 Ky. Op. Atty. Gen. 2-120, Ky. OAG 88-76, 1988 WL 409938 (Ky.A.G.))

54.

We do not believe that a literal interpretation of KRS 117.235(1) serves the interest of the state or of the public, and works as an abridgement of the right of the media to gather and disseminate news. While the state has a very real and sufficient interest in insuring the integrity of the electoral process, we do not find that the entrance of the news media into the polling place for the limited purpose of filming the voting process is such an intrusion as to disrupt peace, order and decorum at the polling place. This is not to say that the media should be allowed to conduct interviews with prospective voters, or those persons who have just voted, or to otherwise engage in such activities that would be disruptive to the normal, orderly, voting process. It is essential that voters exercise their franchise without distraction, interruption or harassment. *Clean-Up 84 v. Heinrich*, 759 F.2d. 1511, 1514 (11th Cir.1985).

In conclusion, we quite simply find that a literal interpretation of KRS 117.235(1) thwarts certain basic First Amendment rights of the media to gather and disseminate news. We emphasize, however, that this opinion deals only with the question of the right of the media to enter upon the polling place for the very limited purpose of filming or observing the electoral process for a limited time. We emphasize also that the right of bonafide members of the media to have access to the polling place must be counterbalanced by the voters' right to exercise their franchise without distraction, interruption or harassment.

Ms. Rushing has further requested an opinion as to the proper procedure to be followed pursuant to KRS 117.275(6). The applicable provision of 117.275(6) is as follows: ... "The county **board of elections** shall authorize representatives of the news media to observe the taking of the tally of votes from the voting machine in each precinct in each primary, regular or special **election**." This simply means that the county **board of elections** shall authorize such representatives of the news media as it deems advisable to observe the vote counting in each precinct. This implies an affirmative duty on each county **board of elections** to authorize, by appropriate action, duly noted in the **board's** minutes of those representatives of the media who have been authorized to observe the vote counting in the various precincts.

We trust this opinion is responsive to your request.

Sincerely,  
Frederic J. Cowan  
Attorney General

David H. Ashley  
Assistant Attorney General

1988-1991 Ky. Op. Atty. Gen. 2-120, Ky. OAG  
88-76, 1988 WL 409938 (Ky.A.G.)  
END OF DOCUMENT



## State Board of Elections

Trey Grayson  
Chairman

140 Walnut Street  
Frankfort, KY 40601-3240  
Phone: (502) 573-7100  
Fax: (502) 573-4369  
www.elect.ky.gov

Sarah Ball Johnson  
Executive Director

### MEMORANDUM

**SBE 08-69**

To: County Board of Elections & County Attorneys

From: Sarah Ball Johnson *SBJ*  
Executive Director

Date: September 24, 2008

Re: **PROHIBITED ACTIVITIES AT THE POLLING PLACE**

We have received multiple reports that there are emails circulating stating that voters wearing t-shirts, lapel pins, or hats, etc., with campaign materials will be removed from the polling place before being allowed to cast a ballot. We have attached several such emails for your review.

The State Board of Elections would like to stress the importance of allowing all eligible, registered voters to vote on Election Day. **VOTERS MAY NOT BE FORCED TO LEAVE THE POLLING PLACE BECAUSE THEY ARE WEARING CAMPAIGN MATERIAL UNTIL BEING GIVEN A CHANCE TO CAST A BALLOT.**

The State Board of Elections trains the county clerks about the existing laws and puts such information in the Precinct Election Officer's Quick Reference Guide; however, KRS 117.995(6) places the enforcement of KRS 117.235 and 117.236 in the hands of the local election officials and law enforcement.

Kentucky's electioneering prohibition, KRS 117.235, states that

No person shall electioneer at the polling place on the day of any election, as established in KRS 118.025, within a distance of three hundred (300) feet of any entrance to a building in which a voting machine is located if that entrance is unlocked and is used by voters on election day. . . . Electioneering shall include the displaying of signs, the distribution of campaign literature, cards, or handbills, the soliciting of signatures to any petition, or the solicitation of votes for or against any bona fide candidate or ballot question in a manner which expressly advocates the election or defeat of the candidate or expressly advocates the passage or defeat of the ballot question, but shall not include exit polling or other exceptions established by the State Board of Elections through the promulgation of administrative regulations.

The penalty for a violation of the electioneering prohibition states as follows:

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. KRS 117.995(6).

The Attorney General's office, in an opinion from 1992, interpreting a prior version of the current statute, but with the same definition for electioneering, stated that the First Amendment to the U.S. Constitution providing for freedom of speech must be considered when deciding how to apply this statute. When presented with the question of whether precinct officers or voters were allowed to wear campaign buttons or t-shirts advocating a candidate or ballot question, the Attorney General stated:

- The statute may be fully enforced to prohibit electioneering by precinct officers, since the state's compelling need to maintain orderly elections outweighs the first amendment rights of the precinct officers; and
- The first amendment prohibits enforcement of the statute to prohibit voters from wearing items such as buttons or shirts that solicit a vote for or against a candidate or issue. OAG 92-73.

The State Board of Elections considers this Attorney General Opinion still to be relevant.

**PLEASE TRAIN YOUR PRECINCT OFFICERS NOT TO TURN ANY ELIGIBLE, REGISTERED VOTER AWAY FROM THE POLLS BEFORE GIVING THE VOTER A CHANCE TO CAST A BALLOT. If the precinct election officer believes a voter has violated the electioneering ban, please instruct the officer to contact your office and to note such violation on the Precinct Sheriff's Post-Election Report (SBE 53).**

On a similar note, one of our staff was listening to 1490AM (Frankfort radio station) yesterday and heard a caller ask all voters on election day to take their cell phones into the voting room and record precinct election officers in the act of disenfranchising voters.

**PLEASE REMEMBER TO TRAIN YOUR PRECINCT OFFICERS CONCERNING THE PROHIBITION AGAINST USING ELECTRONIC DEVICES TO CREATE A CHECK-OFF LIST, KRS 117.236 (PAGE 30 OF THE NOVEMBER 2008 PRECINCT ELECTION OFFICER'S QUICK REFERENCE GUIDE).** Although it is not illegal for a voter to have a cell phone in the voting room, it is unlawful for the voter to use a cell phone to record the identity of voters. Please instruct the precinct officers to contact your office in such an event and to note such violation on the Precinct Sheriff's Post-Election Report (SBE 53).

**As always, if you have any questions or concerns, call contact Katie Gabhart or Sarah Ball Johnson.**

## Examples of Emails Concerning Electioneering

### Example #1:

"PLEASE, PLEASE, PLEASE ADVISE EVERYONE YOU KNOW THAT THEY ABSOLUTELY CANNOT GO TO THE POLLS WEARING A CANDIDATE'S SHIRTS, PINS, OR HATS. IT IS AGAINST THE LAW AND WILL BE GROUNDS TO HAVE THE POLLING OFFICIALS TO TURN YOU AWAY. THAT IS CONSIDERED CAMPAIGNING ..."

### Example #2:

PLEASE, PLEASE, PLEASE ADVISE EVERYONE YOU KNOW THAT THEY ABSOLUTELY  
 >> CAN NOT GO TO THE POLLS **WEARING ANY SHIRTS, PINS OR HATS (representing any candidate)**, IT IS  
 >> AGAINST THE LAW AND WILL BE GROUNDS TO HAVE THE POLLING OFFICIALS TO  
 >> TURN YOU AWAY. THAT IS CONSIDERED CAMPAIGNING AND NO ONE CAN  
 >> CAMPAIGN WITHIN X AMOUNT OF FEET TO THE POLLS. THEY ARE BANKING ON US  
 >> BEING EXCITED AND NOT BEING AWARE OF THIS LONG STANDING LAW THAT YOU  
 >> CAN BET WILL BE ENFORCED THIS YEAR!!  
 >>  
 >> THEY ARE BANKING THAT IF YOU ARE TURNED AWAY YOU WILL NOT GO HOME AND  
 >> CHANGE YOUR CLOTHES. PLEASE JUST DON'T WEAR GEAR OF ANY SORTS  
 >> TO THE POLLS!! PLEASE SHARE THIS INFORMATION, OH AND FOR THOSE OF  
 >> YOU WHO WERE ALREADY AWARE THIS WAS NOT MEANT TO INSULT YOUR  
 >> INTELLIGENCE.  
 >>  
 >> JUST TRYING TO COVER ALL GROUNDS...ALSO, MAKE SURE THAT YOUR LICENSE OR  
 >> I.D. CARD ADDRESS MATCHES YOUR REGISTRATION CARD'S ADDRESS.

### Example #3:

Please share, you will be surprise how many people really didn't know this  
 .....

Subject: FYI

Please, please, please advise everyone you know that they absolutely can NOT go to the polls wearing any Obama (or whoever you are voting for) shirts, pins, hats, etc. It is AGAINST THE LAW and will be grounds to have the polling officials to turn you away. This is considered campaigning and no one can campaign within X amount of feet of the polls. They are banking on us being overly excited and not being aware of this long standing law that you can bet will be ENFORCED THIS YEAR!!!!

They are banking that if you are turned away, you will not go home and change your clothes and return to the polls to vote. Please just don't wear ANY gear of any sorts to the polls! Please share this information with as many people as you can. If you are already aware of this, please don't take it as insulting your intelligence.

Have a great day and see you at the polls on November 4th.



COMMONWEALTH OF KENTUCKY  
OFFICE OF THE ATTORNEY GENERAL

JACK CONWAY  
ATTORNEY GENERAL

CAPITOL BUILDING, SUITE 118  
700 CAPITAL AVENUE  
FRANKFORT, KENTUCKY 40601  
(502) 696-5300  
FAX: (502) 564-2894

**MEMORANDUM**

**TO:** LAW ENFORCEMENT PERSONNEL  
COMMONWEALTH'S AND COUNTY ATTORNEYS  
COUNTY CLERKS

**FROM:** JACK CONWAY *h*  
KENTUCKY ATTORNEY GENERAL

**DATE:** October 21, 2008

**SUBJECT:** Voter T-Shirts, Buttons and Other Permissible Personal Attire

The Office of the Attorney General has received inquiries regarding whether the wearing of a political or campaign t-shirt, button or other similar personal attire, by a voter in the polling place on Election Day, will constitute criminal "electioneering," as defined by KRS 117.235. The issue has been of great public concern and interest, as evidenced by an article in the *Louisville Courier-Journal* on October 17, 2008 and recent National Public Radio coverage. While the Office of the Attorney General does not wish to dictate to local law enforcement and prosecutorial officials those matters which are uniquely the concern of local officials, it is felt that this clarification would be of assistance to all concerned.

In short, it is the conclusion of the Attorney General's Office that its previous opinion in OAG 92-73 answers this question:

The first amendment prohibits enforcement of the [electioneering] statute to prohibit voters from wearing items such as buttons or shirts that solicit a vote for or against a candidate or issue.

This answer is consistent with the recent written directive from the State Board of Elections. (SBE Memo 08-69, 9/24/08).

There are several practical considerations ancillary to this conclusion:

- 1) No person can be prevented from voting merely for wearing a campaign t-shirt, button or other similar personal attire.
- 2) Any person who unlawfully prevents or attempts to prevent a voter from casting a ballot can be charged with a Class D felony. KRS 119.155.

AN EQUAL OPPORTUNITY EMPLOYER M/F/D



Memo to Law Enforcement Personnel, Commonwealth's and County Attorneys, County Clerks  
Page Two  
October 21, 2008

- 3) Ordinarily, precinct election officers are permitted the authority to, upon the observation of an act of "electioneering," first, warn the voter engaged to cease; and second, if the voter does not cease, report the action to law enforcement, and "maintain law and order." KRS 117.235. Given that the conduct described above is protected First Amendment expression, a poll worker would not have grounds to take these steps against a voter solely for the act of wearing a campaign t-shirt, button or other similar personal attire.
- 4) Ordinarily, a peace officer may perform an arrest for a misdemeanor committed in his presence. Because the mere act of wearing a particular t-shirt or button at the polling place cannot be enforced as criminal electioneering, then no peace officer can arrest for this action alone.
- 5) The laying of misdemeanor charges against an individual can occur, of course, by a charge other than arrest, pursuant to RCr 2, upon the sworn complaint of any individual (often referred to as "swearing a warrant"). Given the above conclusion, it would be improper for a voter to be so charged solely for wearing a campaign t-shirt, button or other such personal attire at the election polling place.
- 6) The precinct sheriff has the duty, under law, to note all election law violations in the precinct sheriff's post-election report. KRS 117.355. Given that the wearing of a campaign t-shirt, button or other similar personal attire, alone, does not constitute a violation of election laws, any act of intervening with the voter for this purpose or of recording the voter's identity solely for wearing the attire, would also appear to be improper.

The Attorney General, as chief law officer of the Commonwealth, is given the authority and duty, under law, to issue to "all state officers, departments, commissions and agencies" his written opinion "touching any of their official duties." KRS 15.020. In April, 1992, the Attorney General was asked by the Fayette County Clerk to issue an opinion regarding two questions related to criminal electioneering: (1) whether the wearing of a campaign button or t-shirt by a *precinct election officer* at the voting place was punishable as criminal electioneering; and (2) whether the same conduct by a *voter* constituted criminal electioneering.

The Opinion issued as OAG 92-73 analyzed this matter, and decided that such action was enforceable against precinct election officers, but not against voters. The Opinion has not been overruled, withdrawn or revised. The opinion appears to have been relied upon by state agencies like the State Board of Elections (see SBE Memo 08-69, 9/24/08) as well as members of the public via media coverage.

The number for the Attorney General's Election Fraud Hotline is 1-800-328-VOTE (800-328-8683). The hotline is available throughout the year during normal business hours. On November 4, 2008, calls will be received from 6a.m. EDT until 7p.m. EDT.

**TIME ZONE SPLITS**  
**(EASTERN/CENTRAL TIME ZONES)**

**May 17, 2011 Primary Election**

**All Constitutional Offices**

<b>Eastern Time Zone</b>	<b>Central Time Zone</b>
Anderson, Bath, Bell, Boone, Bourbon, Boyd, Boyle, Bracken, Breathitt, Bullitt, Campbell, Carroll, Carter, Casey, Clark, Clay, Elliott, Estill, Fayette, Fleming, Floyd, Franklin, Gallatin, Garrard, Grant, Greenup, Hardin, Harlan, Harrison, Henry, Jackson, Jefferson, Jessamine, Johnson, Kenton, Knott, Knox, Larue, Laurel, Lawrence, Lee, Leslie, Letcher, Lewis, Lincoln, McCreary, Madison, Magoffin, Marion, Martin, Mason, Meade, Menifee, Mercer, Montgomery, Morgan, Nelson, Nicholas, Oldham, Owen, Owsley, Pendleton, Perry, Pike, Powell, Pulaski, Robertson, Rockcastle, Rowan, Scott, Shelby, Spencer, Taylor, Trimble, Washington, Wayne, Whitley, Wolfe, Woodford	Adair, Allen, Ballard, Barren, Breckinridge, Butler, Caldwell, Calloway, Carlisle, Christian, Clinton, Crittenden, Cumberland, Daviess, Edmonson, Fulton, Graves, Grayson, Green, Hancock, Hart, Henderson, Hickman, Hopkins, Livingston, Logan, Lyon, McCracken, McLean, Marshall, Metcalfe, Monroe, Muhlenberg, Ohio, Russell, Simpson, Todd, Trigg, Union, Warren, Webster